THE

WAR OF THE REBELLION:

A COMPILATION OF THE

OFFICIAL RECORDS

OF THE

UNION AND CONFEDERATE ARMIES.

5200

ADDITIONS AND CORRECTIONS

TO

SERIES II—VOLUME II.

(To be inserted in the volume. For explanation see General Index volume, Serial No. 130, page XXVIII.)

PUBLISHED UNDER THE DIRECTION OF

The Hon. ELIHU ROOT, Secretary of War,

BY

BRIG. GEN. FRED C. AINSWORTH,

CHIEF OF THE RECORD AND PENSION OFFICE, WAR DEPARTMENT,

AND

MR. JOSEPH W. KIRKLEY.

Mr. JOHN S. MOODEY, Indexer.

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1902.

TEXT.

Page 1419. Bledsoe to Crane, date line, for *3* read *7*.

Page 1438. Second paragraph, first line, for (*Buck Mason*) read (*brickmason*).

Page 1525. Case of Robert Wood, fifth line, for *Report of S. S. Baxter, Commissioner*, read *Report of James Lyons, Commissioner.*

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Insert all words and figures in *italics* and strike out all in [brackets]. An asterisk (*) following a correction indicates that "Additions and Corrections" to the text should be consulted.

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BY

MAJ. GEORGE W. DAVIS, U. S. ARMY,
MR. LESLIE J. PERRY, CIVILIAN EXPERT,
MR. JOSEPH W. KIRKLEY, CIVILIAN EXPERT,
Board of Publication.

SERIES II—VOLUME II.

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PREFACE.

The work of preparing the records of the war for public use was begun under the resolution of Congress of May 19, 1864, by Adjt. Gen. E. D. Townsend, U. S. Army, who caused copies to be made of reports of battles on file in his office and steps to be taken to collect missing records.

Under the provisions of joint resolution No. 91, of 1866, Hon. Peter H. Watson was appointed to supervise the preparation and formulate a plan for the publication of the records, but he did no work and drew no pay under this appointment, which expired July 27, 1868, by limitation of the resolution. This resolution also repealed the former one and work ceased.

The first decisive step taken in this work was the act of June 23, 1874, providing the necessary means "to enable the Secretary of War to begin the publication of the Official Records of the War of the Rebellion, both of the Union and Confederate Armies," and directing him "to have copied for the Public Printer all reports, letters, telegrams, and general orders, not heretofore copied or printed, and properly arranged in chronological order." Appropriations have been made from time to time for continuing such preparation. Under this act the preliminary work was resumed by General Townsend, who first outlined the plan on which the records are printed, though it appears that originally he contemplated publishing to the world only the more important military reports.

Subsequently, under meager appropriations, it was prosecuted in a somewhat desultory manner by various subordinates of the War Department until December 14, 1877, when the Secretary of War, perceiving that the undertaking needed the undivided attention of a single head, detailed Lieut. Col. Robert N. Scott, U. S. Army, to take charge of the bureau and devote himself exclusively to the work.

The act of June 23, 1874, greatly enlarged upon the first crude scheme of publication. On this more comprehensive basis it was determined that the volumes should include not only the battle reports, but also "all official documents that can be obtained by the compiler, and that appear to be of any historical value." Colonel Scott system-

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atized the work and the plan and presented the records in the following order of arrangement, which has been adhered to by his successors:

The first series will embrace the formal reports, both Union and Confederate, of the first seizures of United States property in the Southern States, and of all military operations in the field, with the correspondence, orders, and returns relating specially thereto, and, as proposed, is to be accompanied by an Atlas.

In this series the reports will be arranged according to the campaigns and several theaters of operations (in the chronological order of the events), and the Union reports of any event will, as a rule, be immediately followed by the Confederate accounts. The correspondence, etc., not embraced in the "reports" proper will follow (first Union and next Confederate) in chronological order.

The second series will contain the correspondence, orders, reports, and returns, Union and Confederate, relating to prisoners of war, and (so far as the military authorities were concerned) to State or political prisoners.

The third series will contain the correspondence, orders, reports, and returns of the Union authorities (embracing their correspondence with the Confederate officials) not relating specially to the subjects of the first and second series. It will set forth the annual and special reports of the Secretary of War, of the General-in-Chief, and of the chiefs of the several staff corps and departments; the calls for troops, and the correspondence between the National and the several State authorities.

The fourth series will exhibit the correspondence, orders, reports, and returns of the Confederate authorities, similar to that indicated for the Union officials, as of the third series, but excluding the correspondence between the Union and Confederate authorities given in that series.

The first volume of the records was issued in the early fall of 1880. The act approved June 16, 1880, provided "for the printing and binding, under direction of the Secretary of War, of 10,000 copies of a compilation of the Official Records (Union and Confederate) of the War of the Rebellion, so far as the same may be ready for publication, during the fiscal year;" and that "of said number 7,000 copies shall be for the use of the House of Representatives, 2,000 copies for the use of the Senate, and 1,000 copies for the use of the Executive Departments." Under this act Colonel Scott proceeded to publish the first five volumes of the records.*

*All subsequent volumes have been distributed under the act approved August 7, 1882, which provides that:

"The volumes of the Official Records of the War of the Rebellion shall be distributed as follows: One thousand copies to the Executive Departments, as now provided by law. One thousand copies for distribution by the Secretary of War among officers of the Army and contributors to the work. Eight thousand three hundred copies shall be sent by the Secretary of War to such libraries, organizations, and individuals as may be designated by the Senators, Representatives, and Delegates of the Forty-seventh Congress. Each Senator shall designate not exceeding twenty-six, and each Representative and Delegate not exceeding twenty-one, of such addresses, and the volumes shall be sent thereto from time to time as they are published, until the publication is completed. Senators, Representatives, and Delegates shall inform the Secretary of War in each case how many volumes of those heretofore published they have forwarded to such addresses. The remaining copies of the eleven thousand to be published, and all sets that may not be ordered to be distributed as provided herein, shall be sold by the Secretary of War for cost of publication with ten per cent. added thereto, and the proceeds of such sale shall be

Col. Robert N. Scott died March 5, 1887, before the completion of the work, which, during a ten years' service, he had come to love so dearly. At his death some twenty-six books only had been issued, but he had compiled a large amount of matter for forthcoming volumes; consequently his name as compiler was retained in all the books up to and including Vol. XXXVI, although his successors had added largely to his compilations from new material found after his demise.

The Secretary of War, May 7, 1887, assigned Lieut. Col. H. M. Lazelle, U. S. Army, to duty as the successor of Colonel Scott. He had continued in charge about two years, when, in the act approved March 2, 1889, it was provided—

That hereafter the preparation and publication of said records shall be conducted, under the Secretary of War, by a board of three persons, one of whom shall be an officer of the Army, and two civilian experts, to be appointed by the Secretary of War, the compensation of said civilian experts to be fixed by the Secretary of War.

The Secretary of War appointed Maj. George B. Davis, judge-advocate, U. S. Army, as the military member, and Leslie J. Perry, of Kansas, and Joseph W. Kirkley, of Maryland, as the civilian expert members of said board. The board assumed direction of the publication at the commencement of the fiscal year 1889, its first work beginning with Serial No. 36 of Vol. XXIV.

July 1, 1895, by direction of the Secretary of War, Maj. George W. Davis, Eleventh Infantry, U. S. Army, relieved Maj. George B. Davis, U. S. Army, as the military member and president of the Board of Publication.

Each volume includes a copious and accurate index, and for the further convenience of investigators there will be, in addition, a general index to the entire set when complete, in a volume by itself.

Nothing is printed in these volumes except duly authenticated contemporaneous records of the war. The scope of the board's work is to decide upon and arrange the matter to be published; to correct and verify the orthography of the papers used, and occasionally to add a foot-note of explanation.

GEO. W. DAVIS, *Major 11th Infty., U. S. A.*,
LESLIE J. PERRY, *Civilian Expert*,
JOSEPH W. KIRKLEY, *Civilian Expert*,
Board of Publication.

Approved:

DANIEL S. LAMONT,
Secretary of War.

WAR DEPARTMENT, *Washington, D. C., March 26, 1896.*

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covered into the Treasury. If two or more sets of said volumes are ordered to the same address, the Secretary of War shall inform the Senators, Representatives, or Delegates who have designated the same, who thereupon may designate other libraries, organizations, or individuals. The Secretary of War shall report to the first session of the Forty-eighth Congress what volumes of the series heretofore published have not been furnished to such libraries, organizations, and individuals. He shall also inform distributees at whose instance the volumes are sent."

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TREATMENT OF SUSPECTED AND DISLOYAL PERSONS NORTH AND SOUTH.

SUMMARY OF PRINCIPAL EVENTS.

Apr. 27, 1861.—President Lincoln authorizes Lieut. Gen. Winfield Scott, U. S. Army, to suspend the writ of habeas corpus in his discretion on any military line between Washington and Philadelphia.

June 28, 1861.—Capture of the steam-boat Saint Nicholas in Chesapeake Bay by a party of disguised laboring men under command of Richard Thomas Zarvona.

July 8, 1861.—Arrest of Richard Thomas Zarvona, a Virginia officer, for piracy in Chesapeake Bay.

12, 1861.—The House of Representatives asks the Attorney-General to lay before it a copy of his opinion on the suspension of the writ of habeas corpus and copies of executive orders authorizing its suspension by military commanders.

13, 1861.—The Secretary of State transmits to the House copies of said executive orders.

The Attorney-General transmits to the House a copy of his opinion.

21, 1861.—Congressman Ely, of New York, captured on the Bull Run battle-field by the Confederates.

23, 1861.—Hon. Arnold Harris, of Kentucky, arrested at Fairfax Court-House, Va., and sent to Richmond.

Aug. 8, 1861.—An act of the Confederate Congress defining alien enemies approved by the President.

12, 1861.—Arrest of Hon. Charles J. Faulkner, the American minister to France. He is sent to Fort Lafayette.

14, 1861.—President Davis issues a proclamation warning alien enemies to leave the Confederate States.

19, 1861.—Arrest of M. Louis de Bebian, a French citizen.

Arrest of William Henry Hurlbert at Atlanta, Ga., and confinement in a Richmond prison.

25, 1861.—Arrest of Hon. James G. Berret, mayor of Washington.

27, 1861.—Lieutenant-General Scott, U. S. Army, directs Lieut. Col. M. Burke, U. S. Army, commander of Forts Hamilton and Lafayette, to allow no writs to be served on him for prisoners under his charge.

Sept. 12-14, 1861.—Arrest of the brothers Charles H. and William H. Winder.

11, 1861.—Arrest of Hon. James W. Wall, of New Jersey.

12-14, 1861.—Arrest of W. W. Glenn, F. Key Howard, Thomas W. Hall and S. S. Mills, Baltimore newspaper editors.

13, 1861.—Arrest of Hon. Henry May, a member of Congress from Maryland.

24, 1861.—Brig. Gen. Robert Anderson, U. S. Army, makes important political arrests in Kentucky. Other arrests follow by Brig. Gen. William Nelson, U. S. Army.

Oct. 6, 1861.—Lord Lyons, the British minister, writes the Secretary of State protesting against the alleged cruel treatment of British seamen captured on blockade-runners.

Oct. 11, 1861.—The Secretary of State, Hon. William H. Seward, replies to Lord Lyons, transmitting a letter of explanation from the Secretary of the Navy.

Arrest of J. R. and F. D. Flanders, editors at Malone, N. Y., for disloyal utterances.

14, 1861.—The President authorizes the suspension of the writ of habeas corpus on any military line between Washington and Bangor, Me.

26, 1861.—The General-in-Chief directs the transfer of the political prisoners in New York Harbor to Fort Warren, Boston Harbor.

Nov. 8, 1861.—The Confederate Commissioners, James M. Mason and John Slidell, arrested by Capt. Charles Wilkes, U. S. Navy.

15, 1861.—Brig. Gen. E. V. Sumner, U. S. Army, arrests William M. Gwin, Calhoun Benham and J. L. Brent, of California.

Feb. 14, 1862.—President Lincoln issues Executive Order, No. 1, transferring the power to make extraordinary arrests from the State to the War Department.

27, 1862.—Secretary Stanton appoints Maj. Gen. John A. Dix, U. S. Army, and Hon. Edwards Pierrepont a special commission to examine state prisoners.

President Davis suspends the writ of habeas corpus in Norfolk and vicinity.

Mar. 13, 1862.—President Davis suspends the writ of habeas corpus in New Orleans and other parts of Louisiana at the request of Governor Moore and others.

Apr. 8, 1862.—President Davis suspends all civil jurisdiction and the writ of habeas corpus in the Department of East Tennessee.

9, 1862.—A court of inquiry ordered in the case of Hon. John Minor Botts, of Virginia, arrested as a suspect by the Confederate authorities.

May 3, 1862.—President Davis suspends the writ of habeas corpus in portions of Western Virginia.

Miscellaneous Union Correspondence, etc., Relating to Political Arrests During the First Year of the War.

DEPARTMENT OF STATE, *Washington, May 16, 1861.*

G. HEINEKEN, Esq.,
Agent of the New York and Virginia Steamship Company,
Washington, D. C.

SIR: I have received your letter* of yesterday's date asking me to give you in writing my reasons for considering an acceptance on your part of Governor Letcher's proposal to purchase the steam-ships Yorktown and Jamestown, recently seized by his orders and now in his possession, an act of treason. With this request I readily comply.

An insurrection has broken out in several of the States of this Union including Virginia designed to overthrow the Government of the United States. The executive authorities of the State are parties in that insurrection and so are public enemies. Their action in seizing or buying vessels to be employed in executing that design is not merely without authority of law but is treason. It is treason for any person to give aid and comfort to public enemies. To sell vessels to them which it is their purpose to use as ships of war is to give them aid and comfort. To receive money from them in payment for vessels which they

*Not found.

have seized for those purposes would be to attempt to convert the unlawful seizure into a sale and would subject the party so offending to the pains and penalties of treason, and the Government would not hesitate to bring the offender to punishment.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

OFFICE OF THE SUPT. OF THE METROPOLITAN POLICE,
New York, May 17, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: On the arrival of the family of Mr. Faulkner and of Dr. Gustavus Holland, of Texas, I immediately telegraphed you and requested to be informed whether it was the desire of the Government to detain either of them (supposing at the moment that Mr. Faulkner was himself in company). Not receiving a reply I deemed it proper to act on the rumors rife and made an examination of the papers of Dr. Holland on the morning of Wednesday. Nothing, however, was found on him that was calculated to sustain the unfavorable report of his being a bearer of dispatches from Messrs. Mann, Yancey and company to the Confederate States of America. But I found on him copies of four letters (evidently made in the counting room of the writer) of the dates of March 23 and 27 and April 27 and 27, addressed to "Jefferson Davis, President of the Confederate States of America," on the subject of loaning money by capitalists in Europe to the Confederate States of America, and refusing to do so until a full recognition of the repudiated debt of Mississippi should be made. I am having copies of these letters made and will forward them to you to-morrow.

Meanwhile a little incident has occurred that induced me to bring the doctor before me this evening when he informed me that an entire change has taken place in his views of the policy the South should pursue in the few days he has been here, and desired me to inform you that he is anxious to exert himself in restoring his Southern friends to reason; that he can convince them that they need expect no help from Europe; that he induced Mr. Gregory to make the motion in Parliament for the recognition of the Southern Confederacy under wrong information, &c. He expresses himself willing to call on you in Washington, where he can inform you further both in relation to things in Europe and at the South if you desire it. He was about to leave the city for Texas in a day or so, but will now await your pleasure. It would probably be best to notify me of your wishes in the matter, when I could communicate them to him. If you desire to address him direct you can do so by sending to Saint Nicholas Hotel.

Very truly, yours, &c.,

JOHN A. KENNEDY,
Superintendent.

OFFICE OF THE SUPT. OF THE METROPOLITAN POLICE,
New York, May 18, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: As I advised you in my note of yesterday I herewith inclose copies of four several letters of the dates respectively of March 23 and 27 and April 27 and 27 from Edward Haslenwood, of 7 Lothbury, East Chelsea, London, to Jefferson Davis, President of the Southern Con-

federation, on the subject of obtaining European loans for the South. These copies are made from manuscript copies furnished at the office of Mr. Haslenwood, the sheets bearing the printed heads of his office. I have engaged with Doctor Holland in whose possession they were found that no use should be made of them to his personal annoyance or disadvantage.

Very truly, yours, &c.,

JOHN A. KENNEDY,
Superintendent.

[Inclosure No. 1.]

7 LOTHBURY, EAST CHELSEA, LONDON, *March 25, 1861.*

His Excellency JEFFERSON DAVIS,
President of the Southern Confederation.

SIR: It must be evident to you that the principal difficulty with which the South has to contend is the want of money and the want of credit. As long as Mississippi forms part of the Southern Confederacy and as long as the bonds of Mississippi issued through the Planters' and the Union banks are unsettled no loan can be negotiated in Europe. Mississippi must either go out or settle with her creditors. Within a few days you shall have a letter showing how other nations have compromised their debts and that the repudiation difficulty can be arranged.

I remain, your obedient servant,

EDWARD HASLENWOOD.

[Inclosure No. 2.]

7 LOTHBURY, EAST CHELSEA, LONDON, *March 27, 1861.*

JEFFERSON DAVIS, *President of the Southern Confederacy.*

SIR: On Saturday last I forwarded a few lines to you on the subject of the future credit of the Southern Confederacy and how far it would be injured by the course heretofore pursued by Mississippi with regard to her bonds. Outside of that letter I did not put any superscription beyond your name and address because I felt that it might become the ground for detention of the same by any of the postmasters of the Northern States who might wish to embarrass your movements.

Annexed to this letter you will find a copy* of the law of the London Stock Exchange which will hopelessly exclude any new loan until Mississippi shall make satisfactory arrangements with her creditors, and it is of no use to try the Continent because it is a standing rule with them never to take any loan which has been openly refused here. I am a member of the London Stock Exchange. I know perfectly the workings of the rule. I also know how futile your hopes will be of raising any money here except upon the conditions I mentioned, that the Mississippi debt must be acknowledged and settled. Moreover, I am one of the committee for settling the debts of Spanish America and have made arrangements for the debts of Peru, Chili, Buenos Ayres, Venezuela, New Grenada and Central America and in a future letter I will give you the benefits of my experience and show to you the nature of the compromises of other nations in the settlement of their debts. I am also the secretary of the committee appointed by the Mississippi bondholders having special reference to that class issued through the Planters' Bank, though I do not now address you in my official capacity.

I am well aware of the difficulties of the question for raising money for the South, but I do not regard them as insurmountable provided

* Not found.

that the two debts of Mississippi are arranged for. Hopeless without it and among the difficulties are the non-recognition of the Southern Confederacy by the United States and by European nations, the probabilities of war between the North and South, the fact that the entire income of the South depends almost upon one staple; that the condition of their exchanges is such that any money advanced would take the form of a direct shipment of gold coin thus reducing the bullion in the Bank of England and prolonging the rate of discount at 7 per cent. per annum.

Slavery.—There are armies of annuitants who would not lend a sixpence on the slaves on principle; anyhow the rate would have to be very high because at all times the Southern sixes were only equal to Northern fives under the best circumstances. But the greatest difficulty is repudiation. Apparently it would seem to be unfortunate that you, the principal exponent and defender of repudiation, should have been chosen as the head of the Southern Confederacy. I regard it in quite another light. One word from you showing the necessity for retracing the steps of Mississippi would have more effect than a volume from any other man. Remember there is more joy over one error repaired than over myriads to ———. If you have not the courage to do this then your position is a mistake. To-morrow I will send you much valuable information foreshadowing a solution to your difficulties.

I remain, yours, very truly,

EDWARD HASLENWOOD.

[Inclosure No. 3.]

7 LOTHBURY, EAST CHELSEA, LONDON, *April 27, 1861.*

JEFFERSON DAVIS, *President of the Southern Confederacy.*

SIR: According to the promise contained in my former letters I will give to you the outline of a compromise for both debts of Mississippi drawn from my experience in these matters. The first step is to obtain power from the legislature to the executive to make satisfactory arrangements with her bondholders within the means of the State. The question is not how much does Mississippi owe but how much can she pay? What is the maximum annually she hopes to set aside for redeeming her credit? What is the minimum she can guarantee? Above all things let her acknowledge as a debt the whole of the principal and the whole of the arrears of interest and make one common homogeneous debt of it, and then the sum the State can pay annually; whether it is large or small let it be equally divided over the whole debt. The system is to call a public meeting of the bondholders, obtain their consent to the acceptance of an arrangement on any basis proposed, appoint a representative or a committee to settle the details and immediately after the issue of the new bonds the Stock Exchange of London is open to the negotiation of any new loan or industrial enterprise of the State.

Among the very large number of the compromises which I have effected as one of the committee of Spanish-American bondholders I have never failed in convincing the creditors that they ought to accept the offer, provided that first of all I was myself convinced of the justice of the compromise. I have always been an advocate where the debt is very large and the revenue small that a fixed percentage of the total receipts should be set aside and taken by the creditors in full each year for the interest of that year. This prevents any great accumulation of unpaid arrears against the State, and also induces the creditors to benefit the State if in any way in their power. Any proposition should be accompanied by statistics showing the position of the State for the past

few years, and that the new taxes are as much as the people ought to be expected to carry.

Until the Mississippi debt is settled the credit of the South is just nothing at all.

I remain, yours, very truly,

EDWARD HASLENWOOD.

[Inclosure No. 4.]

7 LOTHBURY, EAST CHELSEA, LONDON, *April 27, 1861*

JEFFERSON DAVIS,
President of the Southern Confederacy, Montgomery, Ala.

SIR: It may so happen after all that the Southern Confederacy may again pass into and become part of the United States of America, and if so the opportunity ought not to be lost for merging the debts of the individual States into one common homogeneous debt, including Mississippi, and also insisting on a great reduction of the tariff. Apparently the credit of the United States is at a low ebb, but let the whole be once more united and I have no hesitation in stating that a loan could be raised bearing 4 per cent. interest large enough to absorb the whole of the States' debts (including Mississippi), and that the price of that stock would soon be higher than any of the Southern 6 per cents or Northern 5 per cents of the separate States. Another point of great importance would be to stipulate that the number of States in the Senate should be equal for the South as for the North. To effect this there must be ultimately an extension by purchase or conquest of Mexico, and nothing would give greater satisfaction in Europe than to see the whole of that country absorbed into the States, provided that the debt of Mexico was acknowledged and guarantied. The peon law of Mexico is not far removed from the slavery of the South.

I remain, your most obedient servant,

EDWARD HASLENWOOD.

OFFICE U. S. DISTRICT ATTORNEY FOR
SOUTHERN DISTRICT OF NEW YORK,
New York, May 20, 1861.

Hon. SIMON CAMERON, *Secretary of War.*

SIR: In pursuance of the instructions of Col. James Cameron, your accredited agent, I made arrangements with the marshal and with our general superintendent of police which resulted in the simultaneous possession by the Government to-day, May 20, at 3 o'clock p. m., of all telegraphic dispatches sent to or received from the Southern section of the country for a year and upward. They are so numerous and bulky and so systematically arranged that the marshal determined not to remove them at present and to place two deputy marshals in continual charge of the apartments in which the dispatches were found and are stored with instructions to permit no person to have access to them.

We await a consultation among ourselves and perhaps instructions from you before taking a further step in the matter.

The companies mildly protested in order to place themselves right before their customers, but they and their counsel made no serious objection to the proceeding and now appear willing to afford every facility in their power to aid the object of the Government.

I inclose a copy of my letter to the marshal upon which he has acted.

Very respectfully, your obedient servant,

E. DELAFIELD SMITH,
U. S. District Attorney.

[Inclosure.]

OFFICE U. S. DISTRICT ATTORNEY FOR
SOUTHERN DISTRICT OF NEW YORK,
New York, May 20, 1861.

ROBERT MURRAY, Esq., *U. S. Marshal.*

SIR: In pursuance of instructions received from Washington you are directed on behalf of the United States Government to obtain possession of any telegraphic dispatches that may have been sent or received with purposes hostile to the Government or in relation to supplies of arms and provisions purchased or forwarded to the Southern rebels.

Upon obtaining possession of these dispatches should the record or file in which they are included also embrace other telegraphic dispatches having no connection with this subject you are authorized to assent to the packages which may be taken by you being sealed, to be opened and examined on the part of the United States Government upon notice to the telegraph agent from whom you receive them.

You will take this proceeding at 3 o'clock p. m. to-day, and do so simultaneously at all the offices in this city where such dispatches are to be found.

Your prompt and energetic action in the matter is requested and will be expected.

Very respectfully,

E. DELAFIELD SMITH,
U. S. District Attorney.

OFFICE U. S. DISTRICT ATTORNEY
FOR DISTRICT OF NEW JERSEY,
Newark, May 20, 1861.

Hon. SIMON CAMERON, *Secretary of War.*

DEAR SIR: In pursuance of the directions of Col. James Cameron given to me on your behalf I obtained at 3 p. m. to-day all the telegraphic dispatches sent and received within a year past at the offices in Trenton, Princeton, Elizabeth and Newark in this State. They are all now in my possession and I await further instructions as to the disposition of them.

Very respectfully, your obedient servant,

A. Q. KEASBEY,
U. S. Attorney for New Jersey.

OFFICE. U. S. ATTORNEY
EASTERN DISTRICT PENNSYLVANIA,
Philadelphia, May 21, 1861.

Hon. SIMON CAMERON, *Secretary of War.*

SIR: I have the honor to report that on yesterday at 3 o'clock p. m. Marshal William Millward by my directions took charge of all dispatches sent to the South from any source from this city since the 1st of January last. The gentlemen controlling the various telegraph lines being loyal rendered us every aid and assistance. We hold these papers subject to your order and shall meanwhile proceed to examine them.

Your obedient servant,

GEO. A. COFFEY,
U. S. Attorney.

ATTORNEY-GENERAL'S OFFICE, *May 22, 1861.*

Hon. SIMON CAMERON, *Secretary of War.*

SIR: A short time since by request I sent instructions to several district attorneys toward the North to co-operate with your special agents in making effectual your orders to take possession of the written messages in various telegraph offices. Several of the attorneys have made report to me of the seizure of the papers and other reports are expected daily.

Having no important matter to communicate I only notify you of these facts and of my desire to co-operate with you in full.

Most respectfully,

EDW. BATES.

OFFICE U. S. DISTRICT ATTORNEY FOR
SOUTHERN DISTRICT OF NEW YORK,
New York, May 25, 1861.

Hon. SIMON CAMERON, *Secretary of War.*

SIR: It is estimated that the telegraphic dispatches in our custody covering a period of a year number not less than 200,000 or 300,000.

The formidable amount of criminal to say nothing of civil business pressing upon me, my continued efforts to investigate charges of treason and to put an end to the flow of aid and comfort from this city to the rebel combinations at the South and the prize cases now crowding upon us all render it difficult for me to depute from my office a judicious person to examine all the dispatches and select those that should merit my attention or be of use to the Government.

It has appeared to me that the delicate and important duty of making such examination should be intrusted to a very intelligent, reliable person who could devote to it his uninterrupted efforts until the task should be methodically completed. If Col. James Cameron whose discretion and energy have been evinced in perfecting the plan of seizing the dispatches can come here charged with the duty in question I shall be glad. If not perhaps you will give me authority to employ a discreet and intelligent person at such rate of compensation as our district judge and myself shall determine to be reasonable.

Awaiting your instructions or intimations on the subject, I am, with great respect, honored sir, your obedient servant,

E. DELAFIELD SMITH,
U. S. District Attorney.

U. S. S. MACEDONIAN, *Near Vera Cruz, May 26, 1861.*

Hon. GIDEON WELLES,
Secretary of the Navy, Washington, D. C.

SIR: I hereby respectfully request to resign my commission as a lieutenant in the Navy of the United States.

Very respectfully, your obedient servant,

W. H. WARD,
Lieutenant, U. S. Navy.

[Indorsement.]

This resignation has been in my possession during the last month. I was too sick to forward it when it was first handed in. Lieutenant Ward is a good officer and I would regret to lose his services.

Respectfully,

JAMES GLYNN,
Captain.

HEADQUARTERS OF THE ARMY,
Washington, June 3, 1861.

COMMANDING OFFICER, DEPARTMENT OF THE WEST:
(Care Maj. S. Williams, Asst. Adj. Gen., Saint Louis, Mo.)

The Secretary of War directs that you arrest General A. S. Johnston if he returns from California by overland route.

WINFIELD SCOTT.

LOS ANGELES, CAL., *June 7, 1861.*

Hon. SIMON CAMERON.

DEAR SIR: I am a resident of San José, Santa Clara County, Cal., and I am in this city on business and have spent ten days here, and I have learned that Colonel Johnston who was recently commander of the U. S. forces on this coast will leave this place next week with an armed band of secessionists for Texas with the avowed purpose of joining the traitors of Texas and the Southern Confederacy. They will pass through Arizona, thence to New Mexico, and I am informed that it is their intention to "clean out" as they express it all Union men on the route. I thought it my duty as a good citizen to post you that they may be headed off in New Mexico by the soldiers stationed there or on the border of Texas by Montgomery or Jim Lane, of Kansas. This information I believe to be reliable. They publicly state their intention to "emigrate" as they call it, but you be assured from my knowledge of some of the emigrants they are and will be ready to annihilate every Union man as soon as they leave the borders of this State where Colonel Sumner's prompt and timely arrival saved our State from a bloody war for the Union.

I refer you to Hon. John F. Farnsworth, of Saint Charles, Ill. (Representative), K. S. Bingham, of the Senate, and to ex-Governor Felch, of Michigan, all of whom know me well and of my truthfulness. My name must not be used or my life would not be worth a straw.

Truly,

R. B. HALL.

California safe for the Union. We are forming Union clubs in every city, town and hamlet.

HALL.

NEW YORK, *June 11, 1861.*

Hon. W. H. SEWARD, *Washington, D. C.*

SIR: I have in my possession evidence I think of complicity of two of our foreign ministers, one to Portugal and the other to Switzerland, while in England with the enemies of our country so strong that I think it cannot fail to convict them of treason, and if you think it important I can supply it to you if you so direct me.

Very respectfully, from one of your earliest friends,

HENRY SHEPARD,
No. 131 East Thirteenth Street, New York.

P. S.—If you should think it necessary to communicate with me please do so under cover to J. B. Jones, New York.

DEPARTMENT OF STATE, *Washington, June 14, 1861.*

JOHN E. WARD, Esq., *Savannah, Ga.*

SIR: I have to acknowledge the receipt of your letter of the 4th instant.* It has given the Department pleasure to comply with your request by giving you a passport for the purpose indicated by you, and by furnishing Mr. Spooner with the desired permit to transfer your baggage and effects to Savannah.

I am, sir, respectfully, your obedient servant,

WILLIAM H. SEWARD.

GENERAL ORDERS, No. 5. } HDQRS. DEPT. OF NORTHEAST VIRGINIA, *Arlington, June 14, 1861.*

Unless under the special orders in each case of a commander of brigade or superior authority it is forbidden to any officer or soldier within this department to arrest or attempt to arrest any citizen or citizens under the plea of their being secessionists, or for any cause whatsoever save that of being at the time in arms against the United States. Nor will any officer or soldier without the like authority forcibly enter, search or attempt to search any house or the premises of any peaceable resident or other persons not in arms against the United States. The military or police force will arrest any one found trespassing even on the premises of any citizen without the department.

By command of Brigadier-General McDowell:

JAMES B. FRY,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF ANNAPOLIS,
Fort McHenry, June 16, 1861.

Hon. SIMON CAMERON, *Secretary of War.*

SIR: The election passed without disorder but the fact is not a just indication of the spirit of the city. Active demonstrations on the part of secessionists can only be suppressed by constant readiness of our forces. We need greatly some assistance here.

First. Authority to establish a home guard. There are many good Union men here who are ready to enter the service, and we have arms for them which have been taken from ill-disposed persons. They can be deposited at the custom-house under guard of our troops so as to make secure their possession. This will give occupation to the Union men and confidence to the loyal portion of the city. I think it will be prudently and safely managed.

Second. We need a corps of cavalry to suppress the contraband trade on the back roads leading southward. We have not now a mounted orderly by whom to send a message even to the city. Some assistance of this kind is indispensable. The infantry can well command the railways. I have written to Mr. Secretary Chase to loan us the service of a revenue cutter for a brief period by which we could control this trade upon the river and bay. To cut off the contraband is to deprive Baltimore of the support now given publicly to the secession spirit and strip the rebel army of its most useful supplies. I beg you to think of this subject and give us prompt aid.

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*Not found.

Third. Baltimore would afford most excellent camps of instruction for raw troops. They can be easily and cheaply supported here in healthy and convenient locations, well drilled and disciplined, and their presence would afford support to the Government against the rebel elements in the city. In a short time you could safely withdraw the best troops for service elsewhere leaving the new levies in possession here.

With respect I submit these considerations to you, and remain, your obliged and obedient servant,

N. P. BANKS,
General, Commanding.

EXECUTIVE DEPARTMENT,
Wheeling, Va., June 21, 1861.

His Excellency the PRESIDENT OF THE UNITED STATES.

SIR: Reliable information has been received at this department from various parts of this State that large numbers of evil-minded persons have banded together in military organizations with intent to overthrow the government of the State, and for that purpose have called to their aid like-minded persons from other States who in pursuance of such call have invaded this Commonwealth. They are now making war on the loyal people of the State. They are pressing citizens against their consent into their military organizations and seizing and appropriating their property to aid in the rebellion.

I have not at my command sufficient military force to suppress this rebellion and violence. The legislature cannot be convened in time to act in the premises. It therefore becomes my duty as governor of this Commonwealth to call on the Government of the United States for aid to suppress such rebellion and violence. I therefore earnestly request that you will furnish a military force to aid in suppressing the rebellion and to protect the good people of this Commonwealth from domestic violence.

I have the honor to be, with great respect, your obedient servant,

FRANCIS H. PEIRPOINT,
Governor.

HEADQUARTERS DEPARTMENT OF NORTHEAST VIRGINIA,
Arlington, June 21, 1861.

Colonel HEINTZELMAN, *Commanding Brigade:*

Through the intercession of Mr. Seward, Secretary of State, I am induced to order that George W. Armes, now a prisoner under your guards, be returned to his position in the State Department on his own recognizance.

I. McDOWELL,
Brigadier-General, Commanding.

ALEXANDRIA, VA., *June 25, 1861.*

Capt. J. B. FRY, *Assistant Adjutant-General, Arlington.*

DEAR SIR: On the 15th instant I left with you at Arlington a letter from Maj. J. F. Lee introducing me to General McDowell, and a letter from me to General McDowell in which I asked him to inform me whether

the three Virginia troopers who were prisoners here could be exchanged or released on terms. Not having heard from General McDowell will you be so obliging as to inform me by letter directed to this place whether General McDowell saw Major Lee's and my letter and whether he has come to any conclusion in relation to the prisoners.

Your early reply will oblige, your obedient servant,

J. M. JOHNSON.

HEADQUARTERS OF THE ARMY,
Washington, June 27, 1861.
(via Chambersburg.)

Major-General PATTERSON, U. S. Army,
Commanding, &c., Hagerstown, Md.:

I have your telegram of this date about a prisoner. * * * You needed no special authority for sending prisoners to Fort McHenry.

WINFIELD SCOTT.

HEADQUARTERS DEPARTMENT OF NORTHEAST VIRGINIA,
Arlington, June 27, 1861.

J. M. JOHNSON, *Alexandria.*

SIR: In reply to your letter of the 25th instant I have to inform you that your letter was laid before General McDowell but no answer at the time could be given in the case. The prisoners of war to whom you refer have been sent to Washington and your application must now be made there.

I am, sir, very respectfully, your obedient servant,

JAMES B. FRY,
Assistant Adjutant-General.

POST-OFFICE DEPARTMENT,
Appointment Office, June 28, 1861.

Hon. SIMON CAMERON, *Secretary of War.*

SIR: Your letter of the 26th instant relative to forwarding letters from Europe to the rebels in the South has been received. The inclosed copies of letters to the honorable Secretary of State and Major-General McClellan set forth the views of this Department as to its power in the premises.

I am, very respectfully, your obedient servant,

JOHN A. KASSON,
First Assistant Postmaster-General.

[Inclosure No. 1.]

POST-OFFICE DEPARTMENT,
Washington, June 12, 1861.

Maj. Gen. G. B. MCCLELLAN, *Cincinnati, Ohio.*

GENERAL: I have received yours of the 9th instant,* inclosing a letter from Mr. Gaither upon the subject of the transmission of mail matter South by Adams Express Company.

I have to reply that the regulation of the intercourse between the two sections is under the control of the military authorities of the

* Not found.

country and therefore whether the express business shall be continued at all or not it is not my province to decide. If it is continued and letters are transmitted by it and mailed at Louisville or elsewhere within the loyal States, postage paid in accordance with the laws and regulations of the service, I cannot prevent it; but the postmaster at Louisville has been instructed to send all letters coming from States in which the postal service has been discontinued with our stamps upon them to the Dead-Letter Office, for the reason that we do not recognize stamps and stamped envelopes obtained from offices in such States which like other mail property have been fraudulently seized.

I should not object at all to the express company receiving letters in the South and bringing them to Louisville or Cincinnati to be mailed to any part of the United States if the stamps for the prepayment of the postage on such letters are obtained from offices within the loyal States. Nor would I object to the express company taking letters from within the loyal States to any point within the seceded States, such letters being stamped in accordance with the United States postal regulations.

There being no postal arrangements on the part of this Government in existence in those States, as a matter of course such transmission of letters would involve no infraction of law. The only point on which I wish especially to insist in the employment of the express agency for this purpose is that letters mailed to points within the loyal States shall not be prepaid by stamps which have been stolen from us, and from the high character you give Mr. Gaither I should feel assured upon this point; but as we can have no understanding with him he must take care to make it clear to our offices that he is not using the stamps stolen from us.

Respectfully, &c.,

M. BLAIR,
Postmaster-General.

[Inclosure No. 2.]

POST-OFFICE DEPARTMENT,
Appointment Office, June 28, 1861.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

SIR: I am in receipt of yours of the 25th instant inclosing a letter* from Mr. Bowen, commissioner of police at New York, relative to the channel of communication between the disunionists in Europe and Northern States with their party in the Southern States. Mr. Bowen suggests that there will be no difficulty in breaking up the establishment in New York and Boston if authorized by the Secretary of War and the Postmaster-General.

In reply I have to state that there being no postal arrangement in existence on the part of this Department between the Government and the disunion States, or between the disunion States and foreign governments, the regulation of the intercourse between them is at present under the control of the military authorities of the country, and any communication which may be had must depend upon the action of the military department.

Under the provisions of the eighth section of the postal act of August 31, 1852, letters inclosed in postage-stamped envelopes not having been before used may be carried outside the mail over regular postal

* Not found.

routes, provided such stamps are equal in value and amount to the rates of postage to which such letters would be liable if sent in the mail. So far as the Post-Office laws are concerned it will thus appear that this Department has no further power than to see that its revenues do not suffer, and that no frauds are perpetrated upon it—in other words, that the laws are observed. I have only to say further that in the opinion of the Postmaster-General his power is limited to secure the observance of the laws and regulations resting thereupon. The further questions must be referred to the War Department.

I inclose a printed copy of the letter of the Postmaster-General addressed to Major-General McClellan, and embodying his views, in reply to that officer.

Agreeably to request the letter of Mr. Bowen is herewith returned.

I am, very respectfully, your obedient servant,

JOHN A. KASSON,
First Assistant Postmaster-General.

HDQRS. DEPARTMENT OF THE OHIO, *June 28, 1861.*

Maj. Gen. WINFIELD SCOTT, *Washington.*

DEAR SIR: On my arrival at this place I found quite a number of prisoners in custody under General Morris. I have felt it my duty as well as good policy under surrounding circumstances to deal leniently with the prisoners against whom the charges were not of a gross character, and all such have been discharged. For my guidance in disposing of those remaining in custody as well as for my direction in other cases that may arise I beg leave to ask for instructions as to what disposition is to be made of prisoners of the following classes respectively: First. Prisoners taken in battle. Second. Prisoners who have been in the secession army and have deserted or been discharged. Third. Spies. Fourth. Guerrillas. Fifth. Prisoners who without taking up arms themselves have been active and influential in inducing others to take up arms.

Most respectfully, your obedient servant,

GEO. B. McCLELLAN,
Major-General, U. S. Army, Commanding Department.

DEPARTMENT OF STATE, *Washington, July 2, 1861.*

Lieut. Gen. WINFIELD SCOTT,
General-in-Chief of the U. S. Army, &c.

GENERAL: I have the honor to inclose an order addressed to you by the President* authorizing you or any officer acting under your command to suspend the writ of habeas corpus on or in the vicinity of any military line between this city and the city of New York should it be deemed necessary.

I have the honor to be, general, your obedient servant,

WILLIAM H. SEWARD.

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* Omitted here. For this order see Seward to the House of Representatives, July 13, inclosure No. 3, p. 19.

In accordance with provisions of the Immigration and Nationality Act and after appropriate consultations with the Congress, I specify that special circumstances exist such that, for the purposes of admission under the limits established above, the following persons, if they otherwise qualify for admission, may be considered refugees of special humanitarian concern to the United States even though they are still within their countries of nationality or habitual residence.

- Persons in Vietnam with past or present ties to the United States, including Amerasian children; and

- Present and former political prisoners, and persons in imminent danger of loss of life, and their family members, in countries of Latin America and the Caribbean.

This determination shall be transmitted to the Congress immediately and shall be published in the Federal Register.

Ronald Reagan

cc: The Secretary of State
The Attorney General
The Secretary of Health and Human Services

REFUGEE PROCESSING PRIORITIES BY REGION, AS OF JULY 1987

	P-1	P-2	P-3	P-4	P-5	P-6
AFRICA						
Africans in Sudan	X	X	X	X	X	
African Elsewhere in Africa	X	X	X	X	X	X
Africans in Europe 1/	X	X	X	X	X	
EAST ASIA						
Cambodians	X	X	X	X	X	2/
Highland Lao	X	X	X	X	X	3/
Lowland Lao	X	X	X	X	X	4/
Vietnamese						
Land	X	X	X	X	X	5/
Boat	X	X	X	X	X	6/
EASTERN EUROPEAN & SOVIET UNION	X	X	X	X	X	X
NEAR EAST/SOUTH ASIA	X	X	X	X7/		
LATIN AMERICA/CARIBBEAN						
Cubans	8/ X					
Non-Cubans	X	X	X9/			

1/ Refugee processing for Africa in Europe is only available for those who registered with VOLAG or UNHCR before November 19, 1986.

2/ Plus old P-6's (those who arrived before April 30, 1982) and P-6 category cases for family card holders (those who arrived in Khao-I-Dang before the August 1984 cut-off date).

3/ Plus old P-6's.

4/ Plus old P-6's.

5/ Plus P-6 category cases.

6/ Plus old P-6's. Also we recently did a one-time processing of P-6 category cases and compelling P-6's for Vietnamese in Malaysia and Indonesia.

7/ P-4 has been expanded for the Near East and South Asia region to include special categories for victims of religious persecution (such as Iranian Baha'is, Jews, Christians and Zoroastrians.)

8/ Cubans are processed for refugee status if they have served ten years in prison as political prisoners and/or other compelling cases.

9/ And other deserving cases.

U.S. Refugee Processing Priorities:

PRIORITY ONE, COMPELLING CONCERN/INTEREST: Exceptional cases (a) of refugees in immediate danger of loss of life and for whom there appears to be no alternative to resettlement in the United States; or (b) of refugees of compelling concern to the United States, such as former or present political prisoners and dissidents.

PRIORITY TWO, FORMER U.S. GOVERNMENT EMPLOYEES: Refugees employed by the U.S. government for at least one year prior to the claim for refugee status. This category also includes persons who were not official U.S. government employees but who for at least one year were so integrated into U.S. government offices as to have been in effect and appearance U.S. government employees.

PRIORITY THREE, FAMILY REUNIFICATION: Refugees who are spouses, unmarried sons, unmarried daughters, or parents of persons in the United States. (The status of the anchor relative in the United States must be one of the following: U.S. citizen, lawful permanent resident alien, refugee, or asylee.)

PRIORITY FOUR, OTHER TIES TO THE UNITED STATES: (A) Refugees employed by U.S. foundations, U.S. voluntary agencies or U.S. business firms for at least one year prior to the claim for refugee status: and (b) refugees trained in the United States or abroad under U.S. auspices.

PRIORITY FIVE, ADDITIONAL FAMILY REUNIFICATION: Refugees who are (a) married sons or married daughters of persons in the United States; (b) unmarried siblings of persons in the United States; (c) married siblings of persons in the United States; (d) grandparents of persons in the United States; (e) grandchildren of persons in the United States; or (f) more distantly related individuals who are part of the family group and dependent on the family for support. (The status of the anchor relative in the United States must be one of the following: U.S. citizen, lawful permanent resident alien, refugee, or asylee.)

PRIORITY SIX, OTHERWISE OF NATIONAL INTEREST: Other refugees in specified regional groups whose admission is in the national interest.

Source: Bureau for Refugee Programs, U.S. Department of State.

REQUESTING HUMANITARIAN PAROLE FOR "BORDER KHMER"

INTRODUCTION

As announced by the Secretary of State on September 28, 1985, the Administration intends to make available on a limited basis humanitarian parole for qualifying persons who are among the so-called "Border Khmer" population. This paper outlines the procedures to be followed and requirements to be met by prospective sponsors who intend to request humanitarian parole admission to the United States for persons among the "Border Khmer" population, as well as persons residing at Khao I Dang.

SECTION 212(d)(5) PAROLE BACKGROUND

Section 212(d)(5) of the Immigration and Nationality Act (as amended) provides that the Attorney General may in his discretion parole into the United States temporarily under such conditions as he may prescribe, "for emergent reasons or reasons deemed strictly in the public interest" any alien applying for temporay admission to the United States. Under this authority the Immigration and Naturalization Service has entertained, and will continue to entertain, requests for humanitarian parole on behalf of Cambodian nationals among the so-called "Border Khmer"

Importantly, the Attorney General's parole authority is discretionary; and parole is not utilized when other means of lawful entry are available. Since passage of the Refugee Act of 1980, for example, the use of humanitarian parole for refugees is specifically barred except when it has been determined to be in the public interest by both the Administration and Congress.

Further, parole is a much more restrictive and limited benefit than is refugee or normal immigrant visa admission to the United Staes. For example persons paroled into the United States: (a) are not eligible for many standard refugee resettlement assistance programs and services (e.g. refugee cash and medical assistance); (b) absent other qualifying factors or special legislation, parolees are not able to adjust their immigration status; (c) parolees require prior authorization to work; and (d) parole carries higher sponsorship assurance requirements than does refugee admission.

Finally, it is important to note that applications for asylum from persons paroled under this program will not be viewed favorably. The determination concerning the admission of refugees is a specific authority which requires congressional consultation. This program is not intended to set up a refugee admission vehicle which avoids this consultation process.

WHO MAY REQUEST

A request for humanitarian parole may be submitted by a sponsoring relative, an attorney, Representative or Senator or other interested individual or organization, such as a national voluntary agency (VOLAG). What is important is that the information furnished be factual, specific, and complete. Requests that are not complete will be returned or deferred until the complete information needed to make a determination is supplied. Requests that contain misrepresentation or false statements may be treated prejudicially.

PROCEDURE AND REQUIRED INFORMATION

1. A letter requesting humanitarian parole for a persons or persons (if a family unit is involved) must be submitted to:

   Mr. Benjamin Foster
   District Director
   INS
   American Embassy, Box 12
   APO San Francisco, CA 96346-0001

2. The letter request must provide, for each prospective parolee the following information for each prospective parolee:

   a. name;
   b. date and place of birth;
   c. case number, camp registration number, or other identifying information, if known;
   d. current location (as specific as possible);
   e. relationship to sponsor (with whatever documentation of same can be provided);
   f. current address and immigration status of sponsor;
   g. how and by whom medical care, housing, transportation, food and other subsistence needs will be met;
   h. an affidavit of support covering all persons for whom parole is requested;
   i. a copy of approved visa petition form, if applicable; and/or
   j. statement of the emergent reason why parole should be granted.

3. Each request will be reviewed against file information in Thailand by the INS Bangkok office. Interviews of prospective beneficiaries may also be conducted, as appropriate, by either an INS officer or a consular officer.

4. The party requesting humanitarian parole will be notified in writing of the decision in each case.

5. parole shall be authorized for the period of time until it is expected that the person will be eligible to adjust to lawful permanent resident. For those for whom eligibility for adjustment is not currently foreseen, parole shall be authorized for an indefinite period.

6. The District Director in Bangkok will grant employment authorization to the parolees.

DETERMINATION FACTORS

1. INS will view sympathetically requests for parole for beneficiaries of approved immigrant visa petitions who are determined to be eligible for immigration except for the availability of a visa number.

2. Additionally, cases involving persons who are closely related to and wholly dependent on beneficiaries of immigrant visa petitions (current and non-current) and Visas 93 requests for spouses and minor unmarried children of refugees already in the U.S.) will, absent derogatory factors, be viewed sympathetically.

3. Finally, INS will continue to consider requests made on behalf of an individual where it is established that parole is needed for an "emergent" reason or a reason in the public interest.

U.S. Department of Justice
Immigration and Naturalization
Service
Central Office
Refugee, Asylum and Parole
Washington, DC 20536

Revised
October 1986

ASYLUM PROCEDURES

1) The applicant submits an asylum application on Form I-589 along with Biographic Information (Form G-325) and fingerprints (Form FD-258). If the applicant's family is residing in the United States they may be included on the application. If they are not residing in the United States, the applicant will be able to file an I-730, one asylum status is granted.

2. If the office to which the application is submitted conducts "up-front adjudications" (UFA) the applicant will be interviewed immediately. If not, an interview will be scheduled probably to take place within 30 days. In either case, work authorization will be considered at the time of interview.

3) After the interview, the adjudicating officer will forward a request for an advisory opinion to the Department of State, Bureau of Human Rights and Humanitarian Affairs (BHRHA) .

4) The Bureau will render an opinion and notify the office requesting the opinion.

5) The asylum officer will make a final decision based on the record, the interview and the opinion from BHRHA. In the event it is an approval, the District Director will notify the asylum applicant of the approval.

6) Following an approval notice, the applicant will receive continued work authorization. After one year, the applicant will be able to apply for adjustment of status to lawful permanent residence under Section 209 of the Immigration and Nationality Act.

7) If it is a denial, the District Director will issue a notice of intent to deny and inform the applicant that he/she has 15 days to rebut the proposed denial. The applicant will also be notified that in the event of a final denial, work authorization will terminate 15 days after the date stamped on the denial.

8) If, after rebuttal, the applicant is able to establish a well-founded fear of persecution, the application will be approved, barring overwhelming adverse factors.

9) If, after rebuttal the applicant is not able to establish a well-founded fear of persecution, the application will be denied and the applicant will be notified in writing.

10) After denial, the examinations branch will forward the file to investigations and request that an Order to Show Cause (OSC) be issued. Upon issuance of the OSC, the application will be placed in deportation proceedings. In the alternative, an applicant may request a motion to reopen the application if he/she has new evidence that would support the claim of asylum.

11) If the applicant does not ask for a reopening, a hearing will be scheduled at which time, the applicant may renew his/her asylum application before the Immigration Judge (who will conduct the hearing). The Immigration Judge will consider the asylum claim, independent of the District Director's decision.

12) If the Immigration Judge grants asylum, the applicant will be able to apply for adjustment after one year.

13) If the Immigration Judge denies the asylum claim the applicant will be order deported.

14) At this time, the applicant will be processed for deportation unless he/she appeals the deportation order to the Board of Immigration Appeals (BIA).

15) If the order of deportation is appealed, the Board will once again consider the asylum claim and render a decision.

16) If denied, the applicant has further relief if he/she decides to appeal in a court law.

The asylum process from the time of application through the District Director's notice of approval or denial usually takes from 90 to 150 days. However the deportation and appeal process can become very lengthy.

SUBJECT: UNAVAILABILITY OF ASYLEE ADJUSTMENT NUMBERS FOR THE REMAINDER OF FY 1987

REF: COEXM TELEX DATED 9/24/86 RE ASYLEE ADJUSTMENT (CO 208-P)

THE MAY 31, 1986, CUT-OFF DATE FOR FILING OF 209 (SMALL B) ADJUSTMENT APPLICATIONS IN ORDER TO BE GRANTED PERMANENT RESIDENCE DURING THE CURRENT FISCAL YEAR WILL NOT BE CHANGED. ALTHOUGH SERVICE OFFICES MAY COMPLETE ACTION ON ALL ASYLEE ADJUSTMENT APPLICATIONS FILED PRIOR TO JUNE 1, 1986, WITHOUT PRIOR AUTHORIZATION FROM CORAP, THE ASYLEE ADJUSTMENT NUMBERS FOR THE FISCAL YEAR HAVE BEEN EFFECTIVELY EXHAUSTED. ANY UNUSED NUMBERS WILL BE ALLOCATED BY PHONE BY CORAP TO THE DISTRICT OFFICES ON THE NEXT TO LAST WORKING DAY OF THE FISCAL YEAR.

OFFICES SHOULD CONTINUE TO ACCEPT 209 (SMALL B) ADJUSTMENT APPLICATIONS AND INTERVIEW APPLICANTS. FOR ALL APPLICATIONS FOUND APPROVABLE, COPY 2 OF FORM 181 SHOULD BE SENT TO IMDAC ANNOTATED WITH THE DATE OF FILING FOR ADJUSTMENT IN THE UPPER RIGHT HAND CORNER. NOTE THAT THIS COPY WILL BE USED BY IMDAC FOR PURPOSES OF CONTROLLING ASYLEE ADJUSTMENT NUMBERS, AND DOES NOT INVOLVE THE FBI RECORD CHECK PROCEDURE OUTLINED IN MY JANUARY 10, 1987 MEMORANDUM.

WE WILL CONTINUE TO SEEK LEGISLATIVE RELIEF FOR THE OVER-SUBSCRIPTION OF ASYLEE ADJUSTMENT NUMBERS. SUCH AN AMENDMENT WAS INCLUDED IN THE INS IMPROVEMENTS BILL DRAFTED LAST YEAR AND WAS ACTUALLY INCLUDED IN THE EFFICIENCY LEGISLATION PASSED BY THE HOUSE OF REPRESENTATIVES IN THE LAST DAYS OF THE 99TH CONGRESS. YOU SHOULD NOT SUGGEST TO ASYLEE ADJUSTMENT APPLICANTS THAT THIS RELIEF IS EXPECTED DURING THE CURRENT YEAR.

IMDAC IS MAINTAINING A LIST OF ASYLEE ADJUSTMENT APPLICANTS FOUND APPROVABLE AND THEIR FILING DATES. A COMPUTER PRINTOUT OF THIS LIST WILL BE PROVIDED LATER IN THE FISCAL YEAR FOR EACH OFFICE TO CHECK THAT THEIR APPROVABLE 209 (SMALL B) ADJUSTMENT CASES HAVE BEEN PROPERLY RECORDED. THIS LIST WILL BE THE EXCLUSIVE BASIS FOR ALLOCATING THE 5000 FY 1988 ADJUSTMENT NUMBERS ON OCTOBER 1, 1987, AND ANY ADDITIONAL NUMBERS SECURED THROUGH LEGISLATIVE AMENDMENT.

RICHARD E. NORTON
ASSOCIATE COMMISSIONER
EXAMINATIONS

act of 1795) the "combinations are too powerful to be suppressed by the ordinary course of judicial proceedings or by the powers vested in the marshals." And this duty is imposed upon the President for the very reason that the courts and the marshals are too weak to perform it. The manner in which he shall perform that duty is not prescribed by any law but the means of performing it are given in the plain language of the statutes and they are all means of force—the militia, the Army and the Navy. The end, the suppression of the insurrection, is required of him; the means and instruments to suppress it are lawfully in his hands; but the manner in which he shall use them is not prescribed and could not be prescribed without a foreknowledge of all the future changes and contingencies of the insurrection. He is therefore necessarily thrown upon his discretion as to the manner in which he will use his means to meet the varying exigencies as they arise. If the insurgents assail the nation with an army he may find it best to meet them with an army and suppress the insurrection in the field of battle. If they seek to prolong the rebellion and gather strength by intercourse with foreign nations he may choose to guard the coasts and close the ports with a navy as one of the most efficient means to suppress the insurrection. And if they employ spies and emissaries to gather information, to forward secret supplies and to excite new insurrections in aid of the original rebellion he may find it both prudent and humane to arrest and imprison them. And this may be done either for the purpose of bringing them to trial and condign punishment for their crimes or they may be held in custody for the milder end of rendering them powerless for mischief until the exigency is past.

In such a state of things the President must of necessity be the sole judge both of the exigency which requires him to act and of the manner in which it is most prudent for him to employ the powers intrusted to him to enable him to discharge his constitutional and legal duty—that is, to suppress the insurrection and execute the laws. And this discretionary power of the President is fully admitted by the Supreme Court in the case of Martin *v.* Mott (12 Wheaton's Reports, 19; 7 Curtis, 10).

This is a great power in the hands of the Chief Magistrate; and because it is great and is capable of being perverted to evil ends its existence has been doubted or denied. It is said to be dangerous in the hands of an ambitious and wicked President because he may use it for the purposes of oppression and tyranny. Yes, certainly it is dangerous—all power is dangerous—and for the all-pervading reason that all power is liable to abuse; all the recipients of human power are men not absolutely virtuous and wise. Still it is a power necessary to the peace and safety of the country and undeniably belongs to the Government and therefore must be exercised by some department or officer thereof.

Why should this power be denied to the President on the ground of its liability to abuse and not denied to the other departments on the same grounds? Are they more exempt than he is from the frailties and vices of humanity? Or are they more trusted by the law than he is trusted in their several spheres of action? If it be said that a President may be ambitious and unscrupulous it may be said with equal truth that a legislature may be factious and unprincipled and a court may be venal and corrupt. But these are crimes never to be presumed even against a private man and much less against any high and highly trusted public functionary. They are crimes, however, recognized as such and made punishable by the Constitution, and whoever is guilty of them, whether a President, a Senator or a judge, is liable to impeachment and condemnation.

As to the second question:

Having assumed in answering the first question that the President has the legal discretionary power to arrest and imprison persons who are guilty of holding criminal intercourse with men engaged in a great and dangerous insurrection, or persons suspected with "probable cause" of such criminal complicity, it might seem unnecessary to go into any prolonged argument to prove that in such a case the President is fully justified in refusing to obey a writ of habeas corpus issued by a court or judge commanding him to produce the body of his prisoner, and state when he took him and by what authority and for what cause he detains him in custody, and then yield himself to judgment "to do, submit to and receive whatsoever the judge or court awarding the writ shall consider in that behalf."

If it be true as I have assumed that the President and the judiciary are co-ordinate departments of government, and the one not subordinate to the other, I do not understand how it can be legally possible for a judge to issue a command to the President to come before him *ad subjiciendum*—that is to submit implicitly to his judgment and in case of disobedience treat him as a criminal, in contempt of a superior authority and punish him as for a misdemeanor by fine and imprisonment. It is no answer to say as has sometimes been said that although the writ of habeas corpus cannot be issued and enforced against the President himself, yet that it can be against any of his subordinates for that abandons the principle assumed of giving relief in "all cases" of imprisonment by color of authority of the United States, and attempts to make an untenable distinction between the person of the President and his office and legal power. The law makes no such distinction for it is no respecter of persons. The President in the arrest and imprisonment of men must almost always act by subordinate agents, and yet the thing done is no less his act than if done by his own hand. But it is possible for the President to be in the actual custody of a prisoner taken in civil war or arrested on suspicion of being a secret agent and abettor of rebellion, and in that case the writ must be unavailing unless it run against the President himself. Besides, the whole subject-matter is political and not judicial. The insurrection itself is purely political. Its object is to destroy the political government of this nation and to establish another political government upon its ruins. And the President as the chief civil magistrate of the nation and the most active department of the Government is eminently and exclusively political in all his principal functions. As the political chief of the nation the Constitution charges him with its preservation, protection and defense, and requires him to take care that the laws be faithfully executed. And in that character and by the aid of the acts of Congress of 1795 and 1807 he wages open war against armed rebellion, and arrests and holds in custody those whom in the exercise of his political discretion he believes to be friends of and accomplices in the armed insurrection which it is his especial political duty to suppress. He has no judicial powers. And the judiciary department has no political powers and claims none, and therefore (as well as for other reasons already assigned) no court or judge can take cognizance of the political acts of the President or undertake to revise and reverse his political decisions.

The jurisdiction exercised under the writ of habeas corpus is in the nature of an appeal (4 C., 75) for as far as concerns the right of the prisoner the whole object of the process is to re-examine and reverse or affirm the acts of the person who imprisoned him. And I think it

will hardly be seriously affirmed that a judge at chambers can entertain an appeal in any form from a decision of the President of the United States, and especially in a case purely political.

There is but one sentence in the Constitution which mentions the writ of habeas corpus (art. 1, sec. 9, clause 2), which is in these words: "The privilege of the writ of habeas corpus shall not be suspended unless when in cases of rebellion or invasion the public safety may require it."

Very learned persons have differed widely about the meaning of this short sentence, and I am by no means confident that I fully understand it myself. The sententious language of the Constitution in this particular must I suppose be interpreted with reference to the origin of our people, their historical relations to the mother country and their inchoate political condition at the moment when our Constitution was formed. At that time the United States as a nation had no common law of its own, and no statutory provision for the writ of habeas corpus. Still the people, English by descent, even while in open rebellion against the English Crown claimed a sort of historical right to the forms of English law and the guarantees of English freedom. They knew that the English Government had more than once assumed the power to imprison whom it would, and hold them for an indefinite time beyond the reach of judicial examination; and they desired no doubt to interpose a guard against the like abuses in this country. And hence the clause of the Constitution now under consideration. But we must try to construe the words, vague and undeterminate as they are, as we find them. "The privilege of the writ of habeas corpus shall not be suspended," &c. Does that mean that the writ itself shall not be issued, or that being issued the party shall derive no benefit from it? Suspended—does that mean delayed, hung up for a time or altogether denied? The writ of habeas corpus—which writ? In England there were many writs called by that name and used by the courts for the more convenient exercise of their various powers; and our own courts now by acts of Congress, the judiciary act of 1780, section 14, and the act of March 2, 1833, section 7, have I believe equivalent powers.

It has been decided by the Supreme Court and I doubt not correctly (see Bollman Swartwout's Case, 4 C., 93) that "for the meaning of the term habeas corpus resort must be had to the common law, but the power to award the writ by any of the courts of the United States must be given by written law." And the same high court (judging no doubt by the history of our people and the circumstances of the times) has also decided that the writ of habeas corpus mentioned in the Constitution is the great writ *ad subjiciendum*.

That writ, in its nature, action and objects is tersely and accurately described by Sir William Blackstone. I adopt his language as found in his Commentaries (book 3, p. 131):

> But the great and efficacious writ in all manner of illegal confinement is that of habeas corpus *ad subjiciendum*, directed to the person detaining another and commanding him to produce the body of the prisoner, with the day and cause of his caption and detention, *ad faciendum, subjiciendum, et recipiendum*, to do, submit to and receive whatsoever the judge or court awarding such writ shall consider in that behalf. This is a high prerogative writ, and therefore by the common law, issuing out of the court of king's bench not only in term time but also during the vacation by a fiat from the chief justice or any other of the judges, and running into all parts of the king's dominions; for the King is at all times entitled to have an account why the liberty of any of his subjects is restrained, wherever that restraint may be inflicted.

Such is the writ of habeas corpus of which the Constitution declares that the privilege thereof shall not be suspended except when in cases

of rebellion or invasion the public safety may require it. But the Constitution is silent as to who may suspend it when the contingency happens. I am aware that it has been declared by the Supreme Court that—

> If at any time the public safety should require the suspension of the powers vested by this act [meaning the judiciary act of 1789, section 14] in the courts of the United States, it is for the legislature to say so. That question depends upon political considerations, on which the legistature is to decide.

Upon this I remark only that the Constitution is older than the judiciary act, and yet it speaks of the privilege of the writ of habeas corpus as a thing in existence; it is in general terms, and does not speak with particular reference to powers which might or might not be granted by a future act of Congress. Besides I take it for certain that in the common course of legislation Congress has power at any time to repeal the judiciary act of 1789 and the act of 1833 (which grants to the courts and to the judges the power to issue writs) without waiting for a rebellion or invasion and a consequent public necessity to justify under the Constitution the suspension of the privilege of the writ of habeas corpus. The court does not speak of suspending the privilege of the writ, but of suspending the powers vested in the court by the act. The power to issue a writ can hardly be called a privilege, yet the right of an individual to invoke the protection of his government in that form may well be designated by that name. And I should infer with a good deal of confidence that the court meant to speak only of its own powers and not of the privilege of individuals but for the fact that the court ascribes the powers to suspend to the legislature upon political grounds. It says, "that question depends upon political considerations, on which the legislature is to decide." Now I had supposed that questions did not belong exclusively to the legislature because they depend upon political considerations, inasmuch as the President in his constitutional and official duties is quite as political as is the Congress, and has daily occasion in the common routine of affairs to determine questions upon political considerations alone.

If by the phrase "the suspension of the privilege of the writ of habeas corpus" we must understand a repeal of all power to issue the writ, then I freely admit that none but Congress can do it. But if we are at liberty to understand the phrase to mean that in case of a great and dangerous rebellion like the present the public safety requires the arrest and confinement of persons implicated in that rebellion, I as freely declare the opinion that the President has lawful power to suspend the privilege of persons arrested under such circumstances; for he is especially charged by the Constitution with the "public safety," and he is the sole judge of the emergency which requires his prompt action.

This power in the President is no part of his ordinary duty in time of peace; it is temporary and exceptional, and was intended only to meet a pressing emergency when the judiciary is found to be too weak to insure the public safety; when (in the language of the act of Congress) there are "combinations too powerful to be suppressed by the ordinary course of judicial proceedings or by the powers vested in the marshals." Then and not till then has he the lawful authority to call to his aid the military power of the nation and with that power perform his great legal and constitutional duty to suppress the insurrection. And shall it be said that when he has fought and captured the insurgent army and has seized their secret spies and emissaries he is

bound to bring their bodies before any judge who may send him a writ of habeas corpus, "to do, submit to and receive whatsoever the said judge shall consider in that behalf?"

I deny that he is under any obligation to obey such a writ issued under such circumstances. And in making this denial I do but follow the highest judicial authority of the nation. In case of Luther *v.* Borden (commonly called the Rhode Island case), reported in 7 Howard, p. 1, the Supreme Court discussed several of the most important topics treated of in this opinion, and among them the power of the President alone to decide whether the exigency exists authorizing him to call out the militia under the act of 1795. The court affirmed the power of the President in that respect and denied the power of the court to examine and adjudge his proceedings. The opinion of the court, delivered by the learned Chief Justice Taney, declares that if the court had that power "then it would become the duty of the court (provided that it came to the conclusion that the President had decided incorrectly) to discharge those who were arrested or detained by the troops in the service of the United States or the Government which the President was endeavoring to maintain. If (says that learned court) the judicial power extends so far the guarantee contained in the Constitution of the United States (meaning of course protection against insurrection) is a guarantee of anarchy and not of order."

Whatever I have said about the suspension of the privilege of the writ of habeas corpus has been said in deference to the opinions of others and not because I myself thought it necessary to treat of that subject at all in reference to the present posture of our national affairs. For not doubting the power of the President to capture and hold by force insurgents in open arms against the Government and to arrest and imprison their suspected accomplices I never thought of first suspending the writ of habeas corpus any more than I thought of first suspending the writ of replevin before seizing arms and munitions destined for the enemy.

The power to do these things is in the hand of the President, placed there by the Constitution and the statute law as a sacred trust to be used by him in his best discretion in the performance of his great first duty—to preserve, protect and defend the Constitution. And for any breach of that trust he is responsible before the high court of impeachment and before no other human tribunal.

The powers of the President falling within this general class have been several times considered by the judiciary and have I believe been uniformly sustained without materially varying from the doctrines laid down in this opinion. I content myself with a simple reference to the cases without encumbering this document already too long with copious extracts: The Rhode Island Case (7 Howard, p. 1), Fleming *v.* Page (9 Howard, p. 615), Cross *v.* Harrison (16 Howard, p. 189), The Santissima Trinidad (7 Wheaton, p. 305), Martin *v.* Mott (12 Wheaton, p. 29).

To my mind it is not very important whether we call a particular power exercised by the President a peace power or a war power for undoubtedly he is armed with both. He is the chief civil magistrate of the nation and being such and because he is such he is the constitutional Commander in Chief of the Army and Navy, and thus within the limits of the Constitution he rules in peace and commands in war and at this moment he is in the full exercise of all the functions belonging to both those characters. The civil administration is still going on in its peaceful course, and yet we are in the midst of war, a war in which the enemy is for the present dominant in many States and has

his secret allies and accomplices scattered through many other States which are still loyal and true; a war all the more dangerous and more needing jealous vigilance and prompt action because it is an internecine and not an international war.

This, sir, is my opinion, the result of my best reflections upon the questions propounded by you. Such as it is it is submitted with all possible respect by your obedient servant,

EDWARD BATES,
Attorney-General.

DEPARTMENT OF STATE, *Washington, July 13, 1861.*

Lieut. Gen. WINFIELD SCOTT, *Washington.*

GENERAL: I inclose a copy of a note* of the 11th instant addressed to this Department by Chauncy Smith from Morrisania, Westchester County, N. Y., alleging that correspondence between that place and Richmond, Va., is carried on through British consuls. As such an officer has no right to claim a privilege in behalf of couriers in his employment I would suggest that no such courier be allowed to pass the lines of the U. S. forces when coming from the South. The existing regulations will it is presumed be sufficient to check any such abuse from couriers who may be proceeding in the opposite direction.

I have the honor to be, general, your obedient servant,

WILLIAM H. SEWARD.

GENERAL ORDERS, No. 44. } WAR DEPT., ADJT. GENERAL'S OFFICE, *Washington, July 13, 1861.*

I. In compliance with a resolution of the House of Representatives the Secretary of War directs that officers report to this office the names and residences of all prisoners that may be hereafter taken and released upon their oath of allegiance to the United States. In like manner officers will report the names and residences of all prisoners who have been taken and released upon their oath of allegiance to the United States previous to this date.

* * * * * * *

By order:

L. THOMAS,
Adjutant-General.

HEADQUARTERS OF THE ARMY,
Washington, July 15, 1861.

Major-General BANKS, U. S. Army,
Commanding Department of Annapolis, Baltimore, Md.

SIR: The General-in-Chief directs me to say that Major-General McClellan by several recent victories has taken a large number of prisoners. He has been instructed to release the privates who will take an oath and the officers who will give a parole not to serve against the United States unless regularly released from their obligation. The officers, however, who are known or supposed to have recently resigned from the Army or Navy of the United States with the intention of entering the ranks of the rebels are to be sent prisoners to Fort McHenry.

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* Not found.

After the arrival of these prisoners the general desires you to send them together with Marshal Kane and the police commissioners,* who are in arrest, and such political prisoners as may not be under indictment by the civil authority to Fort Lafayette, harbor of New York, in an armed steamer and under a sufficient guard. A permanent guard will be ordered to the fort in time to receive the prisoners.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF THE OHIO,
Huttonsville, Randolph County, Va., July 15, 1861.

OFFICER COMMANDING THE FORCES COMMANDED BY THE LATE ROBERT S. GARNETT, Esq.,
Styling himself Brigadier-General, C. S. Army.

SIR: As the commander of this department I have protected the persons of all citizens of Western Virginia except those engaged in active hostilities against the United States, and when under a misapprehension of patriotic duty arrests have been made because of political opinions or sympathies I have promptly ordered releases. I have protected all private property by whomsoever owned. My proclamations and general orders on this subject have doubtless been brought to your knowledge.

I am informed that arrests have been made in Western Virginia of citizens loyal to the Government of the United States but not in arms for the support of it, and that such prisoners or some of them are within your control. I suggest to you the propriety of releasing all such persons, their detention being not only individual hardship but calculated to increase the troubles of this section of the country without contributing to any military result.

Among the prisoners now within your control and belonging to the class above mentioned my attention has been called specially to the following names: W. M. Smith, John Brooks, Quilby Osborn, J. L. Forton, Quillers Herron, and I beg leave to call your attention to those and all similar cases.

I am, sir, your obedient servant,

GEO. B. McCLELLAN,
Major-General, U. S. Army, Commanding Department.

NAVY DEPARTMENT, *Washington, July 16, 1861.*

Lieut. WILLIAM H. WARD,
U. S. Sloop Macedonian, Vera Cruz, Mexico.

SIR: Your resignation as a lieutenant in the Navy of the United States tendered in your letter of the 26th May last has been received. By direction of the President your name has been stricken from the rolls of the Navy, to take effect from the date of the delivery of the order.

I am, respectfully,

GIDEON WELLES.

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*For case of Kane and the Baltimore police commissioners, see Vol. I, this series, p. 619, *et seq.*

HDQRS. C. S. ARMY IN NORTHWESTERN VIRGINIA,
July 16, 1861.

Maj. Gen. GEORGE B. MCCLELLAN,
Commanding U. S. Forces.

SIR: Your letter of the 15th instant with its anomalous address has been received. In response I have simply to say that I am as yet wholly unapprised that a different policy in regard to the arrests of suspected persons or the protection of private property from the line you have so naturally proposed for yourself has been pursued by the chief of this division of the Confederate Army. Hence your suggestion as to the propriety of abandoning any other would seem to be uncalled for. Begging to remind you that any information you may receive as to the absence of sufficient grounds for the arrest and detention of the persons you name (or any others) may to say the least of it be quite as unreliable as the evidence upon which such persons are held I will conclude by saying to you that justice will be duly regarded by me in the treatment of all persons whatsoever.

I am, sir, your obedient servant,

H. R. JACKSON,
Brigadier-General, C. S. Army.

HEADQUARTERS OF THE ARMY,
Washington, July 19, 1861.

Lieut. Col. MARTIN BURKE, U. S. Army,
Fort Hamilton, N. Y.

SIR: The General-in-Chief directs that you assume command of Forts Hamilton and Lafayette, New York Harbor, taking quarters at the former place.

Orders have been given for the confinement of certain political prisoners and prisoners of war in Fort Lafayette, and a guard has been detailed for their custody, the officers of which will be quartered with the guard in the same fort. The general directs that you give orders to the following purpose:

First. That the prisoners be securely held and that they be allowed every privilege consistent with this end and be treated with all kindness.

Second. That a record be kept of the names, dates of confinement and release of the prisoners.

Third. That the prisoners be permitted to provide themselves with such comforts as they require.

Fourth. That an exact account be kept of the subsistence, &c., furnished the prisoners of war.

I am, &c.,

E. D. TOWNSEND,
Assistant Adjutant-General.

DEPARTMENT OF STATE, *Washington, July 20, 1861.*

JOHN A. KENNEDY, Esq.,
Superintendent Metropolitan Police, New York.

SIR: I inclose a copy of a private and confidential letter to me from Mr. Adams, at London, relative to Doctor Holland, of Texas, who was the subject of your note to me of the 17th of May last. The French house

therein referred to and their correspondence should it seems to me be watched and any member of the firm arrested against whom there should be probable cause for a charge of disloyal or treasonable practices. If any arrest should be made General Scott will be requested to cause the party to be confined in a fort in the neighborhood of New York.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

[Inclosure.]

LONDON, *July 5, 1861.*

Hon. W. H. SEWARD, *Washington, D. C.*

DEAR SIR: I feel it my duty to communicate a little information which I have obtained from a source entitled to credit touching the movements of a man called Holland now in London. This is the same man who escaped from America a short time since under strong suspicion which was probably well founded. It is stated that on his voyage he had papers which would have convicted him, but that they were saved by a woman who concealed them in her bosom and who carried them safely to their destination. I understand this to have been on the way out to America, from which he not long since returned. He is now engaged here in procuring and forwarding arms to the South. He professes to be able to get them in by the way of Texas. He also gives it out that he is fitting out a steamer for a privateer. This is probably the same vessel of which the consul, Mr. Morse, has had information.

But the material part of the information is that he keeps up his communications through Paris and a French house in the city of New York, a Mr. Amédee Simonée who transmits the letters from Richmond. He admitted that for a time he had been cut off but the thread was tied again. It is said that he affirms that much of what is done at Washington is known to the Confederates by the treachery of subordinates yet retained by Government. I receive this information in a way which makes concealment of the channel highly advisable.

Very truly, yours,

C. F. ADAMS.

HEADQUARTERS OF THE ARMY,
Washington, July 23, 1861.

Major-General DIX, U. S. Army, *Commanding, &c., Baltimore:*

Can you with safety send to New York your political and other prisoners without waiting for those from Western Virginia otherwise than by a steamer and the ocean? See previous communications to General Banks.

WINFIELD SCOTT.

HEADQUARTERS DEPARTMENT OF MARYLAND,
Fort McHenry, July 24, 1861.

Hon. SIMON CAMERON, *Secretary of War.*

SIR: I received your confidential dispatch* last evening with the letter inclosed concerning the Winans arms. Major-General Banks doubts the fact stated and thinks that a search would excite a great deal of feeling among the Roman Catholics. I sent for a special agent of the

*Not found.

police and directed him to station policemen by night and day near the only two nunneries as he thinks in the city and keep them under constant supervision. If they are entered by any unusual number of persons or if any attempt is made to move the arms in case they are secreted there as conjectured the whole police force aided by the military will be called out. In half an hour two regiments can be concentrated at either point. In the meantime if any circumstance occurs to confirm suspicion I will not hesitate a moment to institute a thorough examination of the premises.

I have the honor to be, sir, your obedient servant,

JOHN A. DIX,
Major-General.

List of prisoners (citizens) paroled by order of Brig. Gen. W. S. Rosecrans July 25, 1861, captured at the battle of Rich Mountain, Va.

Isaac T. Vincent, Samuel W. Vincent, Henry Martin, Jasper Martin, George W. Slus, Joseph Matthews, William J. Matthews, James H. Camp, George H. Easton, William Schiefer, Hugh O'Donnell, William E. Lively, Charles Meredith and Benjamin F. Green.

HEADQUARTERS FIRST BRIGADE ILLINOIS VOLUNTEERS,
Cairo, Ill., July 26, 1861.

Hon. SIMON CAMERON, *Secretary of War.*

DEAR SIR: I have the honor herewith to transmit a report of the names and residences of all prisoners taken and released upon oath of allegiance to the United States by the troops under my command.

With assurances of high regard, I have the honor to be, dear sir, your obedient servant,

B. M. PRENTISS,
Brigadier-General.

[Inclosure.]

Alfred Yancey, Hardeman County, Tenn., arrested May 12, released May 13; employé of Adams Express Company.

Oliver M. Russell, Saint Louis County, Mo., arrested May 12, released May 14; rearrested and held since July 2.

Matthew Hale, Joseph Hill, Samuel W. Woods and Thomas Brennan, Hickman County, Ky., arrested and released June 1; arrested at Cairo, Ill.

John Martin, Saint Louis County, Mo., arrested June 3, released June 5; arrested at Cairo, Ill.

Riley W. Murphy, Jackson County, Ill., arrested June 4, released June 6; arrested at Carbondale, Ill.

Israel Blanchard, Jackson County, Ill., arrested June 4, released June 8; sent to civil authorities, and subsequently released.

Lewis Thompson, arrested June 5, released June 6; steam-boat hand; arrested at Cairo.

James M. Morgan, Jackson County, Ill., arrested June 5, released June 6; arrested at Carbondale, Ill.

Reuben Morgan, Jackson County, Ill., arrested and released June 5; arrested at Carbondale, Ill.

James Richardson, McCracken County, Ky., arrested and released June 5, by scouting party under Colonel Morgan.

J. H. Naive, James M. Newell, Z. S. Jett, John Smith, Milton Grissom, James Welsh, Benjamin P. West, George Hargan, Daniel Hargan, George W. Naive, Madison J. West, James P. Davis, Chesley Rhodes, Michael McRedman, Alfred Rush, William Reasor, George W. Wiseman and James McPherson, Scott County, Mo., arrested June 10, released June 11, by scouting party under Lieutenant-Colonel Hammer.

Sylvester Parker alias Holman, Mississippi County, Mo., arrested and released June 12; arrested at Cairo, Ill.

T. C. Tappan, Edward Gray, William B. Gray and A. J. Carter, Scott County, Mo.; A. S. Lightner, Jasper Colbey and T. J. McClure, Alexander County, Ill., arrested and released June 23; A. R. Newman, Marshall Ellison and Edward Moss, Scott County, Mo., arrested June 23, released June 24, by scouting party under Colonel Morgan.

Michael Flynn (residence not fixed), arrested and released June 26; steam-boat man; arrested at Cairo, Ill.

Peter H. Tiernan and Aubrey C. Howard, Saint Louis County, Mo., arrested July 7, released July 24; arrested at Cairo, Ill.

B. M. PRENTISS,
Brigadier-General.

Extract from Maj. Gen. George B. McClellan's report covering operations of the Army of the Potomac from July 27, 1861, to November 9, 1862.

Brig. Gen. L. THOMAS, *Adjutant-General, U. S. Army.*

SIR:

* * * * * * *

Immediately after being assigned to the command of the troops around Washington I organized a secret service force under Mr. E. J. Allen, a very experienced and efficient person. This force up to the time I was relieved from command was continually occupied in procuring from all possible sources information regarding the strength, positions and movements of the enemy. (Mr. Allan Pinkerton was the trustworthy and efficient chief of the secret service mentioned under the assumed name of E. J. Allen.)

All spies, "contrabands," deserters, refugees and many prisoners of war coming into our lines from the front were carefully examined, first by the outpost and division commanders, and then by my chief of staff and the provost-marshal-general. Their statements taken in writing, and in many cases under oath, from day to day for a long period previous to the evacuation of Manassas comprised a mass of evidence which by careful digests and collations enabled me to estimate with considerable accuracy the strength of the enemy before us.

* * * * * * *

I am, sir, very respectfully, your obedient servant,
GEO. B. McCLELLAN,
Major-General, U. S. Army.

HEADQUARTERS, *Fort McHenry, Md., July 27, 1861.*

Brig. Gen. L. THOMAS,
Adjutant-General, U. S. Army, Washington, D. C.

GENERAL: In compliance with General Orders, No. 44, Adjutant-General's Office, July 13, 1861, I have the honor to inclose herewith a

report of the prisoners who have been taken and released on their oath of allegiance to the United States at this post.

I am, general, very respectfully, your obedient servant,

W. W. MORRIS,
Major Fourth Artillery, Commanding Post.

[Inclosure.]

Nathaniel Stephens, released June 29, 1861, on parole of honor; Timothy Corbett, released July 9, 1861, on parole of honor; Frederick Ellenbrook, released July 11, 1861, on oath of allegiance; John L. Hebb, released July 13, 1861, on parole of honor; James Clayton, released July 16, 1861, on oath of allegiance; Richard F. Moran, released July 16, 1861, on oath of allegiance; Samuel Ogle Tilghman, released July 16, 1861, on parole of honor; Charles D. Hinks, released July 6, 1861, on parole of honor; Eugene Higgins, released July 26, 1861, on parole of honor.

The above report is correct.

W. W. MORRIS,
Major Fourth Artillery, Commanding Post.

An act of the U. S. Congress, approved July 31, 1861.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if two or more persons within any State or Territory of the United States shall conspire together to overthrow or to put down or to destroy by force the Government of the United States, or to levy war against the United States, or to oppose by force the authority of the Government of the United States, or by force to prevent, hinder or delay the execution of any law of the United States, or by force to seize, take or possess any property of the United States against the will or contrary to the authority of the United States, or by force or intimidation or threat to prevent any person from accepting or holding any office or trust or place of confidence under the United States, each and every person so offending shall be guilty of a high crime and upon conviction thereof in any district or circuit court of the United States having jurisdiction thereof or district or supreme court of any Territory of the United States having jurisdiction thereof shall be punished by a fine not less than $500 and not more than $5,000, or by imprisonment with or without hard labor as the court shall determine for a period not less than six months nor greater than six years, or by such fine and imprisonment.

DEPARTMENT OF STATE, *Washington, August 1, 1861.*

Lieut. Gen. WINFIELD SCOTT, *Washington.*

GENERAL: I am directed to communicate to you for your information and guidance the accompanying copy of an order of the President of the United States of yesterday relative to political prisoners in forts of the United States.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

(Same to Secretary of the Interior, marshal of the United States for the southern district of New York and marshal of the United States for the district of Maryland, Baltimore.)

[Inclosure.]

EXECUTIVE MANSION, *Washington, July 31, 1861.*

The marshals of the United States in the vicinity of forts where political prisoners are held will supply decent lodging and subsistence for such prisoners unless they shall prefer to provide in those respects for themselves, in which cases they will be allowed to do so by the commanding officers in charge.

Approved, and the Secretary of State will transmit the order to marshals, the lieutenant-general and the Secretary of the Interior.

ABRAHAM LINCOLN.

Resolution adopted by the House of Representatives August 1, 1861.

Whereas it is currently reported that the forces now in rebellion against the Government have imprisoned loyal citizens of the United States, and among others Hon. Alfred Ely, one of the members of this House:

Resolved, That the President be requested to furnish this House any information he may have upon this subject.

WASHINGTON, *August 2, 1861.*

TO THE HOUSE OF REPRESENTATIVES:

In answer to the resolution of the House of Representatives of yesterday requesting information regarding the imprisonment of loyal citizens of the United States by the forces now in rebellion against this Government, I transmit a report from the Secretary of State and the copy of a telegraphic dispatch by which it was accompanied.

ABRAHAM LINCOLN.

[Inclosure No. 1.]

DEPARTMENT OF STATE, *Washington, August 2, 1861.*

The PRESIDENT:

The Secretary of State, to whom was referred the resolution of the House of Representatives of yesterday requesting the President to furnish to that House any information he may have in his possession on the subject of the forces now in rebellion against the Government having in imprisonment loyal citizens of the United States, and among others the Hon. Alfred Ely,* one of the members of the House of Representatives from the State of New York, has the honor to report to the President that the only information possessed by this Department on the subject is contained in a telegraphic dispatch, a copy of which is annexed.

Respectfully submitted.

WILLIAM H. SEWARD.

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* Mr. Ely was captured at Bull Run July 21, 1861.

[Inclosure No. 2.]

RICHMOND, VA., *July 31, 1861.*
(Received August 1.)

Hon. W. H. SEWARD:

I am here a prisoner. Ely, Arnold Harris and Magraw are also here.

C. HUSON, JR.

HEADQUARTERS OF THE ARMY,
Washington, August 5, 1861.

Hon. W. H. SEWARD, *Secretary of State.*

SIR: In reply to your note of this morning* I respectfully suggest that among the persons who have just arrived at New York from California, mentioned in the newspaper slip inclosed in that note, I think it desirable that John Adams, a native of Tennessee, who recently resigned a captaincy in the U. S. First Regiment of Dragoons, be arrested and held a political prisoner, as I do not doubt that he designs to take service in the rebel army against us. There is no similar reason for confining medical officers even when taken as prisoners of war.

I have the honor to be, sir, with high respect, your obedient servant,

WINFIELD SCOTT.

HEADQUARTERS OF THE ARMY,
Washington, August 5, 1861.

Lieut. Col. MARTIN BURKE, U. S. Army,
Commanding, &c., Fort Hamilton, N. Y.

SIR: * * * The general also directs that you receive and take charge of any political prisoners or prisoners of war who may be delivered or sent to you by the U. S. marshal or by any department commander.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

DEPARTMENT OF STATE, *Washington, August 5, 1861.*

Hon. WILLIAM STUART, &c.

SIR: I have had the honor to receive your note* of the 1st instant, setting forth that British officers and seamen captured in vessels charged with attempting to run the blockade have without necessity been confined in military prisons and common gaols as prisoners of war; that they have been robbed of their effects, and that an attempt appears to have been made to get certain colored seamen of the Mersey out of the way in order to prevent their giving testimony in favor of the owners.

In reply I have the honor to acquaint you that Her Majesty's Government does no more than justice to the Government of the United States in supposing that it could never sanction such practices and that if in any case it shall be made to appear that a British subject has been treated with undue harshness all proper reparation shall be made. Immediate inquiry with this view shall consequently at once be made

*Not found.

in the proper quarter. Meanwhile, however, I would remark that it seems so improbable that anything which the mariners on board captured vessels would be likely to have would tempt the cupidity of those who may have had those persons in their power that this charge may in advance be pronounced as of questionable foundation.

I have the honor to be, sir, your very obedient servant,

WILLIAM H. SEWARD.

HEADQUARTERS DIVISION OF THE POTOMAC,
Washington, August 6, 1861.

Col. A. PORTER, *Provost-Marshal, &c., Washington, D. C.*

SIR: The general commanding directs that you have in charge the surveillance of all persons in this city who are disposed inimically to the Government. You will exercise a wise discretion in making arrests, and all cases will be reported directly to these headquarters.

I am, sir, very respectfully, your obedient servant,

A. V. COLBURN,
Assistant Adjutant-General.

STATE OF OHIO, EXECUTIVE DEPARTMENT,
Columbus, August 7, 1861.

Hon. SIMON CAMERON,
Secretary of War, Washington, D. C.

SIR: There are now and have been for some time a number of prisoners at Camp Chase who were arrested in Western Virginia under orders of commanding officers. I desire to know what are the principles governing their discharge. There are among them men who may properly be set at liberty, and you will please advise what steps may properly be taken for that purpose and on whose authority discharges may be issued. I have not taken any charge of these prisoners but have in all cases on their arrival here turned them over to the U. S. officers. I am pressed every day for papers granting discharges and I trust you will give this your immediate attention.

Very respectfully,

W. DENNISON.

HEADQUARTERS DIVISION OF THE POTOMAC,
Washington, August 7, 1861.

Brig. Gen. A. PORTER,
Provost-Marshal, Washington, D. C.

GENERAL: I am directed by the major-general commanding to say that in addition to your other duties he desires you if possible to intercept all letters and communications sent to or coming from Virginia otherwise than through the proper channels. He desires also that all persons supposed to be in correspondence with or who are disposed in any way to aid the enemy be carefully watched. Much discretion should be used in arresting such persons. You are authorized to employ citizen detectives to aid you in performing the above duties.

I am, sir, very respectfully, your obedient servant,

A. V. COLBURN,
Assistant Adjutant-General.

CIRCULAR.] HDQRS. DEPARTMENT OF NEW MEXICO,
Santa Fé, N. Mex., August 8, 1861.

The writ of habeas corpus has been suspended in order to enable every commander to guard against the treasonable designs of persons disloyal to the Government of the United States, particularly agents and spies, persons engaged in furnishing information to or in other treasonable correspondence with the enemy or in inciting insurrection or rebellion.

Care will be taken to guard against any abuse of this power by unauthorized arrests or by any annoyances to peaceable and well-disposed citizens, and except in the case of overt acts arrests will only be made by the superior commander of every district, post or body of troops in the service of the United States, and only upon probable cause of suspicion of being dangerous to the public safety.

When arrests are made the person arrested will immediately be examined and if there be no ground for suspicion will be released; if otherwise held in confinement until his case is disposed of by the proper authorities. If there be evidence of treason or misprision of treason he will be turned over to the civil courts for trial.

In the execution of these duties the troops will at all times unite with and assist the civil authorities in maintaining order throughout the country.

By order of Col. E. R. S. Canby:

A. L. ANDERSON,
Second Lieut., Fifth Infantry, Acting Assistant Adjutant-General.

OFFICE AMERICAN TELEGRAPH COMPANY,
Washington, August 9, 1861.

B. P. SNYDER, *Manager*, and
G. H. BURNS, *Supervisor:*

You will receive instructions relating to the conduct of Government telegraphing and the restrictions upon other business from Hon. Thomas A. Scott, Assistant Secretary of War and general manager of military telegraphs.

You will not permit any telegram relating to late, present or contemplated movements of the Army or any part thereof to pass over the lines excepting official messages sent by military commanders. The former rule permitting such army information as appeared in the Washington papers to be telegraphed is rescinded.

You will require of every one in the employ of the company having access to messages to take the oath of allegiance and secrecy as per form furnished by Mr. Scott.

Great caution must be used in forwarding and receiving Government cipher and other messages. In all cases of the slightest doubt have the message repeated until its correctness is clear. If messages be sent in with illegible words return them for explanation.

You will not permit any one not directly and necessarily connected with the office to have access to messages or the operating room or its immediate vicinity unless duly authorized by the Government telegraph manager.

Any information you may obtain which appears of importance to Government is to be communicated directly to Mr. Scott.

Respectfully,

E. S. SANFORD,
President.

DEPARTMENT OF STATE, *Washington, August 12. 1861.*

Mr. A. W. THAYER, *Northampton, Mass.*

MY DEAR SIR: Your favor of the 10th instant has been received, together with the newspaper mentioned therein containing what purports to be a letter from a surgeon of the U. S. Army stationed at Arlington Heights containing strictures upon the Army, members of the administration and others, and in which it is stated that "Seward is drunk from morning till night." You tell me that if it is thought best you think you could find out who is the writer of the communication. I give you my sincere thanks for the kindness which prompted you to bring this matter to my notice, but I have not the least interest in discovering the author of the communication. It has been a habit of my life to leave my conduct and character to the vindication of time and truth.

I am, my dear sir, very truly, yours,

WILLIAM H. SEWARD.

HEADQUARTERS DIVISION OF THE POTOMAC,
Washington, August 12, 1861.

Brigadier-General MANSFIELD,
Commanding Department of Washington.

GENERAL: You will please take no action in regard to the detective police of Washington as to secessionists. The subject is fully covered by proceedings from these headquarters in connection with the action of the provost-marshal.

I am, very respectfully, your obedient servant,

GEO. B. McCLELLAN,
Major-General, Commanding.

HEADQUARTERS OF THE ARMY,
Washington, August 13, 1861.

Hon. SECRETARY OF WAR.

SIR: Lieut. Col. Martin Burke, U. S. Army, has been assigned to the command of Forts Hamilton and Lafayette for the purpose of supervising the safe custody of the political prisoners and prisoners of war confined in the latter fort. In accordance with the wishes of the honorable Secretary of State instructions of which the inclosed are copies have already been given in relation to the said prisoners. I beg leave to suggest that the letters written by the prisoners to their friends having a political rather than a military bearing should be sent to the Department of State for examination to ascertain whether they may be properly forwarded to their address, or if not what should be done with them. Applications for permission to visit the prisoners should be submitted it is supposed to the same Department.

I have the honor to be, sir, very respectfully, your obedient servant,

WINFIELD SCOTT.

[Inclosure.]

HEADQUARTERS OF THE ARMY,
Washington, August 2, 1861.

Lieut Col. MARTIN BURKE, U. S. Army,
Commanding, &c., No. 6 State Street, New York City:

Should the writ of habeas corpus come for the production in court of any of your political prisoners you will respond thereto that you deeply

regret that pending existing political troubles you cannot comply with the requisition of the honorable judge.*

WINFIELD SCOTT.

NEW YORK, *August 13, 1861.*

Hon. SECRETARY OF WAR.

DEAR SIR: I beg to apprise you of a plot to get possession of Fort Lafayette in this harbor by a surprise in order to release the Baltimore prisoners confined there. A recent visit to the fort shows me that it can be easily accomplished by a few bold men. The gates of the fort are always open and entrance is easy to any one suddenly landing. Some of the guns on Fort Hamilton point to Lafayette, but there is not a man in the garrison of Hamilton who can work a gun. Nor are there any about there except some twenty-five men in Company G, of the Texas troops, who are encamped near the fort. Fort Hamilton is also open continually to stragglers, and you may hear that some of the guns have been tampered with, especially the brass pieces that stand outside the gate.

You do not know me and therefore may question my statements, but I beg you to send some agent to look at the position of matters at these forts, and I am sure you will conclude that they need attention. Fort Hamilton ought to be fully garrisoned by regulars and shut from idle stragglers, and Fort Lafayette should also be carefully guarded and no one permitted to land there or hold any communication with it. If you do not attend to this you will experience trouble and mortification I am confident.

Very respectfully,

A. G. WHITE.

COLUMBUS, *August 14, 1861.*

Hon. SIMON CAMERON, *Secretary of War:*

We have several prisoners confined at Camp Chase charged with various crimes. I now send you inclosed a statement† of the accusations made against them by the different persons by whom they were arrested. I desire to be informed what shall be done with them.

Three of the prisoners are confined for the crimes of murder and rape. Shall they be delivered over to the civil authorities of the State in which the crime was committed, or to be tried here by court-martial?

Several of the prisoners are only accused of an expression of opinion in favor of the rebels without overt act of treason against the Government. What course is to be adopted as to prisoners of this class? Shall they be discharged on taking the oath to support the Constitution of United States or detained as prisoners of war?

Others are charged with overt acts of treason. What shall be done with this class of prisoners? Shall they be handed over to the Federal courts for trial for treason or for the present detained as prisoners of war?

I would be very glad if you would inform me of your conclusions as soon as possible as prisoners are accumulating very rapidly on our hands. You will please indicate at the bottom of the statement as to each prisoner what I shall do with him.

Respectfully, yours,

W. DENNISON,
Governor.

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*See also Scott to Burke, August 12, 1861, Vol. I, this series, p. 641. †Not found.

HEADQUARTERS DIVISION OF THE POTOMAC,
Washington, August 14, 1861.

Hon. SIMON CAMERON, *Secretary of War.*

SIR: I respectfully invite your attention to the case of A. R. H. Ranson, styling himself a lieutenant of the Army of the Confederate States. This gentleman is one of the prisoners surrendered with the command of Colonel Pegram to the forces under my command just after the battle of Rich Mountain, Va., and subsequently released on parole. He was the adjutant of Colonel Pegram's regiment, and on account of the feeble state of the health of that officer was permitted by me to accompany him to Fort McHenry, to which place he was ordered pursuant to the instructions of the General-in-Chief. Mr. Ranson was directed to report to General Banks on his arrival in Baltimore, but the general having been removed from that station he has come to this city, where he now is.

Mr. Ranson's bearing and conduct since he became a prisoner to our arms have been of the most exemplary character, and if consistent with your views I shall be gratified to receive authority from you to permit him to return to his home in Virginia via Fort Monroe.

I am, sir, very respectfully, your obedient servant,

GEO. B. McCLELLAN,
Major-General, Commanding.

[Indorsement.]

WAR DEPARTMENT, *August 15, 1861.*

Major-General McCLELLAN, *Commanding:*

The action of the rebels in regard to citizens of loyal States has been such as to prevent compliance with your request. Citizens that have passed the lines on missions of mercy have been thrown into prison and unwarrantably detained. Until some change is made by the rebels no privileges can be extended to citizens of Southern States.

Very respectfully,

SIMON CAMERON,
Secretary of War.

DEPARTMENT OF STATE, *Washington, August 16, 1861.*

Major-General DIX, *Fort McHenry, Baltimore:*

Richard K. Meade, of Virginia, late minister to Brazil, is expected to arrive at Baltimore soon. Secure his papers, arrest and send him to Fort Lafayette.

WILLIAM H. SEWARD.

HEADQUARTERS OF THE ARMY,
Washington, August 17, 1861.

Lieut. Col. MARTIN BURKE, U. S. Army,
Fort Hamilton, New York Harbor.

SIR: * * * I have also to inform you, in relation to some letters from Mr. Howard, that the Department of State sees no objection to letters unsealed being received and dispatched by the prisoners, or to their purchasing such newspapers as may be for sale in New York City.

I am, sir, very respectfully,

E. D. TOWNSEND,
Assistant Adjutant-General.

CIRCULAR.] HEADQUARTERS ARMY OF OCCUPATION,
Clarksburg, W. Va., August 17, 1861.

Great looseness and irregularity prevails in the arrest and discharge of prisoners. Much care and discretion must be exercised in the arrest of persons merely suspected, and proofs obtained if possible; but when proofs exist, and particularly when taken with arms in hand or with evidence of intention or preparation to pursue other than a perfectly peaceable course no prisoner whatever will be released, but as soon as practicable he will be forwarded with a full statement of his case to these headquarters.

By command of Brigadier-General Rosecrans:

GEO. L. HARTSUFF,
Assistant Adjutant-General.

MIDDLETOWN, *August 19, 1861.*

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

DEAR SIR: We wish to trouble you by asking one question, viz: Is Adams Express of New York City allowed to transport letters to any Southern State they choose? Such is the case, however, and they advertise boldly and make up a very respectable mail which does quite as well as our former U. S. mail. Considering the facility the enemy has for letter transportation it is not to be wondered at that they know our movements so well. We feel that this kind of work should be stopped. Not wishing to intrude upon your duties we ask that something may be done to suppress such a dangerous conveyance as regarding letters and other comforts which they receive by their hands, of which we think there is ample proof. While we are exerting ourselves to support the Government by every means we can they are allowed to transport the secession sentiments from our midst to any Southern State they see fit, and it is growing daily in and about our county villages. We look upon you as one who by experience can devise a remedy.

Truly, yours,

SAMUEL SMITH.
[AND MANY OTHERS.]

A Union man to the backbone. You will confer a favor by answering.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., August 19, 1861.

Maj. Gen. G. B. MCCLELLAN,
Commanding Division of the Potomac.

GENERAL: I have the honor to report that on Friday last, the 16th instant, the pickets of the First Regiment of Pennsylvania Volunteers between Annapolis and the Junction captured 2 wagons loaded with medicines and military goods, 3 horses and 2 men. A third man ran away and could not be overtaken. I directed the captured property to be taken to Annapolis with the two men and there detained. There were numerous letters in the carpet bag of one of the two men. The other is a negro. The letters were sent to me and I have examined them. They are either of a domestic or commercial nature indicating secessionist affinities in most cases but containing no valuable information. Under the President's proclamation of the 16th instant the

property seized is forfeited to the United States there being no doubt that it was on its way to Virginia. One of the captured men, Albert Brummel, No. 351 Lexington street, Baltimore, whose written statement I have admits that they were on their way to the Potomac and that the property was to be taken to Pope's Creek (opposite Matthias Point) and thence sent across. He also admits that some of the purchases were made for a Mr. Ruskell who keeps a store in Richmond. I directed the boxes containing the property, seventeen in number, to be secured in the naval school, Annapolis. The vehicles are also forfeited by the President's proclamation and are secured in the same place. Will you advise me what to do with the men? I directed their detention to secure their testimony. I do not see that they have incurred any penalty though I have no copy of the act of February 28, 1795, to which the President's proclamation refers.

I am, general, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., August 19, 1861.

Col. E. D. TOWNSEND,
Assistant Adjutant-General, Headquarters of the Army.

COLONEL: Your letter of the 19th instant* is just received. We have no doubt the old city police are busy stirring up disaffection. I shall arrest any one of them who is so engaged if I can obtain the proof. We sent a special agent this morning to the lower counties of Maryland to track them if they are there and ascertain the true state of things. In this city they are closely watched. * * * I shall write to Major-General McClellan, now my immediate superior, to morrow in regard to the Eastern Shore of Maryland, which requires attention.

I am, colonel, very respectfully, yours,

JOHN A. DIX,
Major-General, Commanding.

NAVY DEPARTMENT, *August 20, 1861.*

Lieut. Col. MARTIN BURKE,
Commanding Fort Lafayette, New York Harbor.

SIR: The War Department has consented to take charge of such prisoners as may come into the possession of naval authorities, and has informed this Department that they will be confined in Fort Lafayette, under the command of Lieut. Col. Martin Burke. I have directed Flag Officer S. H. Stringham to send any he may have to you, and will thank you to take charge of them accordingly.

I am, respectfully, your obedient servant,

GIDEON WELLES.

HDQRS. DIVISION OF THE POTOMAC, *August 20, 1861.*

Maj. Gen. JOHN A. DIX, *Commanding, &c., Baltimore, Md.*

GENERAL: I am directed by Major-General McClellan to acknowledge the receipt of your letter of the 19th instant relating to capture of men

* Not found.

and property. He directs me to say in reply that the property will of course be confiscated and that the men will be kept in custody. Before many days some place will be designated where prisoners of this description can be sent for safe-keeping until everything is settled. When there is good reason to suppose that persons are giving aid and comfort to the enemy they should be arrested even when there is want of positive proof of their guilt.

I am, very respectfully, your obedient servant,

A. V. COLBURN,
Assistant Adjutant-General.

WAR DEPARTMENT, *Washington, August 23, 1861.*

OPERATOR NATIONAL OFFICE:

Do not send any messages relative to the arrest of any person or persons in this District at any time during the day. The order is imperative.

THOMAS A. SCOTT.

No. 136 DUANE STREET, NEW YORK, *August 23, 1861.*

SIMEON DRAPER, Esq.

DEAR SIR: When in England a few weeks since two merchants from Charleston, S. C., both Northern men, and one of them a most violent secessionist, told me that the British consul in Charleston would sometimes allow letters to be dropped into his bag for England for them. The names of these two rebel gentlemen can be had by application to me from the proper quarter.

Yours, truly,

N. A. GARRETT.

[Indorsement.]

This gentleman has been known to me for twenty years, and is reliable.

S. DRAPER.

DEPARTMENT OF STATE, *Washington, August 24, 1861.*

Hon. WILLIAM P. FESSENDEN, *Portland, Me.*

SIR: As it is important and desirable that agents of the insurgents who may land at or proceed from Portland should be arrested I will thank you to inform me of a suitable person to employ to be on the lookout for such parties. The compensation will be at the rate of $50 a month.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, August 24, 1861.*

Hon. ZACHARIAH CHANDLER, *Detroit, Mich.*

SIR: I will thank you to recommend to me a person to be employed in your city at a compensation of $50 a month to detect and arrest persons in the employ of the insurgents.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, August 24, 1861.*

THURLOW WEED, Esq., *Albany, N. Y.*

SIR: As it is desirable and important that agents of the insurgents who may have been abroad should be arrested when on the way to the disaffected region I will thank you to inform me of a suitable person at Rouse's Point to employ there for that purpose. The compensation would be at the rate of $50 per month.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, August 24, 1861.*

HOLLIS WHITE, Esq., *Niagara Falls, N. Y.*

SIR: It being very desirable to employ a man of prudence and fidelity to detect persons in the service of the insurgents who may pass the Suspension Bridge either way you are appointed to that office at a compensation of $50 a month. Please signify your acceptance or otherwise. It will be your duty to arrest and hold for orders from this Department any person liable to reasonable suspicion of being in the service of the insurgents, according to your own knowledge or to information which you may receive from here or elsewhere.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HEADQUARTERS ARMY OF THE POTOMAC,
Washington, August 24, 1861.

[Lieut.] Col. ROMAINE LUJEANE,
Commanding Thirty-second Pennsylvania Volunteers.

SIR: Your letter of the 21st instant has been submitted to the major-general commanding who directs me to inform you that he fully approves your course in arresting a man in Baltimore who used offensive language toward your regiment.

Very respectfully, your obedient servant,

A. V. COLBURN,
Assistant Adjutant-General.

NAVY DEPARTMENT, *Washington, August 24, 1861.*

Mr. ROBERT TANSILL,
Late Captain, U. S. Marine Corps, Boston, Mass.

SIR: Your resignation as captain in the Marine Corps of the United States, tendered in your letter of the 17th May, 1861, has been received. By direction of the President your name has this day been stricken from the rolls of the Marine Corps.

I am, respectfully, your obedient servant,

GIDEON WELLES.

NAVY DEPARTMENT, *Washington, August 24, 1861.*

Capt. WILLIAM L. HUDSON, *Boston, Mass.*

SIR: Upon receipt of this order you will send under guard to Col. Martin Burke, commanding at Fort Lafayette, Capt. Robert Tansill and

Lieut. Thomas S. Wilson, of the Marine Corps, and Midshipmen Henry B. Claiborne and Hilary Cenas, all of the frigate Congress.

Very respectfully,

GIDEON WELLES.

HEADQUARTERS OF THE ARMY,
Washington, August 26, 1861.

Col. HENRY L. SCOTT,
Inspector-General, Commanding, &c., New York:

General Scott says if the U. S. marshal of New York calls on you for assistance in making arrests give it. Bring [use?] his name if you have to take troops from the forts in the harbor.

E. D. TOWNSEND,
Assistant Adjutant-General.

MAYOR'S OFFICE, *Newport, R. I., August 26, 1861.*

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SIR: I have good reason to believe that there are several disloyal persons in this city, some residents and some summer visitors, who have been and are in communication with the rebels in various secret ways. If I can discover anything of a reliable nature against any of them will you please inform me what steps I shall take to cause their arrest?

I am, very respectfully, your obedient servant,

WILLIAM H. CRANSTON,
Mayor.

WASHINGTON, *August 27, 1861.*

Lieut. Col. MARTIN BURKE, *Fort Hamilton:*

Allow no writs to be served on you for any of the prisoners under your charge. Give the same answer* as heretofore.

WINFIELD SCOTT.

HEADQUARTERS OF THE ARMY,
New York, August 27, 1861.

Bvt. Col. CHARLES F. SMITH,
Lieutenant-Colonel Tenth Infantry, Fort Columbus, N. Y.

SIR: I am instructed by the General-in-Chief to say that you will give any aid in troops that the marshal of the United States for the southern district of New York may require of you in making arrests.

I am, sir, very respectfully, your obedient servant,

HENRY L. SCOTT,
Inspector-General.

HEADQUARTERS, *Fort Hamilton, August 28, 1861.*

Col. E. D. TOWNSEND,
Assistant Adjutant-General, Hdqrs. of the Army, Washington.

SIR: I have this day received from Lieut. W. Gwin, U. S. Navy, Capt. Robert Tansill and Lieut. Thomas S. Wilson, late of the Marine Corps,

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*See Scott to Burke, August 2, 1861, Vol. I, this series, p. 636; also Seward to Scott, August 8, same volume, p. 637; also Scott to Secretary of War, August 13, and its inclosure, p. 41, this volume.

and Henry B. Claiborne and Hilary B. Cenas, late midshipmen in the U. S. Navy as prisoners, and they are now confined in Fort Lafayette by order of the honorable the Secretary of the Navy.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, U. S. Army, Commanding.

FORT HAMILTON, N. Y., *August 30, 1861.*

Col. E. D. TOWNSEND,
Assistant Adjutant-General, U. S. Army, Washington, D. C.

COLONEL: At the request of Colonel Burke I have the honor to inclose a copy of a letter received by him to day from Mr. Cisco, assistant treasurer. The commanding officer at Fort Lafayette has been warned to be on the alert, and a copy of the inclosed letter has been sent to the revenue cutter lying in the stream off the fort. Major [C. C.] Sibley, Third Infantry, has also been notified to hold his command in readiness to repel any attempt of the kind mentioned in Mr. Cisco's letter.

Very respectfully, your obedient servant,

H. B. CLITZ,
Major Twelfth Infantry.

[Inclosure.]

OFFICE U. S. ASSISTANT TREASURER,
New York, August 30, 1861.

Col. MARTIN BURKE, U. S. Army.

SIR: It has been communicated to me to-day by a gentleman of high character and position (whose name I am not at liberty to give) that preparations are making to attempt the forcible rescue of the prisoners of state now under your charge at Fort Lafayette. This statement coming from the source that it does strongly impresses me with belief in its truth. I have therefore deemed it my duty to immediately communicate with you that you may if you deem it necessary strengthen yourself for any emergency.

Yours, very respectfully,

JOHN J. CISCO,
U. S. Assistant Treasurer.

DEPARTMENT OF STATE, *Washington, August 31, 1861.*

Hon. WILLIAM H. CRANSTON, *Mayor of Newport, R. I.*

SIR: I have had the honor to receive your letter of the 26th instant relative to supposed disloyal persons in your city. In reply I have to state that your best course would be to communicate with the marshal of the United States for the district of Rhode Island in regard to any person who in your judgment should be arrested for the cause referred to and to request the marshal to address this Department upon the subject by telegraph or letter when proper directions will be issued to him.

I have the honor to be, sir, your obedient servant,

F. W. SEWARD,
Acting Secretary.

alien with respect to whom such a violation occurs, imprisoned for not more than six months for the entire pattern or practice, or both, notwithstanding the provisions of any other Federal law relating to fine levels.

"(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—Whenever the Attorney General has reasonable cause to believe that a person or entity is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order against the person or entity, as the Attorney General deems necessary.

"(g) PROHIBITION OF INDEMNITY BONDS.—

"(1) PROHIBITION.—It is unlawful for a person or other entity, in the hiring, recruiting, or referring for employment of any individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

"(2) CIVIL PENALTY.—Any person or entity which is determined, after notice and opportunity for an administrative hearing, to have violated paragraph (1) shall be subject to a civil penalty of $1,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the general fund of the Treasury.

"(h) MISCELLANEOUS PROVISIONS.—

"(1) DOCUMENTATION.—In providing documentation or endorsement of authorization of aliens (other than aliens lawfully admitted for permanent residence) authorized to be employed in the United States, the Attorney General shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement.

"(2) PREEMPTION.—The provisions of this section preempt any State or local law imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens.

"(3) DEFINITION OF UNAUTHORIZED ALIEN.—As used in this section, the term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either (A) an alien lawfully admitted for permanent residence, or (B) authorized to be so employed by this Act or by the Attorney General.

"(i) EFFECTIVE DATES.—

"(1) 6-MONTH PUBLIC INFORMATION PERIOD.—During the six-month period beginning on the first day of the first month after the date of the enactment of this section—

"(A) the Attorney General, in cooperation with the Secretaries of Agriculture, Commerce, Health and Human Services, Labor, and the Treasury and the Administrator of the Small Business Administration, shall disseminate forms and information to employers, employment agencies, and organizations representing employees and provide for

State, to arrest Edward Daley, a captain in the rebel army, who is expected here every day in some of the steamers from Europe. We took also a telegram to John A. Kennedy, superintendent of police, announcing to him the arrival of the steam-ship City of Washington. After making inquiry we learned that the steam-boat Birbeck, then in the service of the Government Barge Office, would be the first to take off passengers from the steamer City of Washington, then lying in the harbor. We went to the officer in charge of the Barge Office, showing our shield of office, and made known our business to him (Hawley) to get permission to go on the steam-boat Birbeck. The Government officer said he had orders to allow no person to go on board the steam-boat. I said in reply that it was a very strange order to prevent officers from going on board the boat with dispatches from Secretary of State and superintendent of police. The Government officer sent a messenger to the surveyor of the port, also the dispatches from the Secretary of State and superintendent of police, to know whether we would be permitted to go on board the Birbeck. The messenger returned with orders from the surveyor saying that we could not have permission to go on board the Birbeck, a boat then leaving to take the passengers off the City of Washington. We then waited until the steam-boat Birbeck returned the passengers, but said Daley was not among them.

Respectfully, yours,

JAS. EUSTACE.

FORT HAMILTON, *New York Harbor, September 1, 1861.*

Col. E. D. TOWNSEND,

Asst. Adjt. Gen., Hdqrs. of the Army, Washington City, D. C.:

When I received the assistant treasurer's note of which I requested Major Clitz to send you a copy yesterday I sent Lieutenant Lay, my officer of the day, over to Fort Lafayette to see Lieutenant Wood, the officer commanding Fort Lafayette, and to show him the papers and to send a copy to the captain of the cutter near by. (The captain of the cutter is a very clever officer.) Lieutenant Wood sent me back word that I would find the prisoners all there. I presume he meant in Turkish fashion that they would be there dead or alive, I know not. I think the answer will please General Scott. In connection with this matter I would recommend this officer, Lieutenant Wood, to be immediately promoted to the grade of captain. If I had the influence with the President I would make a major of him at once. Lieutenant Wood's conduct has been uniformly kind and consistent to the prisoners. But under no combination of circumstances will it be proper to relieve Lieutenant Wood from the command of Fort Lafayette, as in the large range of my acquaintance I do not know an officer as well fitted to perform the delicate and stern duties of that post as Lieutenant Wood.

Very respectfully, your obedient servant,

MARTIN BURKE,

Lieutenant-Colonel, U. S. Army, Commanding.

DEPARTMENT OF STATE, *Washington, September 2, 1861.*

Hon. S. P. CHASE, *Secretary of the Treasury.*

SIR: Mr. John A. Kennedy, the superintendent of police at New York, who has instructions to arrest persons in the employment of

insurgents who may arrive there, especially in the steamers from Europe, represents that the custom-house authorities have recently in several instances refused the necessary facilities for that purpose. As it is obviously impracticable for Mr. Kennedy efficiently to discharge that duty without the cordial co-operation of those authorities I will thank you to give such directions to the collector of the customs at New York as may tend for the future to obviate any similar cause of complaint on the part of Mr. Kennedy.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

STATE DEPARTMENT, *Washington, September 2, 1861.*

WILLIAM H. BARSE, Esq., *Detroit, Mich.*

SIR: This Department has occasion for the services of a discreet and active man at Detroit to detect and arrest disloyal persons, especially those who may be agents of the insurrectionary States. You are accordingly appointed for that purpose at a compensation of $50 a month. You will be particularly on the watch for such persons who may pass into or from Canada on their way to or from Europe. In case any well-founded suspicion should be entertained against any such person you will arrest him, secure his papers and give immediate notice by telegraph to this Department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

(Same to John C. Miller, Chicago.)

FORT HAMILTON, N. Y., *September 2, 1861.*

Lieutenant-General SCOTT,
General-in-Chief, U. S. Army, Washington, D. C.

GENERAL: Flag Officer Stringham wishes to deliver to me 678 prisoners of war. There is capacity in Fort Lafayette for about fifty prisoners. There are forty-eight there now. Lieutenant Wood says he can fit up the gun galleries and receive 100 more, but in doing so the fort so far as its armament is concerned will be perfectly defenseless, and I therefore strongly object to receiving any of the Minnesota prisoners. I would respectfully suggest that Fort Independence, Boston Harbor, be assigned to the prisoners.

The commodore is lying off the fort awaiting instructions. Please answer at once.

MARTIN BURKE,
Lieutenant-Colonel, U. S. Army.

DEPARTMENT OF STATE, *Washington, September 3, 1861.*

The Right Rev. JOHN HUGHES, *Archbishop of New York.*

SIR: I inclose a copy of a letter addressed to me by the superintendent of police at New York and of the affidavits to which it refers relative to the Rev. M. M. Hallinan, represented to be a priest of the Roman Catholic Church. If the representations in these papers are correct, it is presumed that you will agree with me that the reverend gentleman merits at least admonition from his clerical superiors.

I remain, my dear sir, very truly, yours,

WILLIAM H. SEWARD.

[Inclosure.]

NEW YORK, *September 1, 1861.*

Hon. W. H. SEWARD, *Secretary of State.*

SIR: Last night a man who at the time called himself J. Storer, of Dayton, Ohio, but who afterward proved to be Rev. M. M. Hallinan, now of Salem, Mass., but formerly was at the college at Georgetown, D. C., in some capacity, was arrested for endeavoring to induce a soldier in the U. S. service to go over to the enemy, as set forth in the accompanying affidavits.* He is a young man of about thirty years of age, Irish by birth, and has some reputation as a lecturer. At the time of his arrest he was very much under the influence of drink, and this morning presents the appearance of a man accustomed to such indulgence. On his person was found $1,119. A very large sum to be in the possession of a priest. But on taking possession of his baggage nothing was found to implicate him in any way whatever with the rebels, his papers consisting of skeleton sermons, lectures, poetic effusions and amatory letters. Of the latter there are quite a large number. On his person besides the money and a few unimportant papers was the inclosed letter* addressed W. L. Beaumont, Boston, Mass. Notwithstanding the strength of the affidavits I send I am inclined to regard him as inoffensive. He is undoubtedly very much debauched by intercourse with women and indulgence in drink. And his visit to Philadelphia seems to have been made in consequence of having received the Beaumont letter, which I have no doubt is another assumed name for himself. In his trunk I found a large number of newspaper clips; some are signed M. M. H., others Beaumont, others B. These are no doubt effusions of his own that he has collected. And I think in the erased signature I can trace the word Donna, one of his most devoted correspondents, whose letters and scraps he has saved to the number of over fifty. If I am right, this is a love threat, nothing more; but if not, it may in some way be connected with his conduct with Fabre yesterday. He arrived in this city on Tuesday, 27th instant, and took a room at the hotel in Fourth avenue; left that evening for Philadelphia, where he remained until 2 p. m. of Friday, when he returned on the same train with Fabre, and then went back to the same hotel. The postmark on the Beaumont letter is August 24, and he would seem to have obeyed the summons immediately. The Doctor Fitzgerald whom he involves with himself has command of a company in Col. F. Webster's regiment, and is now in the field. I think it well that Colonel Webster should be apprised of the suspicion resting on him by the act of this drunken priest. If the doctor is sound it will do no harm; if not he had better be on guard. Fabre tells me that the doctor was to join the enemy before he could be expected to get around to them, and this note was for use when he met him on the other side. I have to request that proper notice be taken of the conduct of the private, Fabre. He has managed the matter in a very adroit manner, and seems to have been influenced alone by a desire to detect and expose the business of seducing our men from their allegiance.

Respectfully, yours,

JOHN A. KENNEDY,
Superintendent.

* Not found.

DEPARTMENT OF STATE, *Washington, September 3, 1861.*

FLAMEN BALL, Esq.,
U. S. Attorney for the District of Ohio, Cincinnati.

SIR: I inclose a copy of a letter* to the President from J. H. Edwards who professes to be a member of the society calling itself "Knights of the Golden Circle," and offering to disclose its secrets to the Government. We have had disclosures from other similar persons which have hitherto proved of little or no value. You may, however, request this person to call on you, and if he has anything of importance to communicate you may pay him for it according to its value—not to exceed $100, and may draw on this Department for the amount at sight.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

OFFICE OF THE U. S. MARSHAL,
New Haven, Conn., September 3, 1861.

Hon. SIMON CAMERON, *Secretary of War.*

SIR: To prevent a greater calamity I have taken it upon myself to interdict and entirely prohibit the sale and circulation of the New York Daily News in the city of New Haven, it being quite evident to me that our citizens as a body do not desire its circulation nor will they longer allow it.

Will you please telegraph me on receipt of this if my course is approved, as I wish to stop the circulation of this detestable sheet throughout the whole of our State?

DAVID H. CARR,
U. S. Marshal.

WAR DEPARTMENT, *Washington, September 3, 1861.*

DAVID H. CARR, *U. S. Marshal, New Haven, Conn.:*

Your course with regard to the Daily News is approved.

SIMON CAMERON,
Secretary of War.

STATE HOUSE, *Boston, September 3, 1861.*

Hon. W. H. SEWARD:

Is your consul at Halifax, Nova Scotia, thoroughly loyal? Four vessels from North Carolina have recently arrived there loaded with naval stores and are now loading with contraband goods.

HENRY WILSON.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., September 3, 1861.

Brig. Gen. BENJAMIN HUGER,
Commanding Forces, Norfolk:

I have just received your communication of this date with "twenty-five persons just arrived from Richmond, who were captured on unarmed vessels and are not considered prisoners." By the return flag

* Not found.

I send to your care the Right Reverend Catholic Bishop Verot, of Georgia, accompanied by his priest and deacon and three young persons, also Miss Jones, of Virginia.

I am, with the most respectful consideration, your obedient servant,

JOHN E. WOOL,
Major-General, Commanding.

WAR DEPARTMENT, *Washington, September 5, 1861.*

GEORGE A. COFFEY, *U. S. Attorney, Philadelphia, Pa.*

SIR: You are hereby authorized to cause the seizure of the Register, at Norristown, and the Carbon Democrat, at Mauch Chunk, if in your opinion there is sufficient ground for proceeding against them under the act of Congress approved 6th of August, 1861.

Very respectfully, your obedient servant,

SIMON CAMERON,
Secretary of War.

DEPARTMENT OF STATE, *Washington, September 6, 1861.*

WILLIAM DUNN, Esq.,
Mechanicsville, Saratoga County, N. Y.

SIR: You are appointed a confidential agent of this Department at Rouse's Point. Your compensation will be at the rate of $50 a month. Your duty will be to examine the passengers who pass the point either way, and if you should have good reason to suspect any of them to be in the service of the insurrectionary States you will cause them to be arrested and promptly sent to Fort Lafayette, N. Y., informing this Department by telegraph in order that Colonel Burke may be requested to receive them.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

PROCLAMATION.

PADUCAH, *September 6, 1861.*

TO THE CITIZENS OF PADUCAH:

I have come among you not as an enemy, but as your friend and fellow-citizen; not to injure or annoy you, but to respect the rights and to defend and enforce the rights of all loyal citizens. An enemy in rebellion against our common Government has taken possession of and planted its guns upon the soil of Kentucky and fired upon our flag. Hickman and Columbus are in his hands. He is moving upon your city. I am here to defend you against this enemy and to assert and maintain the authority and sovereignty of your Government and mine. I have nothing to do with opinions. I shall deal only with armed rebellion and its aiders and abettors. You can pursue your usual avocations without fear or hindrance. The strong arm of the Government is here to protect its friends and to punish only its enemies. Whenever it is manifest that you are able to defend yourselves, to maintain the authority of your Government, and protect the rights of all its loyal citizens, I shall withdraw the forces under my command from your city.

U. S. GRANT,
Brigadier-General, U. S. Army, Commanding.

ORDERS, No. 82.

HEADQUARTERS U. S. TROOPS,
Key West, Fla., September 6, 1861.

1. Within ten days from this date all male citizens of the island of Key West who have taken the oath of allegiance will send their names to these headquarters to be registered.

2. Within thirty days from this date all the citizens of this island are required to take the oath of allegiance to the United States.

3. At the termination of sixty days all citizens of this island who have failed and refused to take the oath of allegiance to the United States will be removed from Key West. This will also apply to their families and the families of those who have left the island to join the Confederate States.

WM. H. FRENCH,
Brevet Major, U. S. Army, Commanding.

DEER CREEK, PICKAWAY COUNTY, OHIO,
September 7, 1861.

HON. SIMON CAMERON.

DEAR SIR: Inclosed you will please find clipping from Circleville Watchman, an incendiary sheet published at Circleville, Pickaway County, Ohio. Such should not be tolerated in our midst, and know of no other lawful means to stop such sheets from circulating among us than by the War Department at Washington, D. C.

I remain, your obedient servant,

SAMUEL HILL,
Postmaster, Deer Creek, Pickaway County, Ohio.

[Inclosure—Editorial extract* from Circleville Watchman.]

The nameless boobies who write editorials for the Cincinnati Commercial are very profuse in the use of the word "tory." All who do not shout hosannas to Abe Lincoln and indorse his unconstitutional and unholy war upon the people of the South are denounced as tories. These contemptible jobbernowls who blather about tories do not know the definition of the word. Mr. Webster says it is an Irish word "the name given to an adherent to the ancient constitution of England and to the ecclesiastical hierarchy." In England the Tories formed a party in favor of a strong government of more arbitrary principles than were advocated by the party called Whig. In America during the revolution those who favored the claims of Great Britain and justified the Government in all its usurpations under the pretense of enforcing the laws, just as the abolitionists are doing now, were called tories. Those who refused to sustain a government which was administered by tyrants for the oppression of the people were called rebels. The word "tory" cannot be found in the Constitution or any of the statutes of the United States, and when applied to the men who oppose this damnable abolition war and the unconstitutional and outrageous acts of a would-be military despotism which have destroyed this Union it has just as much meaning and sense as we generally find in the fanatical cant of such blockheads and filthy blackguards as preside over the columns of the Cincinnati Commercial and other treasonable abolition sheets.

* There were other extracts inclosed, only one of which is printed as a fair sample of the tone of the whole.—COMPILER.

NEW YORK, *September 9, 1861.*

[Hon. WILLIAM H. SEWARD, *Secretary of State.*]

MY DEAR GOVERNOR: I received in due course your letter of the 3d instant together with a copy of the document from the superintendent of police in regard to Rev. Mr. Hallinan.

This is an unfortunate, fallen and degraded priest; an outcast in fact unrecognized by any authority of the Catholic Church. He fell into bad company, and bad as he is I think the man Fabre is still worse. Mr. Kennedy and his next adviser, Inspector Leonard, had been with me not more than half an hour before your communication was received.

The antecedents of Hallinan were proved to have been disreputable, but not at all in any connection with the complaint of Fabre. I told Mr. Kennedy that I thought he should be sent to the penitentiary for ninety-seven years and four months, but he said that you had signified to him that Hallinan might be discharged.

You suggest at the end of your letter that this man merits admonition from his clerical superiors. Alas, he has no clerical superiors in the Catholic Church. He is an outcast, and when he offends against the laws of the country, especially in this city, Mr. Kennedy is or ought to be his superior.

I remain, as ever, your obedient servant,

JOHN,
Archbishop of New York.

P. S.—Doctor Fitzgerald, captain of Company F, of Salem, should in my opinion be inquired into as the friend of Hallinan.

J[OHN],
Archbishop.

OFFICE OF THE BRECKINRIDGE COAL AND OIL COMPANY,
Cloverport, Ky., September 9, 1861.

Hon. SIMON CAMERON, *Secretary of War.*

DEAR SIR: I have learned that a man was in this place yesterday, a member of a large mercantile firm in Louisville. His object here was to try and arrange with the merchants here to receive goods from their firm and forward them on to Tennessee by teams, they to receive a portion of the profits, the firm in Louisville to ship the goods to the merchants here as having been sold them for their trade here. This man said he had already sent on to the Southern Confederacy, smuggled, as he termed it, by shipping the goods down the river in the way here proposed, over $200,000 worth, and when it was suggested that the pay in Southern scrip was not good, he replied that they were so anxious to get the goods that they would pay in specie (gold and silver), and that he had had no other pay offered him. He also said the steamer John Gault that passed here the day before had on $30,000 worth of goods to be landed at Owensborough, and to be sent from there to merchants in Russellville, goods that their firm had shipped to merchants there ostensibly for their trade. I did not learn the name of the said Louisville firm, as it was communicated to me in such a way that I did not like to be inquisitive, but I can find out the name of the firm if desired. There is no question but that there is a large quantity of goods, provisions, &c., finding their way to the Confederate Army by being shipped down the Ohio from Louisville and Cincinnati. The

company that has been enlisting here and in this vicinity for the Confederate Army (about 100) expect to leave here next Tuesday. Let my communication be confidential so far as exposing my name.

Respectfully,

GEO. CURTISS,
Utica, N. Y.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., September 9, 1861.

Capt. A. A. GIBSON, *Commanding Fort Delaware.*

CAPTAIN: Please read and return the inclosed papers.* Put a stop at once to the visits of pleasure parties to the fort. The utmost caution should be practiced in regard to visits to prisoners. We have lost one of our most important ones within a few days and have no doubt his escape was facilitated by communications between him and his friends admitted to his room.

I am, very respectfully, yours,

JOHN A. DIX,
Major-General, Commanding.

DEPARTMENT OF STATE, *Washington, September 10, 1861.*

Hon. MONTGOMERY BLAIR, *Postmaster-General.*

SIR: I am apprised by J. A. Kennedy, the superintendent of police at New York, that letters for the South are sent both by post and by express under cover to William A. Richardson, Louisville, Ky. Mr. Kennedy's suggestion that it may be advisable to have all such sent here for examination which may be received in New York or Louisville is submitted to your consideration.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, September 10, 1861.

Col. R. C. HAWKINS,
Comdg. Ninth New York Vols. and Hatteras Inlet, N. C.

SIR: * * * It is reported to me that some of the troops who landed at the inlet committed depredations on the inhabitants. You can assure the inhabitants that I will not only punish the offenders but will see justice done them at least to the amount taken from them, which was yesterday ordered if it could be found to be restored to them.

I hope you will forewarn all who may be guilty of such infamous practices for the severest punishment awaits such conduct.

* * * * * * *

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

DEPARTMENT OF STATE, *Washington, September 11, 1861.*

Hon. W. PITT FESSENDEN, *Portland, Me.*

SIR: I send appointment and instructions in blank. You will please insert the name and inform me who is appointed. Passports for the

*Not found.

agent are sent to your care. I thank you for the explanation in the case of Elliot,* &c. It seemed unintelligible, and I confess I was surprised at being asked for instructions in a case where every part of the affair was with the local authorities. It is enough to have to deal with judicial persons here in the debatable ground. I don't want to be drawn into disputes with them in the loyal States. I will confide in the marshal.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

POST-OFFICE DEPARTMENT, FINANCE OFFICE,
September 11, 1861.

Hon. SIMON CAMERON, *Secretary of War.*

SIR: I have the honor to transmit herewith for your inspection a copy of a letter received at the Dead-Letter Office which was written by Arnold Harris† at Richmond, Va., August 20, 1861, and addressed to Dr. Thomas Miller, of this city.

I am, respectfully, your obedient servant,

A. N. ZEVELY,
Third Assistant Postmaster-General.

[Inclosure.]

RICHMOND, *August 20, 1861.*

Dr. THOMAS MILLER.

DEAR DOCTOR: I wrote you last week hoping it might reach you, but perhaps did not, and I having another chance will write another short one. We are still in jail and our case still undecided though looking a little better, but as long as the North continue to act as they do and talk as Thurlow Weed talks there is very little chance for prisoners here being released or put on parole. My health is not good. Doctor Garnett attends to me and perhaps may get me removed to more comfortable quarters.

I wrote you to see Mrs. Lewis and have my trunk packed and try to send it to me here by Adams Express. If it has not gone yet and the company cannot send it to me here let them send it to Captain Buford, Versailles, Ky., where my family are and where they will probably remain until times are more settled. At all events we do not expect to be in Washington until the war is over, which strange as you may think it will not be long. The Federals will be cleaned out of Missouri and Virginia in less than two weeks and the turn of Maryland comes next and will not be far behind. The South is in earnest and will conquer or die. They will conquer to a certainty. I wish when you see Mrs. Lewis you would say to her that if she sees that young sailor boy, my nephew, to tell him to resign his present place and if he can to come to me. I am going into business if my health will allow and can provide him a good place. Moreover I don't like the place or business he is in. I inclose you a check for $100, payable to your order. Please pay my bill at Kirkwood's and Mrs. Lewis' and also some to Kidwell and credit me with the balance. You may have had to pay in advance for my trunk.

If possible let me hear from you. Direct care of Bev. Tucker. Kind regards to all friends, particularly to the Kirkwoods, Mrs. Lewis and

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* See case of Elliot, p. 688.

† For case of Arnold Harris, see Confederate political arrests, p. 1515.

her two children. Tell them if they could only come and talk to me I would not be so lonesome; however, Mr. Magraw talks pretty well and we are quite comfortable.

Adams & Co. can forward letters. I heard yesterday from my family, the first since I have been here. They were all well or tolerably so. I wish Old Abe could hear some of his poor prisoners talk. I think the reason he don't ask for an exchange is that he is afraid to let them come back after the treatment they have received from the United States Government. Poor fellows! duped into a war they did not understand and left to pine away in prison. The day of retribution must come before long. If the Robespierre policy of Thurlow Weed is to prevail there are about 2,000 in this city, poor, innocent victims will stretch hemp instantly.

Yours, very truly,

ARNOLD HARRIS.

OFFICE OF THE U. S. MARSHAL,
New Haven, Conn., September 11, 1861.

Hon. SIMON CAMERON, *Secretary of War.*

SIR: In obedience to your order* I have stopped the sale, keeping for sale or circulation of that damnable secession sheet the New York Daily News in the State of Connecticut.

The order has been well obeyed with one exception. There is on the Naugatuck Railroad a newspaper traveling agent by the name of George A. Hubbell,† a noisy secessionist, in a spot where he is doing great mischief by his treasonable talk, and also by his disobedience of this wholesome order of our Government which has given so much satisfaction to our truly loyal men all over the State. He has violated the order and I have written evidence from respectable citizens that he has made his brags of it, and says he will repeat it in spite of me. I have no power or authority to arrest him by any law known to me, and still I have sent him word that I will do so if he persisted in his course. Now all I want is an order from yourself or Mr. Seward to arrest and take him to some of the forts in New York. Such an order would be put in force instanter, and would in my opinion do more good than any order that has yet been issued from the Government to be executed in this State, unless it was for the arrest of Ellis B. Schnabel‡ of your State, which I am most happy to add pleased everybody.

Will you please favor me with a telegraphic reply as soon as possible and grant this most proper request, and oblige many loyal citizens of Connecticut as well as your obedient servant,

DAVID H. CARR,
U. S. Marshal.

FORT CLARK, *Hatteras Inlet, N. C., September 11, 1861.*

Maj. Gen. JOHN E. WOOL,
Commanding Department of Virginia, Fort Monroe, Va.

SIR: I have the honor to report the reception of your favor of the 10th, the contents of which have been carefully noted; also the orders forwarded by Captain Taylor. For my answer, in part, I would refer

*Not found.
† See memoranda of Hubbell's arrest, p. 302.
‡ See case of Schnabel, *post*.

you to my inclosed report of the 7th which should have been transmitted by the steamer George Peabody.

I take great pleasure in announcing to you the continued strengthening of my belief in the loyalty of the citizens of this State who inhabit the counties bordering on the Pamlico Sound. The sincerity of the people who live upon the strip of land running from Hatteras Inlet to Oregon Inlet is not to be doubted; they have all taken the oath of allegiance, which you will perceive is a strong one, and have shown every disposition to assist me in every manner possible, such as furnishing me with supplies, giving information of the movements of the enemy, &c. I have sent three of the most intelligent of their number to the other side of the sound for the purpose of informing the inhabitants of the real intentions of the Federal Army and ascertaining what the real feeling is among the people.

My belief is that troops could be raised here for the purpose of suppressing rebellion in North Carolina upon the assurance that they would not be called on to go out of the State. I have been unable to secure any considerable amount of property plundered from the inhabitants. That which I have been able to get hold of has been returned. I presume that $5,000 will pay for all the property taken, and I would suggest that the Government make provision for paying it as soon as possible.

The people upon this strip of land have been peculiarly situated. Since the secession of this State their means of subsistence have been completely taken away from them, and now they are mostly without food or clothing, and in the winter, unless something can be done before, there will be great suffering among them. Cannot the Government send them flour, meat, cloth for clothing and some shoes? Each dollar spent in such acts of charity would bring scores of friends over the whole South.

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I am, most faithfully, your obedient servant,

RUSH C. HAWKINS,

Colonel Ninth Regiment N. Y. Volunteers, Commanding Post.

[Inclosure.]

FORT CLARK, *Hatteras Inlet, N. C., September 7, 1861.*

Maj. Gen. JOHN E. WOOL,

Commanding Department of Virginia, Fort Monroe, Va.

SIR: * * * During the afternoon of the 30th a delegation on behalf of the citizens of this island waited upon me and placed in my hands a paper, a copy of which is herewith inclosed and marked A. In answer to this communication I requested that as many of the citizens as could should meet me the next day for the purpose of arranging terms by which they might be permitted to remain here. Agreeably to my request about thirty came to see me, and the terms contained in an oath, a copy of which is herewith inclosed and marked B, were agreed upon. On my part I have agreed verbally to give them all the necessary protection against the vigilance committees which infest all parts of the State and are organized for the purpose of suppressing Union sentiments and pressing men into the service of the Confederate Army and to afford them such other protection as may appear necessary. Two hundred and fifty have taken the oath and they are still coming in.

I am informed by some of these people that secret Union meetings have been held in several of the counties bordering on the Pamlico Sound, and that they would openly avow themselves true to the United

States Government if they were sure that they would be protected against the violence of the secessionists. It is also thought that a Union convention would be called at once, and that these counties would vote themselves back into the Union and take up arms to defend themselves if necessary.

In view of the foregoing facts I would suggest that a force of at least 1,000 men be scattered through one or two of the counties which are supposed to be Union in their sentiment; that the people call their convention and vote and that the U. S. forces at hand afford them such protection as may be necessary. Could this be done now I have no doubt that one-third of the State of North Carolina would be back in the Union within two weeks.

I am over-anxious that these suggestions should be acted upon at once and that I may be allowed to continue in the work which I have commenced. These people who look to me for protection I have already taken a very deep interest in; I sympathize with them in their misfortunes and would do anything for them in my power. I fear that if I am superseded the promises I have made will not be carried out and that the measures I have commenced will fall to the ground.

I regret to be compelled to state to you that the conduct of the men and some of the officers of the Twentieth Regiment New York Volunteers has been that of vandals. They have plundered and destroyed. The first night they were on shore they visited one of the encampments which had been abandoned by the enemy. I am informed that this party was under the charge of three or four commissioned officers; that they first commenced breaking open trunks left behind by the officers and men who had abandoned the camp. After they had broken all the trunks and boxes open and partly destroyed what they did not want or could not carry away, they then set fire to the buildings and everything except a few tents was consumed. After this they went to Fort Clark where they had a repetition of the above. By these two transactions the United States has lost a large amount of valuable property, consisting of arms, cooking utensils, medical stores, &c.

The next day they commenced breaking open private houses and stores, and I saw party after party come in, some of them headed by commissioned officers, loaded down with the results of their plundering. This conduct continued until I was compelled to adopt the most severe and stringent measures.

* * * * * *

Most faithfully, your obedient servant,

RUSH C. HAWKINS,
Colonel Ninth Regiment N. Y. Volunteers, Comdg. Fort Clark.

[Sub-inclosure A.]

COMMANDER OF FEDERAL FORCES AT HATTERAS INLET.

DEAR SIR: We, the citizens of Cape Hatteras, do ask of your honor that you will allow us to return to our homes and property and protect us in the same as natural citizens, as we have never taken up arms against your Government nor has it been our wish to do so. We did not help by our votes to get North Carolina out of the Union. Believing that your clemency will not allow you to treat us as rebels, who have always been loyal citizens, we do earnestly request for the sake of our women and children that you will comply with our wishes, as we seek protection from your honor.

Yours, very respectfully,

CITIZENS OF HATTERAS.

P. S.—Please let us know by the bearer what we can depend upon.

[Sub-inclosure B.]

STATE OF NORTH CAROLINA, *Hyde County:*

We, the undersigned, do solemnly swear that we will true allegiance bear to the United States of North America; that we will not take up arms against said Government or hold any communication with its enemies or aid or comfort its enemies in any way whatever, and that we will give to the commandant of Fort Clark any information we may obtain or receive of the approach of the enemy; and in case we are called upon we will assist the commandant of said fort in his defense thereof against any and all the enemies of the said United States of North America, and we will always under any and all circumstances support the Constitution of the said United States.

[Sub-inclosure C.]

FORT CLARK, N. C., *September 2, 1861.*

Col. MAX WEBER.

DEAR COLONEL: I learn with great regret that your men and others under your command still continue to commit depredations against the property of the inhabitants of this island. It seems that they pass from the fort over which you have command to the land above by boats. This must and shall stop. These people are worthy, loyal citizens and have taken the oath to support the Constitution of the United States, and they ought to and shall be protected in their rights of property and person, and I shall in future use all the power under my control to see that they are protected. This passage by boats must cease from this date, and if it cannot be prevented by any other means I shall use my artillery against all the boats I may see pass. I have promised these people protection and intend to keep my promise good.

Yours, very truly,

RUSH C. HAWKINS,
Colonel, Commanding.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., September 11, 1861.

Capt. JAMES GRIMSLEY,
Twenty-first Indiana Volunteers, Baltimore,
In charge of detachment and prisoners:

You will proceed from Fort McHenry, Baltimore, to New York Harbor in charge of certain political or State prisoners as follows: George P. Kane, late marshal of police of Baltimore; Robert Drane, Fairfax County, Va.; Arthur Dawson, Loudoun County, Va.; Benjamin Egglestone, Washington, D. C.; Jonah Orrison, Loudoun County, Va.; James G. Davidson, Loudoun County, Va.; Mahlon Myers, Loudoun County, Va.; James W. Daniel, Loudoun County, Va.; John Pegram, Baltimore; Dennis Kelly, Baltimore; Thomas Shields, Baltimore; William McKewen, Baltimore; Benjamin F. McCawley, Baltimore; George Thompson, Baltimore; John Wilkins, Baltimore; A. Williamson, Baltimore; Patrick Crohan, Baltimore; James Campbell, Baltimore; David H. Lucchesi, Baltimore; Alexander Conner, Baltimore; Frederick Tollenback, Baltimore; Patrick Conway, Baltimore; George A. Appleton, Baltimore; David Summers, Baltimore; Michael J. Grady, Baltimore; Jehu L. Bouldin, Baltimore; George Summers, Baltimore; Samuel Davidson, Baltimore; George Gosswell, Baltimore; Philip Cassidy, Baltimore. (The above named are all citizens.)

You will safely keep them on the route and will deliver the first four named to the commanding officer at Fort Lafayette, New York Harbor, and the remainder (twenty-six) to the commanding officer at Fort Columbus, New York Harbor. Receipts for the prisoners delivered at each fort will be taken by you from the commanding officer thereof. This duty performed you will return to your regiment with your command without delay.

By order of Major-General Dix:

D. T. VAN BUREN,
Assistant Adjutant-General.

DEPARTMENT OF STATE, *Washington, September 12, 1861.*

E. L. O. ADAMS, Esq., *Portland, Me.*

SIR: You are appointed a confidential agent of this Department at Portland. The chief object of the appointment is to prevent persons in the service of the insurgents or other disloyal persons from proceeding abroad or returning thence by the way of Portland. If any such should within your own knowledge be found there or should this Department by letter or by telegram apprise you of their being there you will cause them to be arrested and forthwith sent to Fort Lafayette, N. Y. Passports are herewith sent to you, which all persons are required to be provided with who embark in the steamers for Europe. As loyal persons may reach Portland for that purpose without a knowledge of the requirement you are herewith furnished with passports in blank with which you may provide them pursuant to the following regulations. In addition to the instructions contained in the two circulars herewith* your attention is called to following points:

Passports can only be issued to citizens of the United States, the proper evidence necessary to obtain which will be found described in Circular No. 1. The mere declaration of intention to become a citizen is not evidence of citizenship, and therefore the preliminary papers issued by the courts which are frequently produced as such evidence will not entitle persons to passports. In the case of persons applying for passports who are natives of or have lived any time in either of the States at present in insurrection against the Government you will be very particular in your inquiries as to their loyalty and insist upon their taking the oath of allegiance which is required in all cases. You will be required to keep an index of the passports issued by you containing the number, date and name of the party to whom issued, and you will also keep the letters and other documents accompanying all applications, numbering and dating them to correspond with the index, and in cases where the applicant may be a naturalized citizen it will be necessary to note on the application the place where and the court in which his certificate of naturalization may have been obtained together with the date of the same. These documents are to be preserved for future reference. You will be pleased to transmit to the Department monthly returns of the passports issued, embracing number, name and date. Circular No. 2 will furnish you with full information in regard to the recent regulations on the subject of passports and a careful observance of both circulars will be expected. Your compensation will be at the rate of $60 per month. Ten blank passports are sent herewith and you will be supplied hereafter as you desire.

I am, your obedient servant,

WILLIAM H. SEWARD.

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* Omitted.

WASHINGTON, D. C., *September 12, 1861.*

Hon. SIMON CAMERON, *Secretary of War.*

SIR: Immediately after the arrest of my brother, on consultation with some of his friends I employed a man named Benjamin Egglestone, of this city, to carry a letter to Richmond. I selected this man because I had known him for many years, and because he was acquainted with many persons in Richmond who had gone from Baltimore, and because of his sympathy with the South, and was active and shrewd. I took care as far as possible that my commission should be the sole purpose of his trip. I furnished him with money to pay expenses and gave him a letter to my brother from his wife. He left here in the stage, crossed the Potomac and made his way to Richmond partly on foot. The Star of the same date published his departure with the remark that he was a noted secessionist. After visiting Richmond and delivering the letter with verbal messages from myself he returned to Baltimore, making forty miles of the journey on foot. His friends here and in Baltimore, knowing of the publication in the Star and fearful of his arrest if he returned here, advised him to remain in Baltimore. While I was about to apply to you for a pass to enable him to return to his family here he was arrested and has been confined in Fort McHenry for the last ten days. That he has been guilty of any disloyal act or any indiscretion in Baltimore since his return there I am not aware, but believe that his arrest was solely on account of his visit to Richmond. Under these circumstances I would most respectfully ask you to inclose to me an order to the commander at Fort McHenry to release the said Benjamin Egglestone, with a pass to return to his family in this city.

I have the honor to be, your obedient servant,

SAML. M. MAGRAW.

[Indorsement.]

SEPTEMBER 12, 1861.

Please let this man be released.

SIMON CAMERON,
Secretary of War.

OFFICE OF H. B. CROSBY, WHOLESALE GROCER,
Paterson, N. J., September 12, 1861.

[From to-day's paper.]

The following are the names of the most prominent secession members of Congress, some of whom are now roaming about the country "giving aid and comfort to the enemy" in various ways:

Hon. Benjamin Wood, of New York, editor of a secession newspaper.

Hon. H. C. Burnett, of Kentucky, making secession stump speeches.

Hon. John B. Clark, of Missouri, expelled from the House of Representatives, now in the rebel army.

Hon. C. L. Vallandigham, of Ohio, delivering secession stump speeches and writing secession letters.

Hon. John W. Reid, of Missouri, raising a regiment to join the rebel forces.

Hon. John C. Breckinridge, of Kentucky, getting up disunion barbecues, and trying to strengthen the backbone of secessionists.

Hon. Henry May, of Maryland, doing his best to keep out of Fort Lafayette, where a number of his "fellow-citizens" are now taking an airing.

Hon. Jesse D. Bright, of Indiana, missing since the discovery and publication of a letter to Jeff. Davis.

Hon. James A. Bayard, of Delaware, Hon. Trusten Polk, of Missouri, and a half dozen members of the House of Representatives, are now remaining comparatively quiet in view of the necessity which the Government has recently adopted of encouraging emigration to a certain fort in New York Harbor.

HONORED SIR: Let me beg of you to have these men arrested; it will do everything for us in stopping secession at the North.

Very truly, yours,

H. B. CROSBY.

WAR DEPARTMENT, *Washington, September 13, 1861.*

DAVID H. CARR, *U. S. Marshal, New Haven, Conn.:*

Arrest the man referred to in your letter of 11th, and send him to Fort Lafayette.

SIMON CAMERON,
Secretary of War.

U. S. SLOOP OF WAR JAMESTOWN,
New York Harbor, September 13, 1861.

Lieut. Col. MARTIN BURKE, U. S. Army,
Commanding Fort Lafayette, New York Harbor.

SIR: I have been directed by Flag Officer Silas H. Stringham, commanding Atlantic Blockading Squadron, to leave at Fort Lafayette under your command the following-named men as prisoners, viz: From the schooner Colonel Long—E. C. Myatt, master; Frederick Mortimer, William Perry, Charles W. Fannigan, William Smith, Thomas Kelly, Charles Williams, Peter Reilly.

From the U. S. steam frigate Minnesota—John F. Newton, William St. George.

Requesting that you will be pleased to furnish me with a receipt for the above-named persons, I am, very respectfully, your obedient servant,

CHARLES GREEN,
Commander, U. S. Navy.

DEPARTMENT OF STATE, *Washington, September 14, 1861.*

FLAMEN BALL, Esq.,
U. S. Attorney for the Southern District of Ohio, Cincinnati.

DEAR SIR: * * * Our wish is to make as few arrests as possible compatible with the safety of the Government, and never if they can be avoided for merely words spoken. I am well aware of the difficulties to which you refer, and approve of your suggestion for the prompt delivery to the military authorities of any person whom it may be deemed advisable to arrest. * * *

I am, dear sir, very truly, yours,

WILLIAM H. SEWARD.

U. S. MARSHAL'S OFFICE, SOUTHERN DIST. OF NEW YORK,
New York, September 14, 1861.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SIR: Inclosed you will please find copies* of the Tompkins County Democrat, published by Samuel C. Clisbe, at Ithaca, N. Y. What shall be done with the editor? I also inclose three affidavits* concerning

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*Not found.

persons entertaining secession sentiments. The parties making the same are known to me as being persons of character and position.

Yours, respectfully,

ROBERT MURRAY,
U. S. Marshal.

OFFICE OF THE SUPT. OF THE METROPOLITAN POLICE,
New York, September 15, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Charles W. Adams, of the firm of Adams, Jordan & Co., Galveston, Tex., and also of a firm in Boston, arrived per Africa on Thursday night last from Liverpool (where he had been to dispose of a cargo of cotton carried over on the ship Aaron L. Reid, of New York, from his house in Galveston) under British colors. I understand the value of the cargo is at least $200,000, and the presumption is that he has brought the avails with him in some shape. With the knowledge of these facts I sent one of my men to Boston last night, Adams having gone thither immediately after arrival here, to notify the U. S. marshal.

Since his departure I have learned further that there is no doubt of his complicity in the treason of Texas. He was at Galveston attending to the loading the above ship when the three steamers, Gen. Rusk, Matagorda and Orizaba, were seized by the rebels there. The two latter steamers were released under an engagement with the owner of the three (Charles Morgan) that they should run between Galveston and New Orleans. The Orizaba left with freight and passengers; among them was this Charles W. Adams. After getting to sea the captain found his private instructions from Mr. Morgan were to run the steamer to New York instead of New Orleans. He consulted his mate and one or two passengers, who approved of a plan to land the passengers at Key West and proceed to New York with such as preferred to stay by the ship. But his plan was thwarted through the connivance of the mate and the overpowering force of the passengers headed by Mr. Adams. The steamer was therefore through his effort run into Berwick Bay; she was afterward taken possession of by the rebels and is still held by them. These facts are furnished me by a refugee from Texas who was on board the Orizaba at the time and who favored running to New York.

Very truly, yours,

JOHN A. KENNEDY,
Superintendent.

FORT LAFAYETTE, *September 15, 1861.*

Lieut. Col. M. BURKE,
Commanding Forts Hamilton and Lafayette.

COLONEL: In obedience to the instructions received from you I beg leave to submit the following report in regard to the capacity of this post for the confinement of prisoners: I have at this time in my custody 80, who are arranged as follows: Room No. 1, 25, confined as privateers; room No. 2, 8 prisoners of war and state; room No. 3, 8 prisoners of war and state; room No. 4, 9 prisoners of war and state (1 more by desire of prisoners); room No. 5, 28 prisoners of war and state (this room is 25 by 60 and in the lower battery); guard house, 2 privateers; total, 80. In a day or two I will have another large room ready which will accommodate 50 prisoners. It will be 25 by 95 feet. In room No.

1 the privateersmen, 25 in number, are confined, which is a much larger number than is compatible with comfort, but they being a class so different from the other prisoners I cannot associate them. I therefore respectfully beg leave to ask you to make application for their removal to some place more suitable for their confinement. I would also respectfully beg leave to ask you to make application for the removal of Capt. J. A. de Lagnel to Governor's Island or some other place where space is not so limited, as he has not entirely recovered his strength and requires more exercise than he can possibly get here. There are four guns neutralized in the room where I have twenty-eight prisoners. They are in the lower battery and on the south side. I inclose a rough sketch* of the interior of the room which will give you an idea of its arrangement. When the other large room spoken of heretofore is used there will be six more guns neutralized in the west side lower battery.

I am, colonel, with respect, your obedient servant,

CHAS. O. WOOD,
Second Lieutenant, Ninth Infantry, Commanding Post.

DEPARTMENT OF STATE, *Washington, September 16, 1861.*

ROBERT MURRAY, Esq.,
U. S. Marshal for the Southern District of New York.

SIR: Your letter of the 14th instant with the accompanying copies of the Tompkins County Democrat has been received. In reply I have to inform you that I have directed Mr. [Edward C.] Chase, the marshal of that district, to arrest and send Samuel C. Clisbe to Fort Lafayette.†

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, September 16, 1861.*

Rt. Rev. HORATIO POTTER,
No. 33 West Fourteenth Street, New York.

MY DEAR SIR: Your letter of the 24th instant has been received. In reply I have to inform you that no disloyal clergyman can be allowed to hold communication with any of the prisoners at Fort Lafayette. If, however, a clergyman of well-known loyalty should apply for leave to visit any particular prisoners for spiritual purposes only leave for that purpose will be granted.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

NEW YORK, *September 16, 1861.*

WILLIAM H. SEWARD:

The steamer from Liverpool brings a large number of passengers residing in Southern States whose passports have not been visèd, or they have none. What must be done with them?

JOHN A. KENNEDY,
Superintendent.

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* Omitted.

† The order was subsequently countermanded.

DEPARTMENT OF STATE, *Washington, September 16, 1861.*

JOHN A. KENNEDY, Esq.,
Superintendent of Police, New York:

Your telegram received. If any of the passengers may reasonably be suspected of any intention to impart information adverse to this Government or to commit hostilities against the United States they may be arrested and sent to Fort Lafayette, and their names furnished to this Department. Sufficient time has not yet elapsed for the regulation in regard to passports to be rigidly enforced.

WILLIAM H. SEWARD.

FORT HAMILTON, *New York Harbor, September 16, 1861.*

Col. E. D. TOWNSEND,
Asst. Adjt. Gen., Headquarters Army, Washington City.

SIR: I have felt it my duty to forward the inclosed letter written by Robert Mure, prisoner, to the headquarters of the Army before sending it as addressed.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

[Inclosure.]

FORT LAFAYETTE, *September 13, 1861.*

EDWARD M. ARCHIBALD, Esq.,
Her Britannic Majesty's Consul, New York.

DEAR SIR: It is my misfortune to be a prisoner* here under circumtances most trying, which makes me feel keenly for others in a worse condition which induces me now to address you. There are in this garrison (in irons) some wrecked British sailors. One of them, an old man from Manchester, England, was picked up at sea on the coast of Florida after being seven days on a raft. He is one of the crew of the British bark Sir Walter Raleigh, Rae, master, wrecked there, and I believe reported upon. The other three are part of the crew of the British bark Prima Donna. It appears those seamen came together at one W. A. Johnston's, at Miami, Fla., and remained there until the 30th ultimo when a small vessel reached that place, and said Johnston shipped them off in her as a means of getting clear of them as they had no funds. It turns out the small fishing vessel they took passage in from Miami proved to be bound to Charleston, S. C. Before the small craft reached there she was taken by the U. S. fleet on the coast and all on board have found their way here and are confined as pirates. I think if an investigation into their case was made you would find them not subject to the treatment they are now undergoing. I therefore on their behalf bring the matter before you to take such action in the premises as you may see proper. I do this merely as an act of humanity. I did myself the honor of addressing you on the 16th ultimo, which I presume did not reach you. I would gladly have said a word to you when you visited this post, but it was not my privilege.

I remain, dear sir, yours, very respectfully,

ROBT. MURE,
Of Charleston, S. C.

P. S.—I used the word shipped. They were not shipped but only got a free passage. The crew of the craft are also here.

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* For case of Mure, see *post*.

DEPARTMENT OF STATE, *Washington, September 17, 1861.*

Hon. MONTGOMERY BLAIR, *Postmaster-General.*

SIR: The accompanying copy* of the Louisville Courier having been brought to my attention I would suggest the expediency of prohibiting the circulation of that paper by post.

I have the honor to be, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, September 17, 1861.*

Maj. Gen. JOHN A. DIX, *Fort McHenry, Baltimore.*

GENERAL: I inclose copies of two letters* from the Treasury Department, one addressed to the collector and the other to W. H. D. C. Wright, of Baltimore, from which it has been inferred to be the intention of Mr. R. K. Meade, late minister of the United States to Brazil, to leave at that port on his return. Should he do so you will cause him to be arrested and sent to Fort Lafayette, N. Y.

I am, general, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, September 17, 1861.*

JOHN A. KENNEDY, *Superintendent of Police, New York:*

Your letter received. Arrest Charles W. Adams, secure his papers, and send him to Fort Lafayette.

WILLIAM H. SEWARD.

(Same to John S. Keyes, Boston, Mass.)

GENERAL ORDERS, No. 79. } WAR DEPT., ADJT. GENERAL'S OFFICE, *Washington, September 17, 1861.*

The commanding officer of the U. S. forces at Hatteras Inlet, N. C., is authorized to accept the services of such loyal North Carolinians, not to exceed one regiment, as in his neighborhood may volunteer to take up arms for the United States, and to designate a regular officer to muster them into service.

* * * * * * *

By order:

L. THOMAS,
Adjutant-General.

FORT LAFAYETTE, N. Y., *September 17, 1861.*

Hon. GIDEON WELLES,
Secretary of the Navy, Washington, D. C.

SIR: It is due to myself as well as family to request to be released from confinement as I feel and know I have done nothing to deserve it. If, however, the Department intends to retain me as a prisoner I would ask that I may be removed to Washington City, D. C., where my wife and children reside whom I have not seen for over twenty-six months.

I am, sir, respectfully,

ROBERT TANSILL,
Late Captain, U. S. Marine Corps.

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* Not found.

DEPARTMENT OF STATE, *Washington, September 18, 1861.*
R. MINTURN, Jr., Esq., *New York.*

SIR: Your letter of the 14th instant requesting a passport for the Reverend Mr. Mercer and others to proceed to New Orleans has been received. You cannot doubt my disposition to comply with any reasonable request of yours, but a rule has for some time past been in force pursuant to which such requests are invariably refused. It must be allowed, however, that if any exceptions were allowable the case of the Reverend Mr. Mercer would afford strong grounds therefor.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CUSTOM-HOUSE, COLLECTOR'S OFFICE,
New York, September 18, 1861.

Hon. S. P. CHASE.

SIR: Mansfield Lovell, a native of Washington, D. C., aged about forty, formerly a captain U. S. artillery, resigned and joined General Quitman in his filibustering expedition against Cuba, was acting street commissioner of this city until Friday last (13th instant); recently left this city and has gone probably by way of Canada to the rebels. He is an accomplished military man and would be of great service to the rebels. Mr. Gustavus W. Smith, the street commissioner, who was of the U. S. Engineer Corps, left the Army at the same time and for the same purpose as Lovell; is a first cousin of John C. Breckinridge and a warm friend and co-operator of his; left the city some months ago on account of his health and is still absent. Both Smith and Lovell are strong sympathizers with the rebels, and it is presumed are aiding them in all practicable ways.

I get the above from Colonel Craven, the chief engineer and president of the Croton Aqueduct Board, who thinks that Breckinridge ought to be arrested at once. He, Colonel C., was last fall a Breckinridge man, but was then, is now and always was and always will be an uncompromising Union man and friend to the Government. He is a Southern man by birth, and has relatives in the rebel army. He has also two brothers in the U. S. Navy, one in command of the flotilla in the Potomac, and the other commands the Crusader. Colonel C.'s opinions are entitled to great respect on account of his character and his knowledge of certain men.

By the way he informs me that Mark Mount, the keeper of Conover Beacon in Raritan Bay has received intimation of a removal. If there are no objections to his official conduct there are political and prudential reasons for his retention.

I am, truly, yours,

HIRAM BARNEY.

HEADQUARTERS ARMY OF THE POTOMAC,
Washington, September 18, 1861.

Maj. Gen. JOHN A. DIX, U. S. Army, *Baltimore, Md.:*

I am directed by Major-General McClellan * * * to say that he wishes you to make any arrest that you may consider necessary even if you have not direct authority from the Government. The general

has entire confidence in your judgment and discretion and desires that you pursue such a course as you deem advisable for the public good.

I am very respectfully, &c.,

A. V. COLBURN,
Assistant Adjutant-General.

DEPARTMENT OF STATE, *Washington, September 19, 1861.*

Maj. Gen. JOHN A. DIX, *Fort McHenry, Baltimore.*

GENERAL: As Dennis Kimball, now in Fort Columbus, is presumed to be a British subject and a man of no special influence it will be well to direct his release.

I am, general, your obedient servant,

WILLIAM H. SEWARD.

WASHINGTON, *September 19, 1861.*

Hon. W. H. SEWARD, *Secretary of State.*

HONORED SIR: I was in Alexandria last Saturday, and while there I learned that there was a secret organization of secessionists in that town—for what purpose we have only to imagine. I could not ascertain anything more about it but that it had its meetings under name of Red Rose Club. The above information I obtained from a friend who stands as I do; his property as well as mine (according to act of Virginia) stands confiscated, and could it be possible for our enemy to succeed we are ruined.

I also found out something about the manner that information is constantly going out from us to the Confederates and some of the persons concerned in it, besides several other things I thought important, and upon my return home to Washington I went in search of a person I knew to be a detective, related the above and told him I desired to manage this thing myself, believing I could bring it all to light better than a stranger could possibly, as I had lived among those people for many years; but as I was deprived of my property now I was not able to bear the expenses and pay a quarter dollar each way in the boats (small as it may appear). I have a large family of eight children. This gentleman carried me to a Mr. Allen, who said he could not authorize me to go into it as he had no money, but referred me and advised me to go to Mr. Scott, Assistant Secretary. I accordingly did go, but Mr. Scott told me the whole matter was in your hands. I have been at your office two days in succession, and not being able to see you I concluded to lay it before you in this way and if you consider it worth your attention I will obey a message from you at any moment. I reside on Fourth street east between F and G south.

There is yet another matter which ought in my opinion to come to the knowledge of your honor, that is concerning the vessel detained at Georgetown some week or so ago, destined for Alexandria. I felt every desire to come forward at the time I saw the publication of the seizure, but really on two occasions before when I gave information I thought it was so unwelcomely received that I became discouraged for a time.

Very respectfully, your obedient servant,

A. D. COLLINGSWORTH.

P. S.—Should any reference be required for myself see letter from Mr. Wallach, now at provost-marshal's office (which I had to obtain

before I could get a pass), and also letter from Senator Carlile with my other papers, now in the office of Commissioner of Public Buildings.

A. D. C.

DEPARTMENT OF STATE, *Washington, September 20, 1861.*

JOHN C. MILLER, *Chicago, Ill.:*

Be on the lookout for Mansfield Lovell, formerly of the U. S. Army, aged about forty. If found, arrest and send him to Fort Lafayette, N. Y.

WILLIAM H. SEWARD.

(Same to William H. Barse, Detroit, Mich., and Hollis White, Niagara Falls, N. Y.)

HARLEM, N. Y., *September 21, 1861.*

Hon. ABRAHAM LINCOLN,
President of the United States of America.

DEAR SIR: Yesterday, September 20, at 10 a. m., my brother, by occupation a news agent on the Naugatuck Railroad cars, was arrested by U. S. Marshal [David H.] Carr, of New Haven, at the Bridgeport Railway station, and is now incarcerated in Fort Lafayette. The ostensible cause of this arrest was the charge of having sold copies of the New York Daily News, and if I am rightly informed using disrespectful language toward the Government.

The prisoner is a brother of mine, but this shall not prevent me from stating the facts of the case, though a thousand brothers were at stake. Briefly then he is a young man twenty-five years of age; has been a cripple from his youth with a spinal deformity, and is the sole help of his poor mother who is in the deepest sorrow. At intervals he has sold copies of the News aforesaid mainly at the instigation of William D. Bishop, esq., a Congressman, who is president of the railway over which he runs, not wishing to incur his displeasure, fearing the road might be let out to another party. Furthermore when arrested the publication of the Daily News had been stopped for six days. As to the language imputed to him it was said in the heat of passion to people who advised him to stop selling the News, because he regarded it as none of their business. He is a strong Union man, and has said he would spend his last cent to put this wicked rebellion down. About four months ago he said to me: "I did not vote for this administration, but if Lincoln runs in 1864 he will get my vote." He used imprudent language—language that in calmer moments he would not indorse, but yet used under the provocation already named, where people as he thought impertinently interfered with his business.

I am myself a member of the Twelfth Ward Republican Association; also a local preacher in the Methodist Episcopal Church. Did time admit I would make my affidavit to the above before a magistrate. I supported you among other reasons for the soubriquet you bore of "Honest Old Abe," and cannot doubt that in the present instance you will interpose for the protection of a somewhat imprudent but yet warm-hearted boy. Would it be asking too much to request you to apprise me of your decision at your earliest convenience? My brother's name is George A. Hubbell.

I remain, faithfully, yours,

NATHAN HUBBELL.

DEPARTMENT OF STATE, *Washington, September 21, 1861.*

Many intelligent and patriotic citizens have applied to me by memorial asking the attention of the Government to what they represent as treasonable matter contained in a letter bearing the date of Washington, August 10, published in the London Times, and they express their conviction that the statements made in that communication are untrue, and that it is the design of the writer to bring the credit and fame of this Government into disrepute in foreign countries. It has been the habit of the Government of the United States to take no notice of representations however obnoxious made by the press of foreign nations, or even of injurious utterances made by ministers or other agents of foreign powers in the ordinary transaction of their own affairs. The Government on the contrary has hitherto recognized as worthy of its observation only the language and the action of the executive organs of foreign states.

For myself I confess I have not read the publication complained of, and I am quite sure it has not arrested the attention of any other member of the administration, engrossed as we all necessarily are with urgent public duties and cares. However erroneous the facts or the inferences of the writer may be they nevertheless stand on his own individual authority, while the whole patriotic press of our country is free and is interested to refute them. The Government of the United States depends not upon the favor or good will of foreign writers or papers or even of foreign nations, but upon the just support of the American people. Its credit and its fame seem to me now more than ever heretofore safe in their keeping.

If it be assumed that the obnoxious paper may do harm here is it not a sufficient reply that probably not fifty copies of the London Times ever find their way to our shores? If it be said again that the obnoxious communication has been widely published in the United States it seems to me a sufficient rejoinder that the censure of a magnanimous Government in that case ought to fall on those of its own citizens who have reproduced the libel rather than on the foreigner who wrote it exclusively for remote publication.

Finally, interference with the press even in the case of an existing insurrection can be justified only on the ground of public danger. I do not see any such danger in the present case. Even if one foreigner does pervert our hospitality to shelter himself in writing injurious publications against us for a foreign press a hundred other foreigners, as intelligent, as virtuous, as respectable as he is, are daily enrolling themselves in the Army of the United States to defend and maintain the Union as the chief hope of humanity in all countries and for all ages. Could there be a better illustration of that great fundamental truth of our system, that error of opinion may safely be tolerated when reason is left free to combat it?

WILLIAM H. SEWARD.

PROCLAMATION.

LOUISVILLE, KY., *Saturday, September 21, 1861.*

KENTUCKIANS:

Called by the legislature of this my native State I hereby assume command of this department. I come to enforce not to make laws, and God willing to protect your property and your lives. The enemies of

the country have dared to invade our soil. Kentucky is in danger. She has vainly striven to keep peace with her neighbors. Our State is now invaded by those who professed to be her friends, but who now seek to conquer her. No true son of Kentucky can longer hesitate as to his duty to his State and country. The invaders must and God willing will be expelled.

The leader of the hostile forces who now approaches is, I regret to say, a Kentuckian, making war on Kentucky and Kentuckians. Let all past differences of opinion be overlooked. Every one who now rallies to the support of our Union and our State is a friend. Rally then, my countrymen, around the flag our fathers loved and which has shielded us so long. I call you to arms for self-defense and for the protection of all that is dear to freemen. Let us trust in God and do our duty as did our fathers.

ROBERT ANDERSON,
Brigadier-General, U. S. Army.

SHARPS RIFLE MANUFACTURING COMPANY,
Hartford, September 22, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to inform you that I have received information from my son, J. C. Palmer, jr., who was a passenger on the Africa on her last trip to Liverpool, that General Sinclair, Ex-Minister Williams (to Turkey) and four other secessionists, all of whom ran the blockade at Charleston and reached Halifax via Nassau, New Providence, were among the passengers on board the Africa. He states that their representations seemed to secure the sympathy and engage the attention of most of the passengers, who were foreigners, and that emboldened by the omen of listening ears and convinced hearers they openly avowed the object of their mission to be the purchase of ordnance and materials of war for the Confederate Army. I feel it a pleasure as well as a duty to give you the facts. If anything further of this nature comes to hand I will inform you.

Your obedient servant,

JOHN C. PALMER,
President.

DEPARTMENT OF STATE, *Washington, September 23, 1861.*

JOHN S. KEYES, Esq., *U. S. Marshal, Boston, Mass.:*

You can employ two dctectives at $150 a month for two months. Consult with the governor and take effective measures to break up the business of making and sending shoes for the rebel army or other articles for like purposes.

WILLIAM H. SEWARD.

OFFICE SUPERINTENDENT OF METROPOLITAN POLICE,
New York, September 23, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I am confidentially informed that there is a lack of oversight kept on the prisoners confined at Fort Lafayette. Information has been received by the inmates there in advance of that received by the public

here by several days of the intended transfer of the U. S. prisoners from Richmond to Castle Pinckney. It is not certain as to the medium of such correspondence, but a change of custodian might work a remedy. I do not intend to be understood as alluding to Colonel Burke. I believe him to be as strict as it is possible for a man to be and exercise any of the kindness that a humane man is prompted to do. But the lieutenant in charge of the fort has his family with him, and women are famous for sympathizing with those they regard oppressed in any way, and it may be that the ladies of his family (not the officer himself) furnish such aid as to make communication free between the inmates and their friends. Without making any direct charge against any person I would suggest that an officer without family be substituted for Lieutenant Wood as custodian of the prisoners.

There has been a want of care manifested at the time of discharging prisoners. They are allowed to go out unsearched; and although their signature to their oath has not had time to dry they do not in any case hesitate to violate the spirit of it by bearing out communications from the inmates of any character that may be delivered to them. A copy of the inclosed letter* of Ellis B. Schnabel was thus taken out by young Harold whom I suggested should be discharged. The copy I send you was delivered to me by one who was requested to have it published in the New York Day Book and a Hartford paper of the same stripe. I received it with the understanding that I could use as it might appear best to me. Not knowing whether you had received from Schnabel the original I send the copy to you instead of to the press.

Very truly, yours,

JOHN A. KENNEDY,
Superintendent.

NEW YORK, *September 23, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, &c.*

DEAR SIR: There is confined at Fort Lafayette Capt. Robert Tansill, now or late of the U. S. Marine Corps and a native of Virginia. He married a daughter of Major Bender, formerly of the Army and now residing at Washington, and another daughter is the wife of Mr. Charles B. Fisk, an engineer, who is the uncle of Mrs. Stoughton. It was owing to this connection that I became acquainted with Captain Tansill when he was in New York several years since on duty. I was this morning informed by a person recently discharged from imprisonment at the fort that he had been requested by the captain to see me and ask me to call upon him there saying that I was the only one known to him in this city to whom he felt at liberty so to apply. I have not otherwise heard from him and do not know in what way I can be of the least service to him. He has I believe been absent from his family for more than two years past upon a cruise and may have reason to suppose an interview with me may be useful to him and I therefore feel bound to make an effort to see him, and with that view take this liberty of requesting from you permission to go to the fort for that purpose. I ought perhaps to write to the Secretary of War on the subject, but as I am no doubt quite unknown to him and as your knowledge of me is at least sufficient to impress you with the certainty that I am incapable of abusing the privilege I seek I address you.

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*See case of Schnabel, *post.*

With the assurance that I am exceedingly sorry to trouble you at this time and that my excuse for so doing is that I write from motives of humanity and in the discharge of a duty I owe to a person held in imprisonment, I remain with great respect, very truly, &c.,

E. W. STOUGHTON.

DEPARTMENT OF STATE, *Washington, September 24, 1861.*

Right Hon. Lord LYONS, &c.

MY LORD: In reply to the inquiries in your reminder of the 23d instant* I have to inform your lordship that General Dix's reply to my inquiries concerning Patrick Crohan and Dennis Kelly has not yet been received. I shall again call General Dix's attention to the matter to-day. Meantime Consul Archibald will be permitted to visit Dennis Kelly.

As to the case of the person named Walsh also mentioned in your lordship's memorandum I can only say that the fact that he was a British subject could not have been known to the military police who were engaged in suppressing the insurrectionary proceedings in which he was engaged, and that even if it had been I cannot regard his complaint as entitled to consideration when his associations with insurgents and their badges found on his person provoked the severities with which he was visited—severities no greater in his case than those with which the disloyal Americans with whom he had combined were treated and which neither in his nor in theirs were carried beyond the necessities of the occasion.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, September 24, 1861.*

Col. G. LOOMIS, *Fort Columbus, New York Harbor, N. Y.*

COLONEL: I have to request that you will give Edward M. Archibald, esq., Her Britannic Majesty's consul at New York, permission to visit Dennis Kelly, a British subject now confined at Fort Columbus, New York Harbor.

I am, colonel, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, September 24, 1861.*

Lieutenant-Colonel BURKE:

You will see that no political communications of any kind from prisoners are permitted to be carried out of the fort. Abuses of privileges of admission to the fort having been committed such privileges will be granted less frequently than heretofore by this Department.

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, September 24, 1861.*

JOHN A. KENNEDY, Esq.,
Superintendent of Police, New York.

DEAR SIR: I think it would be well for you to give notice to Mr. Joseph Scoville (not as coming from this Department but on your own

*Not found.

authority) that a continuance in sending such letters as that which appeared in the London Standard would be likely to subject him to surveillance.

Very truly, yours,

WILLIAM H. SEWARD.

BOSTON, *September 24, 1861.*

DEPARTMENT OF STATE, *Washington.*

DEAR SIR: My information respecting Mr. Charles W. Adams is that he left Boston several months ago for Liverpool, England, where he had large business. He returned about ten days since by steamer arriving at New York. Two days after his arrival at his home in Roxbury he was informed that orders were out for his arrest for political reasons, in consequence of which he left for Canada where he now is.

As a resident of Texas for many years (some fifteen or twenty I am told) he has naturally acquired prejudices in favor of that State and her institutions, and I am informed has at the present time considerable property there. His home has been in the neighborhood of Boston for several years past. He married a lady from Bangor, Me., a few years ago. Previous to his departure from Europe he purchased a large and valuable tract of land in the town of West Roxbury with the intention of building a house to be his future home, and to my knowledge the work has been in progress for months past during his absence in England and continued up to last Saturday, the 21st instant. In consequence of being obliged to leave his home his business has been thrown into confusion; his notes are under protest, and the laborers upon his new place at West Roxbury are unpaid.

My impression is that if Mr. Adams has exposed himself to suspicion it has been caused by hasty and indiscreet remarks. I do not believe him disloyal. On the contrary I believe he will at all times support the laws which protect him, his family and his property. I do not, however, believe that he can take the oath of allegiance without jeopardizing his property in Texas. All his movements show his intention of becoming a citizen of West Roxbury, and I have no doubt that should the order for his arrest be withdrawn he will return to his home and confine himself strictly to his private affairs which as I before stated are suffering by his absence. The fact of his absenting himself should not be brought against him, as he doubtless is apprehensive that he may be subjected to long imprisonment before he could have a hearing. I learn from Mrs. Adams that Mr. Adams is now at Montreal.

I have some reason to think that bonds might be obtained from responsible parties here for his good conduct if on parole.

Respectfully, your obedient servant,

JONATHAN AMORY,
Dispatch and Passport Agent.

DEPARTMENT OF STATE, *Washington, September 25, 1861.*

E. W. STOUGHTON, Esq., *New York.*

SIR: Your letter of the 23d instant asking permission to visit Robert Tansill, a prisoner of war now confined at Fort Lafayette, has been received and as it has been found necessary to restrict such permissions I regret to say your request cannot with propriety be granted. There

) objection, however, to Mr. Tansill communicating directly with Government if he desires to do so.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., September 25, 1861.

. WILLIAM H. SEWARD, *Secretary of State.*

R: I have had the honor to receive your letter of the 24th instant* lation to Patrick Crohan and Dennis Kelly claimed as British ects. On the 19th instant you wrote to me suggesting the pro- y of discharging Dennis Kimball, a prisoner at Fort Columbus, imed to be a British subject. As there was no prisoner of that e there I knew that Dennis Kelly was the person alluded to, and ed Colonel Loomis, the commanding officer at that post, to dis- ge him. I have no doubt it has been done. Patrick Crohan is a on of no consequence and it would be well to discharge him. He arrested with some twenty others, some of whom were known to be heir way to Virginia to join the Confederate Army. Some of the y may have been going to the southern counties of this State in t of employment, but it was difficult to separate the two classes each other. There are a few others whom I may recommend after for a discharge on taking the oath of allegiance.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General, Commanding.

HEADQUARTERS DISTRICT OF SOUTHEAST MISSOURI,
Cairo, September 26, 1861.

. C. MCKEEVER,
Asst. Adjt. Gen., U. S. A., Western Dept., Saint Louis, Mo.

R: For the information of the general commanding the Western rtment I have to report that reconnaissances which I have directed he last two days show the enemy to have abandoned their position Hunter's farm. * * * Yesterday a party of cavalry from mbus came up to the neighborhood of Elliott's Mills and arrested ner there for the crime of loyalty to his country. To-day I directed taliation the arrest of two noted secessionists who were informed they would be released on the safe return of the Union man sent lumbus. The party making the arrest went into Blandville and ght from there also a Mr. Blake, who is charged with recruiting a any for the Southern Army. He will be sent to Saint Louis for

Respectfully, your obedient servant,

U. S. GRANT,
Brigadier-General, Commanding.

GEORGETOWN, D. C., *September 27, 1861.*

Excellency ABRAHAM LINCOLN,
President of the United States of America.

R: I beg to trespass upon your attention in behalf of my friend s A. Donnelly, a young man of irreproachable character who was

*Not found.

arrested on the 22d of August last and who is yet in confinement at the corner of Thirteenth street and Pennsylvania avenue in Washington by order of the provost-marshal of the District of Columbia. At the suggestion of Col. T. M. Key (aide, &c., of General McClellan) who states that Mr. Donnelly's release* is dependent upon the decision of a higher authority than his own, I address you in this connection.

I had the honor to file with General Porter (provost-marshal) numerous letters from the leading men of this town in relation to the uniform high character of Mr. Donnelly, and which although hurriedly gathered I beg Your Excellency will possess yourself of and allow them due weight in the examination of this case. Mr. Donnelly's offense (if any) is one that can only be by inference and implication gathered from his own words, there having been no witness against him who could or did implicate him. He freely disclosed to Colonel Key (to whom it seems belongs this class of cases) the following state of facts which I submit to Your Excellency presents no offense meriting the severe punishment he is now undergoing, to wit: That on the 5th of July last he went to Richmond, Va., upon purely private business to receive the semi-annual interest payable the 1st July upon Virginia bonds owned by his sister now in Europe. This money could be obtained in no other manner or in any other place. That when he had completed this business he endeavored to return but was prevented from so doing by force, a pass in military parlance being demanded. He could obtain no pass in Richmond and was forced to repair to Manassas Junction to enlist the influence of Doctor Boyle (a former resident of Washington and acquaintance) in procuring the pass required. That he found Doctor Boyle, a major of the forces and provost-marshal at Manassas, and he after hearing Mr. Donnelly's statement and desire to return to his home in Georgetown furnished him with a pass which enabled him to leave the Confederate lines and return here where he arrived on the 15th of August, exactly one week before his arrest. To procure this pass which was obtained only after great difficulty and delay Mr. Donnelly was obliged to pledge his honor to disclose naught concerning the situation, numbers, &c., of the forces in Virginia, which promise he considers himself bound religiously to adhere to. Saving this rigid adherence to secrecy, which no honorable man could object to, he has done nothing directly or indirectly against the United States. I should be slow to believe that the Government contemplated by continuing his confinement the coercion of an individual into a breach of faith and honor, although if no more is alleged against Mr. Donnelly such a conclusion would follow logically and almost irresistibly.

Mr. Donnelly upon his examination by Colonel Key voluntarily proposed to make oath that he had not assisted what is called the Confederate forces in any manner either directly or indirectly, and further that he would not do so at any time but in all respects would demean himself as a law-abiding citizen of the United States. He expected and intended to remain here and pursue his honest and usual calling. He gave his immediate attention to his business and not five minutes previous to his arrest had purchased a cargo of wood from a vessel then at his wharf. He is in the wood and coal business. With all deference it appears to me that the proposed oath and the above facts are sufficient to entitle Mr. Donnelly to his release. Mr. Donnelly has a widowed mother and two sisters (one of them unmarried) and he is the

* See order for Donnelly's release pp. 238, 245.

only male member of the family to whom this mother and unmarried sister may or can look for protection and a sheltering arm.

These are all the facts in the case which I desired to bring to your attention and they are submitted to Your Excellency as presenting no case demanding the further continuance of Mr. Donnelly's imprisonment. On the contrary it is believed to afford a suitable and desirable opportunity for the exercise of that Executive clemency for his release the improvement of which by Your Excellency I earnestly invoke in his behalf if after an examination of the case you should arrive at the same conclusion. May I request an answer to this communication.

I have the honor to be Your Excellency's most obedient servant,

F. W. JONES.

DEPARTMENT OF STATE, *Washington, September 27, 1861.*

Right Hon. Lord LYONS, &c.

MY LORD: Adverting to my note of the 24th instant relative to the cases of Dennis Kelly and Patrick Crohan I have the honor to inform you that orders have this day been given to Colonel Loomis, commanding at Fort Columbus, New York Harbor, to discharge them.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, September 27, 1861.*

Colonel LOOMIS, U. S. Army,
Commanding, &c., Fort Columbus.

SIR: Let Dennis Kelly and Patrick Crohan be discharged from custody.

Very respectfully, your obedient servant,

WILLIAM H. SEWARD.

CONFIDENTIAL.] COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT,
Boston, September 27, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

MY DEAR SIR: I wish to urge you to direct that prisoners of war only, and no State prisoners be sent to Fort Warren or elsewhere in Massachusetts. I trust I shall be in Washington early next week and will give the reasons.

In great haste, but faithfully and respectfully, your friend and servant,

JOHN A. ANDREW.

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND,
Louisville, Ky., September 27, 1861.

J. J. ANDERSON, Esq.

SIR: Your letter asking for information with regard to the meaning of General Anderson's proclamation is received.

In reply I am authorized by the general to say that no one will be arrested for mere opinion's sake. All peaceable citizens of whatever

opinion will be protected if they do not engage in giving aid in any manner to the enemies of our country.

I am, sir, very respectfully, your obedient servant,

OLIVER D. GREENE,
Assistant Adjutant-General.

DEPARTMENT OF STATE, *Washington, September 28, 1861.*

Hon. MONTGOMERY BLAIR,
Postmaster-General, Washington.

SIR: I transmit herewith* information placed in my hands in reference to the Plymouth Democrat, published at Plymouth, Ind., and I recommend that the circulation of that journal in the mails of the United States may be prohibited.

Very respectfully, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, September 28, 1861.*

SAMUEL BLATCHFORD, Esq., *New York.*

SIR: I have directed Colonel Loomis, the officer in command at Fort Columbus, to permit you to make a single visit in the presence of an officer to the prisoner George Armistead Appleton. Fearing the precedent will lead to much inconvenience if not abuse I have reluctantly granted the permission requested.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

FORT HAMILTON, *New York Harbor, September 28, 1861.*

Col. E. D. TOWNSEND,
Asst. Adjt. Gen., Hdqrs. of the Army, Washington City.

SIR: From a private letter received yesterday by a near relative of mine in New York I suspect some new intrigues of the friends of the State prisoners are going on. The old game of the county[?] will be tried to be started but I shall be circumspect and wary. I think it would have a bad effect to change the commanding officer or to make any alteration at Fort Lafayette. Mr. Seward's and the General-in-Chief's orders to the letter and spirit can be carried out without any change. I consider Mr. Wood as regards Lafayette an institution, and I desire that the high authorities at Washington would let him have his wife there.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

FORT HAMILTON, *September 29, 1861.*

Col. E. D. TOWNSEND,
Assistant Adjutant-General, Headquarters of the Army.

SIR: I have heard unofficially, verbally and perhaps incorrectly that a very wealthy man recently released from Fort Lafayette has been

*Not found.

using his influence to have Lieutenant Wood removed from the command of that post. The high esteem in which I hold Lieutenant Wood as an officer is well known at the Department as well of War as of State and Navy, but at the same time I as a servant of the Government shall obey and respect any and every order emanating from my superiors. If Lieutenant Wood should be removed, the responsibility of the change will of course rest with the Department not upon me.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

DEPARTMENT OF STATE, *Washington, September 30, 1861.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

SIR: Let the seamen confined in Fort Lafayette (not privateers) be released on taking the oath of allegiance to the Government of the United States and enlisting in its service. Robert Murray, esq., the U. S. marshal, has been instructed to take charge of them and see that they report for duty at the navy-yard in Brooklyn. You will please deliver into the custody of the U. S. marshal the privateers in Fort Lafayette, to be transferred by him to the city prison for confinement, and report to this Department.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, September 30, 1861.*

E. L. O. ADAMS, *Portland, Me.:*

Look out for John E. Ward, late U. S. minister to China, who is proceeding by way of Quebec and Portland to England as agent for the disunionists. Arrest and send him to Fort Lafayette.

WILLIAM H. SEWARD.

(Same to Jonathan Amory, U. S. dispatch agent, Boston, Mass.; Hiram Dunn, Rouse's Point, N. Y.; Hollis White, Niagara Falls, N. Y.; W. H. Barse, Detroit, Mich.; John C. Miller, Chicago, Ill., and Joshua R. Giddings, Montreal, Canada.)

DEPARTMENT OF STATE, *Washington, September 30, 1861.*

ALBERT G. DAVIS, Esq., *Washington City.*

SIR: This Department having occasion for the services of a discreet and active man on the Northern frontiers to detect and arrest disloyal persons, especially those who may be the agents of the insurrectionary States, you are hereby appointed for that purpose at a compensation of $100 a month for the next two months, of which you will receive here an advance of $100. You will be particularly on the watch for such persons who may pass into or from Canada on their way to or from Europe. In case any well-founded suspicion shall be entertained against any such person you will arrest him, secure his papers and give immediate notice by telegraph to this Department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., September 30, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Several weeks ago a party of twenty-four persons were captured near North Point, at the mouth of the lower harbor, on their way to a sloop which was to take them to the lower part of Maryland. It was ascertained to our satisfaction that some of them intended to join the Confederate Army, and we supposed that was the destination of all, but we were satisfied afterward that many of them were going to the lower counties in this State to get work. About the time they were captured orders were received from Lieutenant-General Scott to send our prisoners to New York, and twenty-two were accordingly sent there. Two have been released by your order, one of them (Dennis Kelly) having been claimed as a British subject. The whole transaction has been thoroughly investigated by the police, and it has resulted in the conviction that twelve of them ought to be discharged on taking the oath of allegiance. They are all laborers or mechanics and of no social importance. It is believed that their first purpose was to find employment in the lower part of this State; and even if there was a contingent design in case of failure of going to Virginia it is believed that they have been sufficiently punished.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General, Commanding.

NEW YORK, *September 30, 1861.*

Hon. WILLIAM H. SEWARD.

MY DEAR GOVERNOR: I have received your official letter of the 28th instant in which you say that you have directed Colonel Loomis, the officer in command at Fort Columbus, to permit me to make a single visit in the presence of an officer to the prisoner George Armistead Appleton, and that fearing the precedent will lead to much annoyance if not abuse you have reluctantly granted the permission. I certainly will do nothing to annoy you, and I therefore hasten to remove your fears by saying that I shall not avail myself of the permission which you have so kindly granted. At the same time I ought to say that I should not have asked the permission from Mr. Cameron if I had not been told by Mr. Weed that he had been allowed to visit the prisoners in Fort Lafayette. I supposed that that precedent warranted my application.

Thanking you for your kindness and apologizing for the trouble I have given you, I am, as ever, very faithfully, yours,

SAML. BLATCHFORD.

HEADQUARTERS OF THE ARMY,
Washington, September 30, 1861.

Lieut. Col. M. BURKE, *Commanding Fort Hamilton, N. Y.*

SIR: The General-in-Chief directs me to say that he has been informed obstacles have been thrown in the way of Mrs. Gelston's sending provisions, &c., to the prisoners in Fort Lafayette. The general wishes you to permit proper articles to be sent in such mode as you may indicate, and to see that all respect is shown to the benevolent lady in question.

The general does not assent to your proposition in regard to the family of Lieutenant Wood.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

DEPARTMENT OF STATE, *Washington, October 2, 1861.*

ROBERT MURRAY, Esq., *U. S. Marshal:*

(For Colonel Loomis, Fort Columbus, N. Y.)

Release on taking oath of allegiance William F. McKewen, Benjamin F. McCawley, John Williams, Patrick Crohan, James Campbell, Alexander Conner, Frederick Tollenback, Patrick Conway, Samuel Davidson, George Gosswell, Philip Cassidy, George Summers.

F. W. SEWARD,
Assistant Secretary.

DEPARTMENT OF STATE, *Washington, October 3, 1861.*

Maj. Gen. JOHN A. DIX, *Fort McHenry, Baltimore.*

GENERAL: I inclose a letter* of the 28th ultimo and its accompaniments addressed to Mr. Cameron by J. Hopkins Tarr, from Denton, on the Eastern Shore of Maryland, relative to Judge R. B. Carmichael, of that quarter. It seems to me that that functionary should be arrested even in his court if need be and sent to Fort Lafayette. You may proceed accordingly.

I am, general, your very obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, October 3, 1861.*

Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

SIR: Permit the Hon. William H. Ludlow to visit any of the prisoners confined at Fort Lafayette at such times as he may desire to do so.

I am, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, October 3, 1861.*

JOHN E. WARD, Esq.,
Care of Messrs. Barring Brothers & Co., London.

SIR: I have to acknowledge the receipt of your letter dated Quebec, 27th ultimo,* and now take pleasure in transmitting to you the passport in accordance with your request. Owing to the representations of persons who it appears accompanied you from the South, it was deemed proper, with a due regard for the public safety, to obstruct you in the progress of your journey; but circumstances have since transpired which call for the removal of such restrictions, and the accompanying passport is therefore forwarded to you. If you deem it proper to destroy this communication you are at liberty to do so.

I am, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, October 3, 1861.*

E. L. O. ADAMS, *Portland, Me.:*

Do not arrest John E. Ward.

WILLIAM H. SEWARD.

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* Not found.

(Copies of the above also sent to Jonathan Amory, U. S. dispatch agent, Boston, Mass.; Hiram Dunn, Rouse's Point, N. Y.; Hollis White, Niagara Falls, N. Y.; W. H. Barse, Detroit, Mich.; John C. Miller, Chicago, Ill., and Joshua R. Giddings, Montreal, Canada.)

NEW YORK, *October 3, 1861.*

W. H. SEWARD:

The prisoners in Fort Columbus ordered discharged by your telegram have no money to return to Baltimore. Shall I purchase tickets, or will you send passes? Answer.

ROBERT MURRAY,
U. S. Marshal.

DEPARTMENT OF STATE, *Washington, October 4, 1861.*

Hon. GIDEON WELLES, *Secretary of the Navy.*

SIR: Application having been made to this Department for intercourse with persons on board the schooner Henry Middleton understood to have been captured off Charleston I will thank you for such information as may be in the Navy Department in regard to the circumstances attending the capture in order that the propriety of granting the application may be determined.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, October 4, 1861.*

MOSES H. GRINNELL, Esq., *New York.*

SIR: Your letter* of the 3d instant has been received. It is deemed incompatible with the public interests to grant passes to visit the insurrectionary States, and no exception can with propriety be made in favor of "the sister of the wife of an officer of distinction in the Southern army."

I am, sir, respectfully, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, October 4, 1861.*

HIRAM WALWORTH, Esq., *Plattsburg, N. Y.*

SIR: This Department desires to employ you as a confidential agent for the purpose of enabling the Government to prevent disloyal persons, especially those in the service of the insurgents, from passing through Plattsburg. For this purpose if you should obtain information on which you may rely that any person is likely to pass that way you will be on the lookout for him, have him arrested and sent to Fort Lafayette, N. Y. Your compensation will be at the rate of $50 a month. You will also be allowed any reasonable expenses which you may incur in the discharge of your duties.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

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*Not found.

PHILADELPHIA, *October 4, 1861.*

Hon. THOMAS A. SCOTT, *Assistant Secretary of War:*

The following paragraph appears under the Washington correspondence in the North American and Ledger of this date:

> Certain charges having been preferred [against] the Adams Express Company in the matter of carrying letters, &c., to and from the South it [is] reported to-day that these charges will be brought before the courts, when the accused will have an opportunity of proving their falsity or correctness. It is understood that some other matters are also on the list against this firm which will come up at the same time. The company as a general thing stands in high favor here, and it is the impression that the suit will not damage them very materially.

I propose to make some one responsible for the statements of this character, and will thank you to inform me whether the above is justified by any actions of your Department, or by any facts within your knowledge.

Respectfully,

E. S. SANFORD,
General Superintendent Adams Express Company.

NAVY DEPARTMENT, *Washington, October 5, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to acknowledge the receipt of your letter of the 4th instant and to transmit herewith a copy of Commander S. P. Lee's report dated August 21, 1861, of the capture of the schooner Henry Middleton.

I am, respectfully, your obedient servant,

GIDEON WELLES.

[Inclosure.]

U. S. S. VANDALIA, *Off Charleston, August 21, 1861.*

Hon. GIDEON WELLES,
Secretary of the Navy, Washington, D. C.

SIR: I transmit according to law the inclosed list of the officers and crew of this ship being a complete list of all those who were captured and of all who were in sight at the time of the capture of the schooner Henry Middleton of 103 tons, built in Charleston, S. C., owned in Charleston and cleared from Charleston for Liverpool with a cargo of 496 casks of spirits of turpentine and 65 barrels of rosin.

The Henry Middleton was discovered at daylight this morning running the blockade off Charleston and was captured by the Vandalia at 1 p. m. to-day in latitude 31° 58′ N., longitude 79° 15′ W., after a chase of eight hours and about fifty miles in a southeast direction from Charleston Bar.

It appears that the Henry Middleton was intended hereafter to take out privateer papers. She was captured with the secession flag flying at her peak and had a full set of papers from the Confederate States of America.

The Henry Middleton is ordered into ———, and I recommend that she should be fitted as a temporary light-boat for the use of the squadron off Charleston.

Respectfully, yours,

S. PHILLIPS LEE,
Commander.

NEW YORK, *October 5, 1861.*

Hon. W. H. SEWARD:

The eleven prisoners discharged from Fort Columbus are entirely destitute. Shall I furnish them with means to get to Baltimore?

R. MURRAY,
U. S. Marshal.

DEPARTMENT OF STATE, *Washington, October 5, 1861.*

ROBERT MURRAY, *U. S. Marshal, New York:*

Furnish the prisoners referred to in your telegram with means to reach Baltimore.

WILLIAM H. SEWARD.

NAVY DEPARTMENT, *Washington, October 5, 1861.*

BENJAMIN P. LOYALL,
Late Lieutenant, U. S. Navy, New York.

SIR: Having refused to take the oath of allegiance to the United States your name has by direction of the President been stricken from the rolls of the U. S. Navy.

I am, respectfully,

GIDEON WELLES.

U. S. MILITARY PRISON, THIRTEENTH STREET,
Washington, D. C., October 5, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: About five weeks ago Ward H. Lamon, marshal for the District of Columbia, accompanied by a squad of cavalry in the service of the United States, arrested me at my residence in Hagerstown, Md., and brought me immediately to this place where I have ever since been kept in close confinement. I have no official information of the cause of my arrest and detention here, but from what Marshal Lamon has said to friends of mine who have conversed with him on the subject I am led to believe it is owing to the course of a newspaper published under the title of the Hagerstown Mail. If I have permitted anything to appear in that paper inconsistent with my rights and duties as an American citizen I have done it under a mistaken conception of those rights and duties and not from a deliberate purpose to do wrong. If the tone of the paper has been disloyal I am willing to change it, as I have no wish to do anything inconsistent with my obligations to the Government of my country. I acknowledge that I owe allegiance to the Government of the United States as established by the Constitution and laws thereof, and this allegiance I am now satisfied is paramount to any allegiance I may owe to any State government. I recognize in His Excellency Abraham Lincoln the lawfully elected President of the United States, and I will not knowingly do any act calculated to deprive him of his just powers and authority as such. I ardently desire the perpetuation of the union of these States, and deeply regret that the disaffected portion of my countrymen did not seek redress for their alleged grievances in the manner prescribed by the Constitution. Born and reared in Pennsylvania, married in Virginia, and domiciled in Maryland where all my children have been born, all the tender feelings

that cluster around my heart constrain me to hope that neither Mason and Dixon's line nor the Potomac River shall ever mark the boundary of my country.

I beg leave further to represent that I have pecuniary obligations which can only be met by the proceeds of my labor; that my pecuniary affairs are suffering from my absence from home, and that should my detention here be of long duration I shall be ruined in a pecuniary sense, and my creditors will be injured and my wife and two little children deprived of the comforts they have been accustomed to. I would also beg leave to state that my father, now about 82 years of age, and who served his country in the war of 1812, is affected with asthma and heart disease, and I am informed that his bodily infirmities have been greatly aggravated by mental anxiety on my account. I am informed on the authority of his physician that any one of his frequent attacks may prove fatal. I beg leave to add that I myself am suffering in health. Accustomed to an active life and to much exercise in the open air my close confinement operates injuriously upon me. I have been afflicted with boils for several weeks past, and at this time have a dreadfully sore hand and arm from that cause.

In conclusion I beg leave to express the hope that you will direct my immediate release. I have seen a copy of the oath administered to Mr. Gordon, of Maryland, who was formerly confined in the same room with me, and I am perfectly willing to take and subscribe the same and faithfully abide by it.

Respectfully, yours, &c.,

DANIEL DECKART.

Sworn to and subscribed before me this 5th day of October, 1861.

JNO. H. JOHNSON,
Justice of the Peace.

U. S. MARSHAL'S OFFICE, *New York, October 5, 1861.*

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SIR: * * * I have also transferred the privateers taken from on board the Dixie and York to the city prison. But the sailors confined at Fort Lafayette for running the blockade have refused to enlist in the U. S. service, and therefore are still confined. The twelve prisoners sent from Baltimore to Fort Columbus have also been discharged upon their taking the oath of allegiance.

Yours, respectfully,

ROBERT MURRAY,
U. S. Marshal.

HEADQUARTERS SEVENTH BRIGADE,
Alexandria, Va., October 5, 1861.

General W. B. FRANKLIN,
Commanding Troops in Front of Alexandria.

GENERAL: Several Union men have recently been arrested by the enemy in the vicinity of Accotink. On Saturday last three worthy and inoffensive men were taken from their houses solely on account of their sympathy with the Govcrnment. I have to-day caused the arrest of two open and avowed secessionists residing in the same neighborhood.

I am confident that the retention of these men as prisoners for a few days will have a wholesome effect, and will tend to restore quiet in the vicinity of Accotink by convincing the enemy that the practice of capturing unarmed men is one which can be followed by both sides.

Mr. Nevitt (one of the men arrested) frankly admits that he is a secessionist; that he has sufficient influence with the enemy to secure the discharge of parties arrested by them; that he has been to Fairfax and secured the release of some of his Union friends. All this he freely admits. There is no doubt about his position. Mr. Lee occupies the same position. He admits that he is opposed to the Government; that his house is often visited by the enemy, and that some of his family are in the army. I think the position of both is sufficiently defined by themselves to justify the Government in retaining them as hostages for the good treatment of their neighbors and our friends who are now in the hands of the enemy. I have therefore placed them in the charge of the provost-marshal at Alexandria to be held until further orders.

I am, sir, very respectfully, your obedient servant,

H. W. SLOCUM,
Brigadier-General of Volunteers.

[Indorsement.]

Respectfully forwarded to the commanding general for his information.

I recommend that these two men be sent to Washington for imprisonment until further orders. I have no doubt that through information given by them arrests of Union men in the vicinity of Acotink have been made.

W. B. FRANKLIN,
Brigadier-General, Commanding Division.

WASHINGTON, *October 6, 1861.*

Hon. WILLIAM H. SEWARD, &c.

SIR: I have the honor to transmit to you a copy of a dispatch* from Her Majesty's consul at Boston, as well as a copy of a letter and an attested copy of an affidavit which accompanied it.

I beg to recommend to favorable consideration the request to which they refer that the master of the British schooner Revere, who is supposed to be detained at Fortress Monroe, may appear at Boston as a witness for the defense of the vessel before the prize court at that city.

I desire also to direct your attention to the unusual manner in which the master and crew of the Revere appears to have been treated, and especially to the fact of two of the crew having been kept (as it would seem very unnecessarily) in irons.

I request you to be so good as to return the attested copy of the affidavit to me.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

LYONS.

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*Not found.

HOUSE OF REPRESENTATIVES,
Washington City, October 7, 1861.

SECRETARY OF STATE.

SIR: I was informed by the President of the United States some days since that he had referred to you the application of Mr. Isaac Miller, an employé of the Government at the arsenal in this city, against whom charges of disloyalty had been preferred and evidence taken before the committee, for restoration of his former place from which he had been removed on the report to the evidence in his case to the Secretary of War, with a request that he should be reinstated if on hearing his statement you should be satisfied that he was loyal.

The evidence before the committee disclose the facts that Mr. Miller had for more than forty years been the recipient of the bounty of the Government; that his only son is now in the rebel army in open arms against the Government; that his wife and daughter now living in this city are open and bold in their declarations of hostility to the Government, and that Miller himself expressed his gratification at the attack made upon the Massachusetts troops in Baltimore. I desire to be informed if any part of this testimony was transmitted to you by the President, or was before you when you examined the matter; and also if Mr. Miller has been restored to his former position by virtue of the instructions sent you by the President?

Very respectfully, your obedient servant,

JNO. F. POTTER,
Chairman of Committee of Investigation.

NEW YORK, *October 7, 1861.*

Hon. S. CAMERON:

One hundred and thirty-four prisoners in Fort Lafayette. All full.

MARTIN BURKE,
Lieutenant-Colonel, U. S. Army.

GENERAL ORDERS, No. 5. } HDQRS. DEPT. OF THE CUMBERLAND,
Louisville, Ky., October 7, 1861.

The commanding general learns with deep regret that arrests are being made in some parts of the State upon the slightest and most trivial grounds. He desires the civil authorities and orders the military not to make any arrests except where the parties are attempting to join the rebels or are engaged in giving aid or information to them, and in all cases the evidence must be such as will convict them before a court of justice. In some cases it is understood that the home guards have gone into adjoining counties and arrested and carried off parties who have been quietly remaining at home under the expectation that they would not be interfered with, provided that they did nothing in violation of the spirit of the proclamation bearing date of September 24, issued from these headquarters. Some instances are mentioned of persons having been arrested and taken out of the State.

This is all contrary to what the commanding general has declared to be his wish, and he trusts it will not be repeated.

It is believed that many of those who at one time sympathized with rebellion are desirous of returning to their allegiance and wish to

remain quietly at home attending to their business. A conciliatory, fair course pursued toward such persons will join them to our cause; the reverse may force them into the ranks of our enemies.

The commanding general entreats and urges his fellow-citizens to discountenance and endeavor to put a stop to these ill-timed and unlawful arrests, and to aid him in keeping peace among ourselves.

By command of Brigadier-General Anderson:

OLIVER D. GREENE,
Assistant Adjutant-General.

FORT HAMILTON, N. Y., *October 7, 1861.*

Col. E. D. TOWNSEND,
Assistant Adjutant-General, Headquarters Army, Washington.

SIR: * * * The General-in-Chief is hereby informed that the Secretary of the Navy has this day sent here twenty prisoners, which swells the number now confined at Fort Lafayette to 133. The General-in-Chief is well aware from reports sent from these headquarters of the capacity of Fort Lafayette.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

FORT HAMILTON, N. Y., *October 7, 1861.*

Col. E. D. TOWNSEND,
Assistant Adjutant-General, Headquarters Army.

SIR: I have received the following prisoners by order of the honorable Secretary of the Navy:

Officers—G. A. Shackleford, G. W. Barnard, G. O. Van Amringe.

Men—John Johnson, Edward O'Neil, Elijah Simmons, Edward Heinrichs, George Parker, James B. Hoggard, William F. Capehart, Erick Brundeen, William Brown, Perry White, Carthwright Thompson, J. A. Douglass, John Murphy, Isaac Swindle, Edward Baum, Sterling F. Newton, Robert S. Grissons.

I have also received Capt. Michael Berry,* by order of the Secretary of State.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Third Artillery.

DEPARTMENT OF STATE, *Washington, October 8, 1861.*

EDWIN C. PETERS, *Suspension Bridge, N. Y.*

SIR: You are hereby appointed an assistant of Hollis White, esq., for the arrest and detention of persons in the service of the insurgents in this country and of notorious disloyalty. Your particular instructions you will receive from Mr. White himself. Your compensation will be at the rate of $50 a month.

I am, your obedient servant,

WILLIAM H. SEWARD.

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* See case of Berry, p. 933.

DEPARTMENT OF STATE, *Washington, October 8, 1861.*

ROBERT MURRAY, Esq., *U. S. Marshal, New York.*

SIR: As the prison seems to be crowded you will release the sailors (not privateers) on taking the oath of allegiance, if they desire it. If not exercise your discretion whether to do so without.

I am, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

OFFICE OF THE U. S. ATTORNEY FOR
THE DISTRICT OF NEW JERSEY,
Newark, October 8, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have to-day seized 107 patented machines for sharpening cotton gins, Burden's patent, said to be almost indispensable at the South. They were made by James T. Cochrane, of this city, and were just packed and ready to be sent away. I learn that he has been sending them West during the summer to be smuggled to Tennessee. A man named Wormell came here from the South in May to superintend the work and has been here ever since. Knowing that Cochrane had made these machines I cautioned him in May against sending any South. He promised not to do so but the proof is clear that he has. Is it best to take any proceedings against them?

Very respectfully, your obedient servant,

A. Q. KEASBEY,
U. S. Attorney.

STAMFORD, CONN., *October 8, 1861.*

F. W. SEWARD, Esq.,
Assistant Secretary of State, Washington.

MY DEAR SIR: I think it my duty to inform you that in an accidental interview with a gentleman of my acquaintance, a resident of Cuba, I was informed that Mr. C. J. Helm, our former consul-general to Havana, was making preparations to return to Havana as an agent for the Confederate Government. His intimate connection with Mr. Breckinridge, and close friendship with G. W. Smith, now a major-general in the rebel army, added to his own well-known proclivities render such a thing highly probable, and as he might do us some hurt in Cuba from his former position there I respectfully suggest the propriety of preventing his departure from the country in any of the Havana steamers.

Very respectfully,

R. W. SHUFELDT.

NAVY DEPARTMENT, *October 9, 1861.*

Hon. SIMON CAMERON, *Secretary of War.*

SIR: I have the honor to inclose herewith a copy of a letter this day sent to Flag Officer L. M. Goldsborough, commanding North Atlantic Blockading Squadron, with regard to flags of truce between Fort Monroe and Norfolk, Va.

I am, sir, very respectfully, your obedient servant,

GIDEON WELLES.

[Inclosure.]

NAVY DEPARTMENT, *October 9, 1861.*

Flag Officer L. M. GOLDSBOROUGH,
Commanding North Atlantic Blockading Squadron.

SIR: In consequence of the detriment to the public interests arising from the frequency of flags of truce passing between Fort Monroe and Norfolk it is hereby directed that hereafter all correspondence is to be confined to the prisoners at New York and other places, no one of whom is to be allowed to write oftener than once a month, and then the letter must not exceed six lines. All letters are to be open and to undergo the usual inspection. No flag of truce is hereafter to convey any person from Fort Monroe except by the special authority of the proper department at Washington.

I am, respectfully, your obedient servant,

GIDEON WELLES.

FORT HAMILTON,
New York Harbor, Wednesday, October 9, 1861.

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States.

SIR: Pursuant to your dispatch of the 8th to Marshal Murray the following prisoners have been discharged and I herewith inclose their oaths of allegiance: Thomas Kelly, Charles Williams, Stephen Bennett, James B. Hoggard, William F. Capehart, Carthwright Thompson, John Murphy, Perry White and Isaac Swindle.

In consultation with Marshal Murray I have discharged the following foreigners: Edward Heinrichs, Erick Brundeen, John Johnson, George Parker, William Brown.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., October 9, 1861.

Brig. Gen. HENRY H. LOCKWOOD,
Commanding at Cambridge, Md.

GENERAL: All the disunion companies in Queen Anne's County should be disarmed. I much prefer that you should do the work with your Delaware troops. Arms and prisoners should be sent here. I am trying to get a steamer to put at your disposal. If I do not succeed I must send you our tug at Annapolis. We can spare her two or three days in a week.

If you can get any legitimate authority, executive or military, in Delaware to direct the disbandment or disarming of companies in that State it should be done. In that case I think the arms had better be deposited at Fort Delaware. I have been urging the Government for two months to send a force into Accomac and Northampton Counties, Va., and break up the rebel camps there. General McClellan encouraged me to believe that it would be done and I trust it will not be delayed much longer.

I am, general, very respectfully, yours,

JOHN A. DIX,
Major-General, Commanding.

CLEVELAND, COLUMBUS AND CINCINNATI R. R. COMPANY,
Cleveland, Ohio, October 9, 1861.

A. G. LAWRENCE, Esq.

DEAR SIR: Yours of September 15 came to hand just as I was leaving home. I placed it under a pile of letters lying on my desk for future examination that it might be out of sight, and having been absent much of the time since it entirely slipped my mind until yesterday; in overhauling my unanswered letters I discovered it. This is my excuse for not replying at an earlier date. In regard to the conversation of Mr. Henry Garrett, of Baltimore, to which I was an unwilling and exasperated listener, it was not as relating to what he had done or intended to do but was of a bombastic and boasting character; of the high tone and ability of the rebel officers and men; of the great deeds they had done and were to do; of the large number, wealth and character of the men Baltimore had furnished the Southern army; that they would soon have President Lincoln and his Cabinet, and much more of the same sort that I cannot now recollect. I looked upon it as the gossiping of a weak-headed man. That he would be an active traitor to the Government had he the ability I have but little doubt, but unless I much misjudge him he has not capacity to benefit the enemies or injure the friends of the Government. I hardly think if bagged he would be worth the ammunition used to bring him down.

Hoping that all the enemies of the country may be speedily subjugated, I am, truly, yours,

L. M. HUBBY.

NAVY DEPARTMENT, *Washington, October 10, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to acknowledge the receipt of your letter of the 7th instant and inclosures relative to the captain and crew of the schooner Revere recently captured by the U. S. S. Cambridge. The Department has directed in accordance with your suggestion the release of the captain of the Revere if in custody at Fortress Monroe, and has written for an explanation* of the harsh treatment alleged to have been inflicted upon certain of the crew of the Revere.

I am, respectfully, your obedient servant,

GIDEON WELLES.

DEPARTMENT OF STATE, *Washington, October 10, 1861.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

SIR: Will you have the kindness to furnish this Department at your earliest convenience with a list of the prisoners now in your custody at Forts Lafayette and Columbus, New York Harbor, and by whose authority they were committed, together with the date of their reception by you?

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

(Same to General John A. Dix, Fort McHenry, and General John E. Wool, Fort Monroe.)

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* See Welles to Seward, November 23, with its inclosures, p. 158.

U. S. MARSHAL'S OFFICE,
SOUTHERN DISTRICT OF NEW YORK,
New York, October 10, 1861.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

SIR: In compliance with the instructions in your telegram of yesterday I immediately proceeded to Fort Lafayette and administered the oath of allegiance to William F. Capehart, John Murphy, Perry White, Isaac Swindle, Carthwright Thompson, James B. Hoggard, Stephen Bennett, Charles Williams and Thomas Kelly, who were immediately discharged. Edward Heinrichs, a Prussian; Erick Brundeen, John Johnson, William Brown, Swedes, and George Parker, an Englishman, being foreigners and the first four entirely ignorant of our language I discharged without administering the oath of allegiance, and was obliged from their utter state of destitution to furnish them with sufficient funds to reach the city. * * *

Very respectfully, yours,

ROBERT MURRAY,
U. S. Marshal.

FORT HAMILTON, N. Y., *October 10, 1861.*

Col. E. D. TOWNSEND,
Assistant Adjutant-General, Headquarters Army.

SIR: Inclosed please find statements of deserters from the enemy, sent here by Colonel Brown, commanding Fort Pickens. I have this day ordered their release by authority of yours of 7th instant.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel Third Artillery.

[Inclosure.]

Almond Rice, Angelica, N. Y., was a steam-boat man on the Mississippi; could not get away from New Orleans; was obliged to enlist in the rebel army, go to prison or starve; belonged to the so-called rebel Marine Corps; was sent to the Warrington Navy-Yard about the 1st of May; was part of the time in the navy-yard and part of the time on board the privateer Judith. When he first went to Pensacola Harbor thinks there were about 10,000 troops there. That number was after[ward] reduced to about 6,000, and they had about that many when he left. Thinks there were about four or seven guns left in Fort Macon; the rest were sent to Pensacola. There were four guns (42s and 32s) between the navy-yard and the bayou bridge toward Pensacola. Most of the machinery had been removed from the navy-yard, but the rebels were still casting shot and shell at the foundry. Had been a sailor on board of the sloop of war Albany; paid off in 1849 or 1850. There were three companies of marines (250), nearly all Northern men, and a Louisiana infantry regiment about 900 strong in the navy-yard; will go home when released if he can get there.

John Matthews, Madison, Ind., says he was a steam-boat man; joined the rebel forces at New Orleans; was out of money and could not get away; was put in the parish prison and kept there twenty days; was afterward impressed in rebel service; was sent to the Warrington navy-yard on the 21st of April; was attached to the marines and quartered in the navy-yard. The greater part of the marines are

Northern men, and would take the first opportunity to get away; were very much dissatisfied. Thinks there were about 7,000 men under arms on the rebel side; will go home when released; does not know much about the strength or location of the batteries on the rebel side; was pretty constantly in the guard-boat.

Samuel Benham, Buffalo, N. Y., says he had been a man-of-war's man on board of the Savannah; was paid off about a year ago; was impressed in the rebel service at New Orleans; was attached to the Marine Corps and sent to Pensacola Harbor about the 1st of May, 1861. Was put on board schooner Judith and went out at night in the coast-guard boat. Thinks when he first went to Pensacola the rebels had about 15,000 men, but when he left thinks they had only 6,000 or 7,000; knows but little about the strength or location of the rebel batteries; will go home when released.

Daniel R. Smith, Allegheny, Pa., says he was a boatman on the Mississippi; was impressed in the rebel service, and was sent to the Warrington Navy-Yard with the marines about the 1st of May; was closely questioned by Colonel Brown at Fort Pickens, and his answers taken down in writing; gave Colonel Brown all the information he possessed.

B. F. Lidy, Lancaster, Pa., says he was a steam-boat man; was impressed into the rebel service at New Orleans; was sent with the rebel marines to Warrington Navy-Yard about the 26th of April last. Says the marines are mostly either Northern men or foreign born, and thinks all but about fifty would leave if they could get a good chance. Gives same information as the others; says the Lovell battery, near the light-house, has 10, 8, and 6 inch guns (three guns), all covered in with earth on timbers about six feet thick; will go home when released.

Ovid P. Reno, Beaver County, Pa., says he is a boatman; joined the rebel service at New Orleans; was impressed; was attached to the marines and sent to Warrington Navy-Yard. Gives same information as others.

John Harmon, Allegheny County, Pa., says he was in New Orleans; could not get work; enlisted to keep from starving, intending to desert so soon as he had a chance to get home; belonged to the marines; was sent with them to Pensacola; says the batteries between the navy-yard and Pensacola were washed away; knows nothing about the other batteries. There are a good many Northern men in the rebel marines, all of whom will take the first opportunity to get home.

Kelly and Booth absent.

The above men were all examined by me, and the above seems to be all the information they possess.

H. B. CLITZ,
Major Twelfth Infantry, Commanding.

STATE OF NEW YORK, EXECUTIVE DEPARTMENT,
Albany, October 10, 1861.

Colonel LOOMIS, U. S. Army,
Commanding at Governor's Island, New York City.

COLONEL: I am directed by Governor Morgan to inquire if the political prisoners at Fort Lafayette are supplied with a chaplain. He has

been requested to recommend a Lutheran clergyman for the position but has declined to do so, presuming that there is already a chaplain at the post, and awaits your reply.

I am, very truly, yours, &c.,

L. L. DOTY,
Private Secretary.

DEPARTMENT OF STATE, *Washington, October 11, 1861.*

The Right Hon. Lord LYONS, &c.

MY LORD: I have the honor to acknowledge the receipt of your note of the 6th instant relating to the captain and crew of the schooner Revere recently captured by the U. S. steamer Cambridge, and in reply to transmit herewith a copy of a letter* of yesterday from the Secretary of the Navy informing me that the release of the captain of the Revere, if in custody at Fortress Monroe, has been ordered and explanations required in regard to the crew.

I avail myself of the occasion to offer to your lordship a renewed assurance of my high consideration.

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, October 11, 1861.*

A. Q. KEASBEY, *U. S. Attorney, Newark, N. J.:*

Arrest Cochrane and Wormell. Send them to Fort Lafayette. Libel their property.

WILLIAM H. SEWARD.

OFFICES OF BOWDOIN, LAROCQUES & BARLOW,
New York, October 11, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State, &c.*

SIR: I have by mail to-day from Old Point a letter from the Honorable Alfred Ely dated at Richmond, September 20, urging me to apply to certain personal friends in Virginia in his behalf, and I have another similar letter from another prisoner in confinement there. While I fear it is out of my power to be of much service to these gentlemen I will exert any influence that I may have in their behalf on being informed that a correspondence strictly limited to this object is not objected to by my Government.

I have the honor to be, sir, yours, very respectfully,

SAMUEL L. M. BARLOW.

DETROIT, *October 11, 1861.*

Hon. F. W. SEWARD, Esq.,
Assistant Secretary of State, Washington, D. C.

DEAR SIR: * * * I sent Da Costa forward Wednesday, 9th instant, evening train; he arrives at New York this a. m. A. G. Davis called here last Saturday and left Tuesday for Halifax. There should be a man at Toronto and Collingwood, Canada West. I must have help; it is taking up too much of my time.

Respectfully, your obedient servant,

W. H. BARSE.

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*Omitted here; see p. 95.

DEPARTMENT OF STATE, *Washington, October 12, 1861.*

JOHN A. KENNEDY, Esq.,
Superintendent of Police, New York.

SIR: From information which has reached this Department it is deemed probable that Mr. C. J. Helm, U. S. consul at Havana under the last administration, may soon embark for that place upon business not compatible with his loyalty as a citizen. This Department will not furnish him with a passport for that purpose, and I will thank you to do anything which you properly can toward preventing his proceeding thither.

I am, sir, your obedient servant.

WILLIAM H. SEWARD.

CAMBRIDGE, *October 12, 1861.*

Hon. W. H. SEWARD.

DEAR SIR: I have thought since I had the honor to see you on Tuesday last the hurried interview did not allow me to make myself understood. The memoranda handed you was taken from a letter written by a lady at Richmond to a friend in Maryland advising as to the best mode of getting a letter to their friends South, as also those here who sympathize with the rebellion to receive communications from the South. The parties connected with the letter alluded to are highly respectable, and as I told you I got the information in such way as to forbid the use of names. My design was to put you in the way of trapping the French consul at Richmond and the chancellor at Washington by getting some one to write as a secessionist, send the letter as instructed and keep a lookout for the reply.

There is foul play somewhere and a great deal of it. The loyal States and our Army and Navy are full of traitors; many of our office-holders are faithless to the Government, and unless things are closely looked after and the war carried forward with greater vigor we shall be whipped I fear. I have not been scared until recently; have never doubted the ability of the Government to sustain itself or the certainty of our success at last until recent events coming to my knowledge has forced a doubt. We still suffer in Maryland from the inefficiency of Major-General Wool.

I have the honor to be, with great respect, obediently,

THO. H. HICKS.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, October 12, 1861.

F. W. SEWARD, Esq.,
Assistant Secretary of State, Washington, D. C.

SIR: In accordance with the request contained in your letter of the 10th instant I subjoin the names of the State prisoners confined in Fort McHenry. There are at present no prisoners of war at the Fort: Richard Thomas (alias Colonel Zarvona), confined July 8, 1861, by order of Major-General Banks. W. Wilkins Glenn,* confined September 15, 1861, by order of Major-General Dix.

I am, sir, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General, Commanding.

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* See *post* for cases of Zarvona and Glenn.

DEPARTMENT OF STATE, *Washington, October 14, 1861.*

Colonel LOOMIS,
Commanding Fort Columbus, New York Harbor.

COLONEL: Herewith I transmit to you a communication received at this Department from E. Cornell, esq., of Ithaca, N. Y., in reference to a couple of prisoners confined at Fort Columbus. Will you please inquire into their cases and remit to me with this inclosure your opinion thereon?

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

[Inclosure.]

ITHACA, [N. Y.,] *October 11, 1861.*

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States.

DEAR SIR: When the list of prisoners taken at Fort Hatteras was published in the New York papers I noticed the names of two of the three sons of a cousin of mine who settled many years ago at Washington, N. C. They are John W. and Ezra E. Cornell. My correspondence with them up to the 22d of April, 1861, shows them to be good Union men who were forced against their will to take up arms against the Union. (I had received no letter from them since the above date.)

I at once repaired to New York and laid a statement of the case before Colonel Loomis, with extracts from their correspondence, proving their loyalty of sentiment to the Union, &c. The colonel took my statement and promised to lay it before the general. He also permitted me to see the prisoners and supply them with such articles of clothing as their situation demanded. This was on the 6th of September, since which I have heard nothing from Colonel Loomis or the general. It is my desire to secure their liberation from prison if not inconsistent with the public interest, and not knowing who is the proper officer to apply to for that object I take the liberty to address you on the subject, and trust you will do me the favor to place this in the hands of the proper officer if I have misjudged in troubling you with it. If the Government should require bond or any kind of a guarantee that if released they will not be found in arms against the Union I will furnish that to the satisfaction of the Government. The following extracts from the letters referred to will show you their views of the contest the rebels are now waging against the Government. In letter dated Washington, N. C., April 7, 1861 [they say]:

> Politics is something I have not made my study. Until very recently I have thought very little of it. I now see the object of the Southern politicians headed by William L. Yancey. We have some few in our State; for instance, our governor. He is a strong disunionist. He with some others are trying to keelhaul this State out of the Union after the people going over 30,000 against secession. This State has been giving 12,000 majority for the Democratic ticket until the convention question came up, then we elected two to one Union candidates by a majority of over 30,000, and voted down the convention. The secessionists have called a meeting to try and get the State out of the Union, but they will not get her out that way, for we are going to call one to counterbalance theirs to meet at the same time they do, and when they present their resolutions for the governor's signature ours will be offered at the same time so he dare not sign either. If he should sign the secession ordinance I think civil war will be inevitable, for the Union portion of our State will not submit to them. I still think all our troubles will be settled. Whether they are or not I am for the Union under any and all circumstances, for I cannot feel willing to give up my share of the Constitution and the Star Spangled Banner.

Again, in the last letter which I received from them (though they wrote others that did not reach me) they say:

WASHINGTON, N. C., *April 22, 1861.*

Your predictions concerning our State I am ashamed to confess have come to be realized, for the disunionists have or are about to plunge our good old State into this unholy war against our wishes and better judgment. It is hard for us to fight against the Star Spangled Banner, that which our fathers suffered, bled, died and won for our enjoyment. I say it is hard for me to fight for breaking down the best Government that ever existed and against our Federal rights, but it seems it must be so. We cannot be neutral and remain here, and I have not the means to get away with my mother and family.

Again, in the same letter he closes by saying:

I have not the heart to write more, for our whole community is all excitement. I have done all that I could to evade the fatal blow, but all to no purpose. I have got to put on the secession harness; it will chafe hard but I will kick it off when I can.

I answered this letter immediately tendering them the means to bring the family on to New York, but they did not receive my letter. All letters between us were intercepted after the passage of theirs of the 22d of April. These men are mechanics, ship carpenters by trade, and if liberated contemplate seeking employment in this State and get their other brother, mother and sister (the balance of the family) away from Washington, N. C., to New York the first opportunity that offers.

If not inconsistent with the interest of the Government you will do me a great favor by procuring an order for the release of the said John W. and Ezra E. Cornell, now prisoners of war at Castle William, on Governor's Island, N. Y.

Very respectfully,

E. CORNELL.

DEPARTMENT OF STATE, *Washington, October 14, 1861.*

W. L. MARSHALL, Esq., *Baltimore, Md.*

SIR: Your letter of yesterday has been received. In reply I have to inform you that General Dix is charged with the decision of questions relative to the expediency of allowing former residents of his military district to return thither from places within the lines of the insurgents. In regard to the domestics to whom you refer I have to state that since the permit to which you refer as having been granted by General Scott it has been determined to grant no others of a similar character. This decision I am sorry to say cannot be deviated from.

I am, your very obedient servant,

WILLIAM H. SEWARD.

FORT HAMILTON, N. Y., *October 14, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: In obedience to your request of the 10th instant I herewith have the honor to inclose a list of the prisoners now confined at Fort Lafayette. I have sent a copy of your letter to the commanding officer at Fort Columbus in order that he may complete the list by giving the names of those confined at that post.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

[Inclosure.]

List of prisoners now confined at Fort Lafayette, New York Harbor, October 14, 1861.

Names.	By whom confined.	Date of reception.
Edward Seymour Ruggles	General-in-Chief	July 22, 1861.
R. H. Alvey	Secretary of State	July 31, 1861.
John H. Cusick	do	Do.
John W. Davis	do	Do.
William H. Gatchell	do	Do.
Charles M. Hagelin	do	Do.
Charles Howard	do	Do.
Samuel H. Lyon	do	Do.
James E. Humphrey (or Murphy)	do	Do.
Austin E. Smith	do	Aug. 3, 1861.
John Williams, Jr	do	Aug. 11 1861
Robert Mure	do	Aug. 15 1861
Charles Kopperl	do	Aug. 18 1861
Jerome R. Barber	do	Aug. 24 1861
D. C. Lowber	do	Aug. 26 1861
Samuel Eakins	do	Aug. 27, 1861
Robert Tansill	Secretary of the Navy	Aug. 28, 1861
T. S. Wilson	do	Do.
H. B. Claiborne	do	Do.
Hilary B. Cenas	do	Do.
Ellis B. Schnabel	Secretary of State	Aug. 29, 1861.
Richard S. Freeman	do	Aug. 31, 1861.
W. H. Ward	Secretary of the Navy	Do.
James Chapin	Secretary of State	Sept. 5, 1861.
Robert Elliot	do	Sept. 7, 1861
Edward B. Wilder	do	Do
Algernon S. Sullivan	do	Sept. 8, 1861
Charles Barkley	Secretary of the Navy	Do.
Midshipman A. D. Wharton	do	Sept. 9, 1861
C. J. Faulkner	Secretary of War	Do.
Robert R. Walker	Secretary of State	Sept. 12, 1861.
John K. Millner	do	Do.
Robert Drane	do	Sept. 13, 1861.
Arthur Dawson	Secretary of War	Do.
Bethel Burton	Secretary of State	Do.
William H. Winder	Secretary of War	Do.
E. C. Myatt	Secretary of the Navy	Do.
Peter Reilly	do	Sept. 14, 1861.
John F. Newton	do	Do.
William St. George	do	Do.
Benjamin F. Longley	Secretary of State	Sept. 16, 1861.
James A. McMaster	do	Do.
Moses Stannard	do	Do.
Daniel Cory	do	Do.
James M. Haig	Secretary of War	Sept. 23, 1861.
F. Wyatt	do	Do.
William Gilchrist	do	Do.
Cyrus F. Sargent	Secretary of State	Sept. 24, 1861.
W. E. Salmon	do	Do
J. H. Gordon	do	Do
C. J. Durant	do	Do
Andrew Kessler	do	Do.
W. R. Miller	do	Do.
Thomas J. Claggett	do	Do.
Bernard Mills	do	Do.
J. Lawrence Jones	do	Do.
J. M. Brewer	do	Do.
John J. Heckart	do	Do.
James W. Maxwell	do	Do.
George W. Landing	do	Do.
Philip F. Rasin	do	Do.
E. G. Kilbourn	do	Do.
Thomas H. Maddox	do	Do.
C. S. Morehead	Secretary of War	Sept. 25, 1861.
R. T. Durrett	do	Do.
M. W. Barr	do	Do.
George W. Brown	Secretary of State	Sept. 26, 1861.
S. Teackle Wallis	do	Do.
Henry M. Warfield	do	Do.
Charles H. Pitts	do	Do.
T. Parkin Scott	do	Do.
Lawrence Sangston	do	Do.
J. Hanson Thomas	do	Do.
William G. Harrison	do	Do.
Leonard G. Quinlan	do	Do.
Robert M. Denison	do	Do.
F. Key Howard	do	Do.
Andrew A. Lynch	do	Do.
Thomas W. Hall	do	Do.
Henry May (on parole)	do	Do.

List of prisoners now confined at Fort Lafayette, New York Harbor, &c.—Continued.

Names.	By whom confined.	Date of reception.
Henry K. Stevens	Secretary of the Navy	Oct. 2, 1861.
Benjamin P. Loyall	do	Do.
Walter R. Butt	do	Do.
Dr. Charles Macgill	Secretary of State	Oct. 5, 1861.
W. E. Wright	Secretary of War	Do.
W. E. Kearney	do	Do.
J. T. McFeal	do	Do.
Joseph W. Griffith	do	Do.
Anderson McDowell	do	Do.
William Grubbs	do	Do.
J. W. Robards	do	Do.
F. M. Crow	do	Do.
H. G. Thurber	do	Do.
S. H. Wooldridge	do	Do.
G. P. Pressy	do	Do.
Edward Payne	do	Do.
L. S. Holsclaw	do	Do.
Joseph Back	do	Do.
G. A. Shackleford	Secretary of the Navy	Oct. 7, 1861.
G. W. Barnard	do	Do.
G. O. Van Amringe	do	Do.
Edward O'Neil	do	Do.
Elijah Simmons	do	Do.
J. A. Douglass	do	Do.
Edward Baum	do	Do.
Sterling F. Newton	do	Do.
Robert S. Grissons	do	Do.
Capt. Michael Berry	Secretary of State	Oct. 10, 1861.
Alfred Da Costa	do	Oct. 11, 1861.
A. R. Carter	do	Oct. 12, 1861.
J. W. Packard	do	Oct. 13, 1861.

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., October 14, 1861.

Brig. Gen. HENRY H. LOCKWOOD, *Cambridge, Md.*

GENERAL: I send you the steamer Balloon, Captain Kirwan, which is placed at your disposal for the purpose of aiding you in breaking up the commercial intercourse with the Confederate States, of which the Eastern Shore of Maryland furnishes the material. You have as I suppose ere this taken measures to seize all merchandise brought from Delaware to Salisbury by rail and destined to Virginia. With the aid of the Balloon you may intercept much of that which finds its way down the Chesapeake by water, and I trust be able to confine this illicit traffic to very narrow limits. It is believed that the Balloon will also be of essential use in sending to different points the force necessary to disarm such companies of militia or such unauthorized military bodies as are training with intentions notoriously hostile to the Government. The duty is one of the greatest delicacy, and requires the utmost prudence and discretion. It is not doubted that numbers of individuals on the Eastern Shore of Maryland have been led into the support of disloyal measures by gross misrepresentations of the views and intentions of the Government. While the purpose you have in view should be steadily maintained and carried out with inflexible firmness, those who have been deceived and misled instead of being confirmed in their prejudices and driven hopelessly off by harshness on our part should if possible be reclaimed by kind treatment and convinced of their

error by correcting the misapprehensions under which they labor. If in spite of all efforts to induce them to discontinue their acts of hostility to the Government they persist in carrying on correspondence with the enemy and in giving him aid and comfort they should be arrested and sent to Fort McHenry; but unless a case of extraordinary urgency should occur I trust it may not be necessary to make an arrest without first consulting me. I have full authority from General McClellan to act in all cases.

You will bear in mind that we are on the eve of an election in Maryland of vital importance. The preservation of this State is indispensable to the safety of the capital. It is not doubted that all your measures will be so tempered with discretion as to give strength to the cause of the Union; but while all the just rights even of those who are disloyal should be respected they should be made to feel that no act of open hostility to the Government will be tolerated for a moment.

I inclose copies of letters which have passed between Major-General McClellan, Governor Hicks and myself in regard to the disarming of military companies.* The one at Westminster has been already disarmed by a force sent from this city. All those on the Eastern Shore of Maryland are left to you, and I consider any company drilling in avowed hostility to the Government as coming within the authority given to me by Major-General McClellan and sanctioned by Governor Hicks, though not specifically named in the letter of the latter. The authority conferred on me is hereby delegated to you, not doubting that it will be firmly and discreetly exercised. It will be advisable to consult with our leading friends in the counties in which you adopt these stringent and delicate measures.

You will please report to me the result of every such movement with all convenient dispatch. Should you deem the co-operation of a police force advisable in any case, please notify me and it shall be provided.

I am, general, very respectfully, yours,

JOHN A. DIX,
Major-General, Commanding.

DEPARTMENT OF STATE, *Washington, October 15, 1861.*

ROBERT MURRAY, Esq.,
U. S. Marshal for the Southern District of New York.

SIR: This Department understands that George Parker and George A. Shackelford, two seamen, British subjects, found on board prizes taken into New York, are confined at Fort Lafayette. If their testimony should not be deemed indispensable by the district attorney and he should not be aware of any other objection it seems to me that they ought to be discharged. Please consult Mr. Smith on the subject and proceed in pursuance of his advice. * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HEADQUARTERS DEPARTMENT OF VIRGINIA, &C.,
Fort Monroe, Va., October 15, 1861.

Col. M. N. FALLS, *President Bay Line Steamers.*

SIR: The major-general commanding directs me to inform you that no more persons bound for Norfolk will be sent thither or allowed to land

* Omitted.

at this place for the present. You will please inform such persons that it will be useless for them to come here with the expectation of being forwarded, and it is desirable that they should not come. When this prohibition is removed you will be notified by the major-general commanding.

Very respectfully, your obedient servant,

WM. D. WHIPPLE,
Assistant Adjutant-General.

DEPARTMENT OF STATE, *Washington, October 16, 1861.*

Maj. Gen. JOHN A. DIX, *Fort McHenry, Baltimore.*

GENERAL: I communicate four intercepted letters* which have been received here from the Post-Office Department, and would suggest that Isaac G. Mask at least, the writer of those numbered 1 and 2, be arrested and sent to Fort Lafayette.

I am, general, your very obedient servant,

WILLIAM H. SEWARD.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., October 16, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I was glad to get the intercepted letters just received, one of which is signed Isaac G. Mask. I have had this man's letters for a month but they were all signed I. G. M., and with all our efforts we have been unable to identify him. I have ordered his arrest and will send him to Fort Lafayette to-morrow. He ought to be hanged. His is a clear case of treason as defined by the Constitution.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General, Commanding.

DEPARTMENT OF STATE, *Washington, October 17, 1861.*

Colonel LOOMIS, *Fort Columbus, N. Y.*

COLONEL: You are authorized to allow any duly accredited member of the U. S. Sanitary Commission to visit the prisoners under your charge.

I am, colonel, your obedient servant,

WILLIAM H. SEWARD.

(Same to Lieut. Col. M. Burke, Fort Hamilton, N. Y.)

SPECIAL ORDERS, No. 172. } HEADQUARTERS OF THE ARMY, *Washington, October 17, 1861.*

1. Bvt. Col. J. Dimick, U. S. Army, will repair without delay to Fort Warren, Boston Harbor, and assume command of that post. He will receive instructions on his arrival at Boston.

* * * * * * *

By command of Lieutenant-General Scott:

E. D. TOWNSEND,
Assistant Adjutant-General.

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* Not found.

PROCLAMATION.

OCTOBER 17, 1861.

TO THE PEOPLE OF NORTHEASTERN KENTUCKY NOW IN ARMS AGAINST THEIR NATIONAL AND STATE GOVERNMENTS.

FELLOW-CITIZENS: You have assembled together in arms against your Government, against your State, your neighbors and in some instances your nearest relatives without any cause or any object that is worthy of brave and good men. What has your country done that you should rise against it, or what good will it do you to murder the people, burn and pillage the towns and overthrow the constitution and laws of Kentucky? If you could accomplish this you would be the most wretched as you would become the most wicked of men. The mass of you cannot wish to do this. But be assured the ruin you propose by your acts to bring upon the people of Kentucky will fall upon your own heads if you persevere.

Doubtless many of you have been misled by wicked and desperate men, bankrupt in fame and fortune, who hope to profit by the ruin of the Commonwealth. I sincerely believe that many of you have been deceived and led into rebellion who this moment regret the step they have taken, and would return to their families and homes if they could do so in safety.

To all the people therefore who have without due reflection taken up arms against their country and rebelled against both their nation and their State I say return home, lay down your arms, live in peace and friendship with your neighbors, and remember that at least you are Kentuckians. I promise that you shall not be molested either in person or property for what you have already done; on the contrary I will protect you equally with all other citizens so long as you render obedience to those laws which you yourselves have made. I offer you a complete amnesty for what is past; you will be held accountable only for the future. But to secure this result you must return home within ——— days. After that time you will be treated as enemies and must never more hope to see in safety your families or enjoy your property until you have carried out the purpose of your wicked misleaders and conquered the people of your State and overthrown the Government of your fathers.

As your fellow-citizen and a native of your State I urge this offer upon you. Should you reject it, the enlightened world as well as the laws of your country will hold you alone responsible for the shedding of fraternal blood.

WILLIAM NELSON,
Brigadier-General.

DEPARTMENT OF STATE, *Washington, October 18, 1861.*

Hon. S. P. CHASE, *Secretary of the Treasury.*

SIR: From intercepted letters of a recent date received at this Department and which were written by influential persons among the insurrectionists it seems that their chief mode of communication at the present time is by means of vessels plying between Havana and New Orleans, running the blockade at the last-named port. I call your attention to the matter in order that you may take such action as you may deem proper.

I have the honor to be, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

(Copy to Secretary of the Navy.)

DEPARTMENT OF STATE, *Washington, October 18, 1861.*

Lieut. Gen. WINFIELD SCOTT, *Washington.*

GENERAL: I have received the letter of Assistant Adjutant-General Townsend of the 16th instant,* accompanied by one addressed to you by W. C. Dusenbury, of New York, in which that gentleman expresses a wish to visit certain prisoners in that quarter for charitable purposes. No objection is entertained to the sending of contributions of any kind toward the comfort of the prisoners, but visits to them by any persons for supposed philanthropic objects cannot be approved.

I am, general, your very obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, October 18, 1861.*

Maj. Gen. JOHN E. WOOL, *Fortress Monroe, Va.*

GENERAL: I have had the honor to receive your letter† of the 16th instant and its accompaniments. Proper measures will at once be adopted to dispose of the Swedish consuls at both Norfolk and Baltimore. This Department has unquestionable information that foreign consuls in insurgent States and elsewhere are habitually made media of treasonable correspondence in violation of their privileges and even municipal law. Your continued vigilance to such matters would materially subserve the public interests.

I am, general, your very obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, October 18, 1861.*

ROBERT MURRAY, Esq., *U. S. Marshal, New York.*

SIR: Your letter of the 16th* instant has been received. In reply, you are authorized to release the sailors (not privateers) referred to by you on their taking the oath of allegiance.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

DEPARTMENT OF STATE, *Washington, October 18, 1861.*

Brig. Gen. ANDREW PORTER, *Washington, D. C.*

GENERAL: I will thank you to transmit to this Department the oaths of allegiance (and stipulations made if any) required of persons heretofore discharged by order of the Secretary of State, and in all cases hereafter to send such papers to this Department when executed by prisoners released by his direction.

I am, general, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., October 18, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to inclose a list of prisoners brought to Fort McHenry within the last three days. All but Julius, of whom I know

* Not found. † Omitted.

nothing, are implicated in the same criminal acts—recruiting and forwarding men to the Confederate Army. Julius is said to have been concerned in facilitating their passage across the Potomac. It is desirable that they should be sent away from Fort McHenry to some place of security more distant from their friends who are constantly seeking access to them.

I am, very respectfully,

JOHN A. DIX,
Major-General, Commanding.

[Inclosure.]

List of prisoners sent to Fort McHenry, October 16, 1861.

William F. McKewen was clerk to the board of police commissioners. He is an active and dangerous rebel; was the leader and adviser of the old police in their rebellious opposition to the Government; he was detected in enlisting men for the rebel army and was going himself.

Robert Renwick, a cabinetmaker of Scotch birth; very boisterous and obnoxious in his opposition to the Government. He was detected in enlisting men for the rebel army. A box of minie rifle balls was found on his premises.

R. H. Bigger, a lawyer; believed to have been commissioned by the rebels as a recruiting officer here. He was detected enlisting men for the rebel army in connection with the two first named in this list (McKewen and Renwick).

George Julius was sent here by General Banks. He has been engaged for some time past in conveying recruits across the Potomac at Marsh Run.

Charles D. French, implicated with Bigger in recruiting for the rebel army.

Robert Rae, implicated with Bigger in recruiting for the rebel army.

FORT HAMILTON, *New York Harbor, October 18, 1861.*

E. DELAFIELD SMITH, Esq.,
District Attorney, New York, N. Y.

SIR: Will you do me the favor to ask Judge Garrison, and please obtain it under his signature, if I go to New York or Brooklyn whether I shall be subject to arrest under his aid warrant and fined?

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel.

[FORT COLUMBUS,] *October 18, 1861.*

Colonel LOOMIS, *Commanding.*

COLONEL: The prisoners of war J. W. and E. E. Cornell state that their views and feelings have been correctly represented by Mr. E. Cornell in his letter to the Secretary of State, but they decline taking the oath of allegiance, and state that in the event of their doing so their property in North Carolina will be confiscated to the use of the rebellious States and their family turned out of doors. They are willing to take an oath not to bear arms or serve in any military capacity against the Government on condition of being released.

J. UPDEGRAFF,
Captain, Fifth Infantry.

HEADQUARTERS OF THE ARMY,
Washington, October 19, 1861.

The undersigned, General-in-Chief of the Army, has received from the President of the United States the following communication:

WASHINGTON, *October 14, 1861.*

Lieut. Gen. WINFIELD SCOTT:

The military line of the United States for the suppression of the insurrection may be extended so far as Bangor in Maine. You and any officer acting under your authority are hereby authorized to suspend the writ of habeas corpus in any place between that place and the city of Washington.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

In accordance with the foregoing warrant the undersigned devolves on Bvt. Col. Justin Dimick, U. S. Army, commanding Fort Warren, Boston Harbor, a like authority within the limits of the city and harbor of Boston to execute in all proper cases the instructions of the President.

WINFIELD SCOTT.

By command:

E. D. TOWNSEND,
Assistant Adjutant-General.

DEPARTMENT OF STATE, *Washington, October 19, 1861.*

Maj. Gen. JOHN A. DIX, *Baltimore, Md.*

GENERAL: I have the honor to acknowledge the receipt of your communication of the 18th instant and its inclosure relative to prisoners received at Fort McHenry within the last three days. In reply I have to inform you that arrangements are to be made to provide suitable places of confinement near Boston and at some point in the West which will probably be completed in a few days. When this is done the prisoners at Fort McHenry can be transferred as you suggest.

I am, general, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

DEPARTMENT OF STATE, *Washington, October 19, 1861.*

Hon. GIDEON WELLES, *Secretary of the Navy.*

SIR: Herewith I have the honor to inclose by direction of the Secretary of State for your information copies of two letters addressed to the President by B. P. Loyall and W. H. Ward, late lieutenants in the Navy of the United States.

I have the honor to be, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

[Inclosure No. 1.]

FORT LAFAYETTE, *New York Harbor, October 15, 1861.*

His Excellency the PRESIDENT OF THE UNITED STATES.

SIR: A week ago I received from the honorable Secretary of the Navy a communication informing me that by your order my name had

been stricken from the rolls of the U. S. Navy. This in consequence of my "having refused to take the oath of allegiance to the United States." By this exercise of the power vested in you I have been punished for an alleged offense. It is not for me to comment upon the justice of my dismissal, but in the most respectful manner I do complain of my imprisonment, which must in your judgment result from some act of mine deserving of it and from your right to inflict it. By no act nor intention nor in any manner whatsoever have I offended against the military or civil law of the United States, except having refused to obey an order which you deem merited my dismissal from the naval service.

Being thus released from my duty as an officer of the Government by you it is impossible for me to see by what right I am detained in confinement. I hope, sir, that you will see the truth and reason in my case as I state it. The position of an enemy to the United States is being forced upon me by my continuance in prison. I am confident that nothing upon the records of the Navy Department will warrant such treatment, and with all respect I ask you to release me and to restore to me that liberty of person to which every innocent man is entitled. In the name of law and justice I respectfully protest against my detention in prison.

I am, sir, most respectfully, your obedient servant,

B. P. LOYALL,
Late Lieutenant in the U. S. Navy.

[Inclosure No. 2.]

FORT LAFAYETTE, *October 15, 1861.*

His Excellency the PRESIDENT OF THE UNITED STATES.

SIR: Whilst on board the U. S. ship Macedonian in the Gulf of Mexico in May last I tendered my resignation as a lieutenant in the U. S. Navy. From the date of my resignation (May 26) up to the 12th day of August—when I received a communication from the Navy Department informing me that my name had been stricken from the rolls of the Navy—I continued performing my duty faithfully to the Government. On the receipt of my dismissal from the Navy I in good faith, never dreaming of injustice at the hands of the United States Government, accepted a passage home in the U. S. store-ship Release, kindly granted by Lieutenant-Commander Frailey. On my arrival in New York on board the aforesaid U. S. vessel I was arrested without any charge being made against me on the 31st day of August last, and have been confined in the fort up to the present date without being charged with any offense whatsoever. Conscious as I am of having committed none I respectfully call your attention to this act of injustice in that I confided in the United States Government for my assurance and right to personal liberty, and protest against my past, present and future confinement.

I am, very respectfully, your obedient servant,

W. H. WARD.

HEADQUARTERS OF THE ARMY,
Washington, October 19, 1861.

Bvt. Col. J. DIMICK, U. S. Army, *Boston, Mass.*

SIR: You have been assigned to the command of Fort Warren, Boston Harbor, that you may take charge of the political prisoners and

prisoners of war who may be sent there for safe-keeping. His excellency the governor of Massachusetts will detail a battalion of volunteers as a garrison for the fort on your application to him, which application the General-in-Chief desires you to make as early as practicable as the order for transferring the prisoners from New York Harbor cannot be given until you are established at Fort Warren. The general desires you to be governed by the following general instructions:

First. That the prisoners be securely held and that they be allowed every privilege consistent with this end, including opportunity to take air and exercise and be treated with all kindness.

Second. That a record be kept of the name, dates of confinement and release of the prisoners.

Third. That they may be permitted to provide themselves with such comforts as they require, if they have the pecuniary means; that they be allowed to receive under proper inspection articles of food, clothing and small sums of money not exceeding $20 at a time, &c., which may be sent them by friends.

Fourth. That they be allowed to transmit and to receive unsealed letters through your hands which on inspection shall be found to contain nothing inflammatory or injurious to the United States, and to receive or purchase the newspapers of the day. You will use your own discretion whether to forward or return to the writers as improper such communications as you receive from or for the prisoners, and in case of doubt you will forward them to this office for consideration.

Fifth. That personal intercourse with visitors be not allowed them except by express permission from proper authority in Washington, and then only in the presence of an officer.

Sixth. That when released by proper authority prisoners shall be examined to see that they bear upon their persons no unauthorized communication from those left in the fort.

Seventh. That an exact account be kept of the subsistence and clothing issued by the Government to each person. You will receive without other special instructions in each case all prisoners who may be delivered to you by order of the Secretary of War or State or by the U. S. marshal for the district. Should writs of habeas corpus be served on you for the production of any prisoners of war you will respond thereto that they are held as prisoners of war, and in these cases and also in any case of a political prisoner you will reply you deeply regret that pending existing political troubles you cannot comply with the requisition of the honorable judge. If then a writ of attachment is attempted to be served on you you will resist being taken yourself or having your prisoners liberated with all the force at your command. The President's authority to suspend the writ of habeas corpus at Fort Warren is herewith inclosed.

You will keep well on your guard against any possible attempt to liberate your prisoners by a *coup de main* from the sea.

The Quartermaster's and Subsistence Departments have given orders for putting the quarters at Fort Warren in comfortable condition, and for supplying the post with provisions. Report by telegraph to this office when you are ready to have the prisoners transferred from New York Harbor.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

HEADQUARTERS OF THE ARMY,
Washington, October 19, 1861.

WILLIAM COXE DUSENBURY, Esq.,
No. 142 Broadway, New York.

SIR: Your letter of the 15th of October in relation to visiting the prisoners of war on Governor's Island, N. Y., has been submitted to the Department of State and the following is the reply thereto:

No objection is entertained to the sending of contributions of any kind toward the comfort of prisoners, but visits to them by any persons for supposed philanthropic objects cannot be approved.

I am, sir, very respectfully, your obedient servant,
E. D. TOWNSEND,
Assistant Adjutant-General.

FORT LAFAYETTE, N. Y., *October 19, 1861.*

Hon. WILLIAM H. SEWARD, *Washington, D. C.:*

I beg leave respectfully to bring my case to your notice, my long confinement proving very disastrous to my family. Late in June my vessel was chartered by McConkey & Co. to go down to the Patuxent River to get off a vessel wrecked or ashore there. The charter party was a written one and with parties with whom I had no previous acquaintance, and it is still in my possession and Mr. McConkey has a counterpart. The vessel ashore was the schooner Robert L. Seth, on the Patuxent at the mouth of Town Creek.

A few hours before my starting a Mr. Tyte, who was a partner with me in the job, told me that about eight persons going to within a mile or two of my destination would like to avail themselves of the opportunity to go down if I would give them passage, they finding themselves with provisions. I understood they were laboring men and mechanics looking for employment. I had never seen them nor heard of them until then. I landed them within three miles of the vessel ashore.

A squall came up and blew my vessel (the Alverda) ashore, and the water continued so low with constant blows that although part of the time I had lighters I was unable to get her off. My men left and Mr. Tyte went to Baltimore to get assistance. Previous to this the steamer Chester arrived with Massachusetts volunteers on board inquiring for the schooner Georgiana; and sent U. S. deputy marshals on board to examine my vessel and left me. I was alone on board. Subsequently the steam tug Vigilant and sloop William Byrne came down and sent a canoe with deputy marshals demanding my papers. I showed my papers, which they proposed to retain, and said I must go with them to General Banks, and was carried on board the sloop William Byrne and delivered up to Lieutenant Pickett. Some of the men went on board my vessel, opened my cabin and lockers, took papers, clothing, &c.

The Vigilant went out cruising in the bay while the sloop remained at anchor, and meeting with the gun-boat Yankee, Commander Craven, came back followed by the Yankee, who suspected these vessels and demanded their papers, and finding they were out upon an unauthorized expedition threatened to take them prisoners to Annapolis or Baltimore. I was ordered on board the Yankee. Commander Craven made inquiry of me as to the party I had carried down, all of which I told him. When learning that my vessel was nearly afloat he said he could tow her off in a few minutes and would do so. This was on Saturday even-

ing. On Sunday morning he determined to go down the Potomac and ordered me as I understood to my own vessel, instead of which I was taken back to the sloop and sent off to Baltimore, they leaving my vessel in charge of a man, and at Fort McHenry I was landed and delivered up to General Banks and in charge of Major Morris.

General Dix arrived about that time, and at my instance on telling him the condition of my vessel, my only means of support, he promised to look into the matter. Meantime orders for transfer of the prisoners there to Fort Lafayette being sent on, I was transferred to this place and have had no opportunity of having my case presented to Government, while my family are suffering. The truth of all I say can readily be verified. I have never at any time had complicity or in any way knowingly done anything which I could not openly do with knowledge of the Federal authorities, and all who know me can testify that I have not interested myself in the present trouble so far even as to discuss them. I have at no time either said or done anything knowingly to which the authorities could take exceptions, and when I took these persons as passengers I had no suspicion that the parties were other than what they were represented, and upon the errand stated. Upon this statement of facts, which can be established, I sincerely hope that I will be released from a confinement so burdensome to my family, dependent upon my labor.

I am, sir, most respectfully, your obedient servant,

CHARLES M. HAGELIN.

HEADQUARTERS, *Fort Columbus, October 20, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I send you list of prisoners confined in this harbor under my command. * * * The political prisoners were sent from Baltimore by order of Major-General Dix. Marshal Kane was brought here by your order to the marshal of New York.

Very respectfully, your obedient servant,

G. LOOMIS,
Colonel, Fifth Infantry, Commanding.

[Inclosure.]

List of political prisoners paroled and quartered in Fort Columbus, New York Harbor.

Name.	When received.	Remarks.
George Armistead Appleton	Sept. 13, 1861	Political prisoner.
George P. Kane	Oct. 11, 1861	Do.
M. J. Grady	Sept. 13, 1861	Do.
Thomas Shields	....do	Do.
David Summers	....do	Do.
David H. Lucchesi	....do	Do.
George Thompson	....do	Do.
Jehu L. Bouldin	....do	Do.
A. Williamson	....do	Do.

DEPARTMENT OF STATE, *Washington, October 21, 1861.*

H. M. HOXIE, Esq., *U. S. Marshal, Des Moines, Iowa.*

SIR: Information has been lodged with this Department that persons in the State of Iowa are disloyal and co-operating with those in arms

against the authority of the Government of the United States, and that others are engaged in transporting gunpowder across the State for the insurrectionists. You will please confer with the U. S. district attorney and arrest and commit to military custody any such persons and report to this Department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, October 21, 1861.*

W. H. F. GURLEY, Esq.,
U. S. District Attorney, Davenport, Iowa.

SIR: Your communication of the 9th instant addressed to the Hon. Caleb B. Smith, Secretary of the Interior, and by him referred to this Department has been received. In reply I have to inform you that instructions have this day been issued from this Department addressed to the U. S. marshal for the district of Iowa directing him to confer with you and arrest and commit to military custody any persons disloyal and co-operating with the insurrectionists and report to this Department.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Acting Secretary.

DEPARTMENT OF STATE, *Washington, October 21, 1861.*

Col. G. LOOMIS, U. S. Army,
Commanding, &c., Fort Columbus, N. Y.

COLONEL: You will please release J. W. Cornell and E. E. Cornell, prisoners of war confined at Fort Columbus, New York Harbor, on their engaging upon oath not to leave the State of New York during the present hostilities without permission from the Secretary of State nor to hold any treasonable correspondence themselves nor be concerned in any nor to do any act hostile or injurious to the Government of the United States, and report to this Department.

I am, colonel, very respectfully, your obedient servant,

F. W. SEWARD,
Acting Secretary of State.

DEPARTMENT OF STATE, *Washington, October 21, 1861.*

SAMUEL HILL, Esq.,
Postmaster, Deer Creek, Pickaway County, Ohio.

SIR: Your communication of September 7, ultimo, in reference to the treasonable conduct of the Circleville Watchman addressed to the Hon. Simon Cameron, Secretary of War, and by him referred to this Department has been received. In reply I have to request that if the journal referred to continues in the course complained of you will forward some recent numbers to me by mail.

I am, sir, your obedient servant,

F. W. SEWARD,
Acting Secretary.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., October 21, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to inclose a letter from Mayor Brown. I know Capt. Charles M. Hagelin, and had several conversations with him before he left Fort McHenry. He is a person of very simple character and without influence. I am inclined as I was while he was here to believe his statement. But whether true or not I think he has been sufficiently punished and recommend his immediate release. The closing paragraph of Mayor Brown's letter will attract your attention without any suggestion from me.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

[Inclosure.]

FORT LAFAYETTE, *October 8, 1861.*

His Excellency ABRAHAM LINCOLN,
President of the United States.

SIR: I respectfully ask your attention to the case of a citizen of Baltimore who is confined in this fort. He is Capt. Charles M. Hagelin, aged forty-nine years, and for twenty-seven years a resident of Baltimore. In March he invested nearly all his hard earnings in the purchase of a schooner called the Alverda in which he made but two trips. The first was to the Patuxent for a load of wood; the second was to the same river for the purpose of getting off a vessel which had run aground. On this trip he was requested to take ten men as passengers who were represented to be mechanics in search of employment. He consented, and it was not until after the voyage had begun and when it was nearly over that he ascertained from the conversation of these men that most of them designed to go to Virginia.

On the 19th of July, some time after his arrival in the Patuxent River, Captain Hagelin and his vessel were seized. He was brought here, and his vessel, as he is informed after having been stripped, is left aground on the shores of the Patuxent. Thus Captain Hagelin is likely to be deprived of nearly everything he is worth, has been subjected to a long imprisonment, and is taken away from his wife and children who look to him for support, for no act except having taken on board his vessel a few passengers whose business and purposes he did not scrutinize before receiving them.

These are the statements of Captain Hagelin, and have gained the entire confidence of his fellow-prisoners including myself in consequence of the simplicity of his character and the gentleness and propriety of his whole demeanor. He is a Swede by birth, a perfectly harmless person, and with neither power nor disposition to do injury to the Government. There are doubtless other cases here equally worthy of examination and relief, but as Captain Hagelin is one of my constituents and has personally interested me I confine my application to him. I hope that it will meet with a favorable consideration.

I cannot close, however, without calling your attention to the condition of the prison. My official duty has made me somewhat familiar with the management of similar institutions, and I do not hesitate to say that the arrangements here are inhuman and disgraceful to the

Government of the United States, and I apprehend that serious illness among the inmates will be the consequence.

Respectfully, your obedient servant,

GEO. WM. BROWN,
Mayor of Baltimore.

FORT LAFAYETTE, *New York Harbor, October 21, 1861.*

Lieut. Col. M. BURKE,
Commanding Forts Hamilton and Lafayette.

COLONEL: I find on inquiry of the prisoners that they do not care about having a chaplain. Some of them on being asked replied, "No; especially an abolitionist." In making this report I give the expression of the majority.

I am, colonel, with respect, your obedient servant,

CHAS. O. WOOD,
Second Lieutenant, Ninth Infantry, Commanding Post.

DEPARTMENT OF STATE, *Washington, October 22, 1861.*

Maj. Gen. JOHN A. DIX, *Baltimore, Md.*

GENERAL: I have the honor to acknowledge the receipt of your communication of the 21st instant with its inclosure from Mayor Brown. In reply I have to inform you that I have directed Colonel Burke to discharge Capt. Charles M. Hagelin on his taking the oath coupled with certain obligations.

I have the honor to be, general, very respectfully, your obedient servant,

F. W. SEWARD,
Acting Secretary.

DEPARTMENT OF STATE, *Washington, October 22, 1861.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

SIR: Let Charles M. Hagelin, a prisoner confined in Fort Lafayette, be released on taking the oath of allegiance to the Government of the United States stipulating that he will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State; and also that he will not do anything hostile to the United States during the present insurrection. You will please make the stipulations a part of the oath. I transmit this order to Robert Murray, esq., U. S. marshal, who has been instructed by this Department to cause a police examination to be made in some cases of the persons and baggage of prisoners discharged from custody to the end that no correspondence or other improper papers be conveyed by them to persons outside the fort.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Acting Secretary.

OFFICE OF THE U. S. DISTRICT ATTORNEY FOR
THE SOUTHERN DISTRICT OF NEW YORK,
New York, October 22, 1861.

Lieut. Col. MARTIN BURKE.

MY DEAR SIR: I have obtained the inclosed from Justice Garrison. You need not fear arrest. If you have any trouble see me; but you will not.

Truly, yours,

E. DELAFIELD SMITH.

[Inclosure.]

BROOKLYN, *October 22, 1861.*

The process spoken of has been returned, and of course I will not of my own motion issue any other.

SAML. GARRISON,
Kings County Judge.

SAINT LOUIS, *October —, 1861.*

Hon. W. H. SEWARD, *Secretary of State:*

I telegraphed* the Secretary of War on the 16th instant informing him that there were in this city from 50 to 100 dangerous secessionists, and that circumstances might make their arrest necessary. Also that we had no suitable place of detention for such a large number of prisoners, and suggesting their removal in a certain contingency to the fort at Mackinac. My telegraph has not been answered. Some of the persons referred to have been arrested. They ought by all means to be detained. Please answer and state the disposition which you think ought to be made of them.

JOHN MCNEIL,
Colonel Nineteenth Missouri Vols. and Asst. Provost-Marshal.

FORT MCHENRY, *October 23, 1861.*

Hon. SIMON CAMERON and
Hon. WILLIAM H. SEWARD:

Fort McHenry is very small and is filled up by the garrison. We have not room for the accommodation of prisoners or the means of providing for their comfort. Seven prisoners of war from General Banks' column and four state prisoners engaged in secreting a balloon in Delaware came in last night. We have now over twenty confined in one room and cell.

JOHN A. DIX.

DEPARTMENT OF STATE, *Washington, October 23, 1861.*

Maj. Gen. JOHN A. DIX, *Baltimore, Md.:*

Send the prisoners mentioned in your dispatch to Fort Columbus, N. Y., and report names to me.

WILLIAM H. SEWARD,
Secretary of State.

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* See Vol. I, this series, p. 134.

DEPARTMENT OF STATE, *Washington, October 23, 1861.*

Maj. Gen. N. P. BANKS, &c.

GENERAL: I learn that Mr. Barnard, who is an agent of the Associated Press, is with your army. Information which leaves no room for mistake satisfies me that until last May he was an agent of the disunionist press in this city. You will I think do well to have his correspondence strictly observed and to guard against any treachery on his part.

I am, general, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, October 23, 1861.*

ROBERT MURRAY, Esq., *U. S. Marshal, New York.*

SIR: Complaints still come that the comforts which might be allowed the prisoners at Fort Lafayette are not enjoyed by them. Although these complaints have their origin in reports which arose before you went there to look after the comfort of the prisoners you will proceed again to the fort and remedy what admits of remedy. * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, October 23, 1861.*

DAVID H. CARR, Esq., *U. S. Marshal, New Haven, Conn.*

SIR: Your communication* of the 17th instant addressed to the Hon. Simon Cameron, Secretary of War, and by him referred to this Department has been received. In reply you are authorized to arrest and send to Fort Lafayette any persons engaged in inducing soldiers to desert or otherwise obstructing the recruiting officers in the discharge of their duties. It is to be hoped that the exercise of this authority in a few cases will serve as an example which will deter the class of persons referred to from their disloyal practices.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

WASHINGTON, *October 25, 1861.*

Honorable SECRETARY OF STATE.

DEAR SIR: I returned from Canada this morning. I found at the Clifton House, Niagara Falls, a large number of prominent secessionists who have just returned from Europe. I would like an order for the arrest and conveyance to Fort Lafayette of S. W. Ashly and O. B. Caruthers, the first named being a member of the so-called Confederate Congress at this time. These traitors are awaiting an opportunity to go South. They have very important correspondence in their possession some of which I have seen. I am confident I shall succeed in inducing them to visit our side of the river, which of course will be the only opportunity of arresting them.

Yours, very respectfully,

L. C. BAKER.

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* Not found.

DEPARTMENT OF STATE, *Washington, October 25, 1861.*

L. C. BAKER.

SIR: You will arrest S. W. Ashly and O. B. Caruthers and convey them to Fort Lafayette. Secure their papers and remit them to this Department. This process is not to be executed outside the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, October 25, 1861.

Hon. W. H. SEWARD, *Secretary of State.*

SIR: I have sent to Fort Columbus to-day the following prisoners, viz: William F. McKewen, R. H. Bigger, Robert Renwick, Charles D. French, citizens of Baltimore, confined October 16, 1861; Robert Rae, confined October 17, 1861. * * * John D. Sudendorf, citizen or supposed to be so, but acting in the capacity of a spy in conveying information to the rebels. Thomas B. Giles, Joseph Bacon, S. B. Frost, citizens of Delaware, confined October 23, 1861.

I have the honor to be, your obedient servant,

JOHN A. DIX,
Major-General, Commanding.

DENVER, COLO. TER., *October 26, 1861.*

The PRESIDENT OF THE UNITED STATES:

Resting under the impression that most of our letters to Washington miscarry unless they go by private hand and that the governor does [not] attach the same importance to frequent reports to the Government that I do, I venture to overstep my line of official duty by writing you again.

We have news to-day that Captain Otis, at Fort Wise, captured a portion of the rebels raised in this Territory by the notorious Captain McKee to whom I recently denied the writ of habeas corpus. They had attacked a party of loyal people on the Arkansas, who found a way to send word to Fort Wise, when Captain Otis sallied out with his cavalry and made them prisoners. That will help us some if it does not bring upon us the Cherokees who have joined the rebels and are quick to avenge what they conceive to be an insult to Georgians. To make this point apparent to you it is needful to say that the gold of this region was first discovered by Georgians and Cherokee half-breeds, who have served as mountaineers here for twenty years. The road which sweeps from the Indian reservations south of Kansas through here to what is called on the maps the South Pass bears the name of the Cherokee trail; and although the Cheyennes have traveled it most lately they still claim it as theirs. In consequence of their relationship to and old associations with Georgians the thousands of Georgians residing here from whom the rebellion arose appeared to calculate from the start that they could make a conquest of Colorado by the aid of the Cherokees. The notorious A. B. Miller, who headed the first party of rebels here, went at first to Fort Smith and leaving his party there went to Richmond for orders, and then returned to the Chero-

kees. That would seem to mean that he is to lead them here unless the movements of General Frémont shall scatter them in some other direction.

The governor having gotten some ammunition from Laramie we begin to feel some confidence in our own strength. Heretofore with the single exception of one or two arrests I have been obliged to face this rebellion alone, except with the aid I received from the marshal. But I think we shall keep the rebels under. Will the President cause us to be informed how we shall subsist these political prisoners?

I have the honor to be, sir, Your Excellency's obedient servant,

BENJ. F. HALL,
Chief Justice of Colorado.

OFFICE OF THE U. S. ATTORNEY FOR
THE DISTRICT OF NEW JERSEY,
Newark, October 26, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I duly received your telegram in answer to my letter of the 8th instant directing me to arrest James T. Cochrane and Wormell and to libel the property. These parties fled at the first seizure of the goods, and although I have had the officers on the watch ever since I have not succeeded in effecting their arrest. I have libeled the 107 machines found in Cochrane's factory, and also 300 files found in a file manufactory, part of 1,500 that have been made this summer for these cotton-gin sharpeners; the others have been sent South.

Very respectfully, your obedient servant,

A. Q. KEASBEY,
U. S. Attorney.

HEADQUARTERS OF THE ARMY,
Washington, October 26, 1861.

Col. G. LOOMIS, U. S. Army,
Commanding Fort Columbus, N. Y.

SIR: The General-in-Chief directs that the political prisoners and prisoners of war confined at the several posts in New York Harbor be sent by sea under charge of a vigilant officer and strong guard to Fort Warren, Boston Harbor. Colonel Dimick, U. S. Army, has arrived in Boston under instructions to take command at Fort Warren, and the prisoners will be delivered to him. Colonel Burke has been instructed to turn over the prisoners under his charge on your application. You will call on the quartermaster in New York to furnish steam transportation.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

Copy for Lieutenant-Colonel Burke, who will turn over the prisoners under his charge on the application of Colonel Loomis.

By command of Lieutenant-General Scott:

E. D. TOWNSEND,
Assistant Adjutant-General.

U. S. MARSHAL'S OFFICE, SOUTHERN DIST. OF NEW YORK,
New York, October 28, 1861.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SIR: In obedience to your instructions I yesterday proceeded to Lafayette to examine the situation of the prisoners there, and in order to have the concurrent testimony of others I selected Mr. Simeon Draper, who is connected with the charitable institutions of the State, and Mr. Senator Ferry to accompany me. After a thorough examination of the situation of the prisoners there we came to the conclusion that sufficient food of a good quality was supplied to them, and that their wants in other particulars were well attended to with the exception of the cooking arrangements. Soldiers are employed to do this business who have no knowledge of it, and it would be desirable to have two cooks appointed who could attend to this branch of the department.

Amongst the prisoners we found a number of men who occupy no social position and who have no standing in the community and whose room would be more beneficial to the Government than the space they occupy. The main difficulty with regard to the comfort of the prisoners in the fort is the want of sufficient room, and by discharging those whom it is of no interest to the Government to retain this difficulty would be obviated. These men it would appear to me could not do the Government any mischief, and it is only a matter of surprise how they came to be arrested. I would therefore advise that some competent person or persons should be named by you to examine into the charges against these men and report to you for your final action in the premises. Lieutenant Wood, in command of the fort, complains that his duties are very onerous, having in charge from $5 to $15,000 belonging to the prisoners which he disburses on their order. Of course under these circumstances his time is almost entirely occupied and he is unable to render those services which he ought to be able to render to the prisoners.

I have therefore no hesitation in saying that it would only be right and proper that he should have a secretary appointed to assist him, to be selected according to your instructions. I would suggest that as soon as the room could be spared that a hospital should be set apart for those who are suffering from sickness in order to separate them from those who are in good health.

Very respectfully, yours,

ROBERT MURRAY,
U. S. Marshal.

P. S.—Mr. Draper and Senator Ferry concur in the above recommendation.

R. MURRAY.

[Indorsement.]

OCTOBER 29, 1861.

Respectfully referred to Lieutenant-General Scott with a request that he will make an order for the military matters within mentioned.

WILLIAM H. SEWARD.

OFFICE OF PROVOST-MARSHAL,
Saint Louis, Mo., October 28, 1861.

Brig. Gen. W. T. SHERMAN,
Commanding Department of the Cumberland.

GENERAL: I send herewith a statement made by a prisoner who was arrested by my orders for going South contrary to an order issued from this department on the 30th of August. My object in sending it is to bring to your notice the route—although I presume you have taken measures to close it—pursued by the prisoner. I understand from other sources that the aforesaid route has been largely traveled by persons desiring to evade the order in reference to non-intercourse with the South.

I have the honor to be, very respectfully, yours,

JOHN McNEIL,
Colonel Nineteenth Missouri Volunteers, Provost-Marshal.

[Inclosure.]

SAINT LOUIS, *October 23, 1861.*

Col. JOHN McNEIL.

SIR: I was informed this morning by Mr. Caffrey that you did not consider my letter of yesterday's date as satisfactory, it not giving the route by which I went to New Orleans. I now state that I went by railroad to Evansville, Ind.; by river to Henderson, Ky.; from there by stage to the Tennessee State line, where I took the railroad to Brookhaven, Miss.; from there by buggy to Natchez, Miss., and thence by river to New Orleans. Returning I came by railroad to Memphis, where I stopped one day and a half to collect some debts; went from there to Natchez, where I arrived on Saturday noon; collected some debts and returned from there on Sunday to State line by railroad, by stage to Henderson, Ky.; from there by Government steamer Storm to Evansville and by railroad home.

I do not consider that I have committed any offense by making the trip to the South as I went solely on our commercial business to collect moneys we required in our business and which there was danger of being confiscated. I will further state that I remained at the several places which I visited only time enough to transact my business, and left by first conveyance I could get. The following-named gentlemen will I feel confident bear me out in my assurance of loyalty to the Government under which we live: Albert Pearce, esq., George Pegram, esq., William J. Hazard, esq., Messrs. S. M. Edgell & Co., Messrs. William Matthews & Co., and Messrs. John J. Roe & Co.

Very respectfully,

M. YOLAN.

[Indorsement.]

Respectfully referred to Major Corwine, judge-advocate.

This man left after the proclamation of martial law, passing our lines each way without permission and in defiance of orders, and now pleads ignorance.

JOHN McNEIL,
Assistant Provost-Marshal.

DEPARTMENT OF STATE, *Washington, October 29, 1861.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette*, and
Col. G. LOOMIS, *Fort Columbus, N. Y.*

GENTLEMEN: I have requested Seth C. Hawley, esq., to visit the forts in New York Harbor for the purpose of reporting to this Department the names of such among the prisoners there confined as may with propriety be released. You will please render such aid in the prosecution of his errand as may be necessary, and grant to him full permission to visit all the forts under your respective commands.

Very respectfully, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, October 29, 1861.*

SETH C. HAWLEY, Esq., *New York.*

SIR: I inclose herewith an extract* from a communication received at this Department from Robert Murray, esq., U. S. marshal for the southern district of New York. Will you please examine the matter and report to me the names of such persons as in your judgment may with propriety be released on taking the oath of allegiance.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

EXECUTIVE DEPARTMENT, *Albany, October 29, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: The Rev. H. Dunn called on me on Saturday last and made certain statements in regard to the fitting out of vessels at Montreal destined for Southern ports. I requested him to put the information in the form of a letter, and I take the liberty of inclosing a copy of his statement herewith for such consideration as you may deem it entitled to.

I am, with high regard, your most obedient servant,

E. D. MORGAN,
Governor of New York.

[Inclosure.]

[ALBANY], *October 26, 1861.*

Governor MORGAN.

DEAR SIR: The substance of the statement which you wish me to commit to paper is this:

There is a vessel now being loaded in Montreal destined to a Southern port. Consul Mure and his two brothers who are there are supposed to be interested (John Mure especially so) in the enterprise. The captain of this vessel boasts that he has twice run the blockade. I also give it as my opinion that there was not sufficient efficiency in the consulate to meet the present emergency. Not that I call in question the integrity or ability of the consul-general, but first he is a very old man for such a place; and second his home is in Ohio and he is necessarily much of his time with his family. The deputy who is the acting consul is manager of nearly all the express companies of both provinces. He has no time or disposition to make himself active in defeating rebel designs. At Quebec where beyond measure we need a consul there is but an agent. Montreal and Quebec are full of secessionists. Proba-

* See Murray to Seward, October 28, *ante*.

bly nearly or quite 100 refugees from the South are at those two places. If I were permitted to suggest it would be the appointment at once of a consul at Quebec, and employing an efficient detective agent at Montreal who would telegraph to the agent at Rouse's Point or other places when secessionists were going South and keep the Government informed of their measures generally.

It is true that through Mr. Weed I have asked for the consulate at Quebec if one be created there and would be much obliged for your own influence in that direction if you feel free to give it; yet it is above all personal consideration that influences my opinion in this case.

Most respectfully,

H. DUNN.

P. S.—Another fact is worthy of notice. Funds are being constantly sent from the South to these insurgents of ours in Montreal and Quebec. Should such funds be permitted to pass?

H. D.

NEW YORK, *October 29, 1861.*

Hon. W. H. SEWARD:

Will you continue countermand* of order for removal of Fort Lafayette prisoners until I see you? I leave for Washington to-morrow morning.

W. H. LUDLOW.

FORT HAMILTON, *New York Harbor, October 30, 1861.*

Col. E. D. TOWNSEND,

Asst. Adjt. Gen., Hdqrs. of the Army, Washington, D. C.

SIR: Inclosed you will receive Lieutenant Wood's report disposing of the prisoners in Fort Lafayette up to this date. If you do not consider the suggestion an improper one I would most respectfully ask the General-in-Chief to signify direct or through me his approbation of Lieutenant Wood's conduct while in charge of the prisoners at Fort Lafayette. I am aware that in ordinary cases these duties would be considered merely as a part of the ordinary routine of the service, but so highly do I estimate Lieutenant Wood's exertions in the discharge of these most onerous duties that I cannot refrain from submitting a suggestion of this nature to the General-in-Chief, Lieutenant Wood having in my opinion while stationed at Fort Lafayette rendered services equivalent to those of three good officers.

I have the honor to remain, sir, your most obedient servant,

MARTIN BURKE,

Lieutenant-Colonel, U. S. Army, Commanding.

[Inclosure.]

FORT LAFAYETTE, *New York Harbor, October 30, 1861.*

Lieut. Col. M. BURKE,

Commanding Forts Hamilton and Lafayette.

COLONEL: In obedience to your instructions† I have delivered into the custody of [Lieut.] John L. Buell, Fourth Infantry, all the prisoners

* No countermand order can be found.

† To send the political prisoners to Fort Warren. See Townsend to Loomis, Oct. 26, p. 120.

of war and state confined at this post and hold his receipt for the same. I also as per instructions sent twenty men of the detachment under my command as guard and furnished three days' cooked rations for both prisoners and guard.

I am, colonel, with respect, your obedient servant,

CHAS. O. WOOD,
Second Lieutenant, Ninth Infantry, Commanding Post.

HEADQUARTERS DEPARTMENT OF VIRGINIA, &C.,
Fort Monroe, Va., November 1, 1861.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: I received your several communications of the 23d and the 29th ultimo, with an indorsement on that of the 23d. In reply to the latter I have only to remark that I gave no other instructions than that I could not for the present receive passengers by flags of truce coming from Norfolk. I was not aware until you informed me that any other instructions had been given on the subject. I certainly have no intention or desire to be discourteous to General Huger.

Herewith I send by a flag of truce and commend to your care and courtesy the following-named persons: Mrs. Susan Carnes, her sister, Miss Shelton, and Miss Barker; Mrs. Reeves, her four children and female servant; Mrs. Sophia Allen and son (seven years old), and Mrs. Charles Parker, Mrs. Margaret Cormick, Mrs. Annie M. Upsher, Miss Williamson, Miss E. B. Nichols, Mrs. Julia Stillman, Mrs. Eliza Stillman, Mrs. Rachael E. Myers and her daughter, and I believe one other lady who is desirous of visiting her children and who says her husband is in the U. S. Navy. Mr. C. Drew and his daughter also go with this flag.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

P. S.—I also send under cover to you a small package of letters.

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND,
Louisville, Ky., November 2, 1861.

General W. T. WARD, *Campbellsville.*

DEAR SIR: Your letter of 31st is received. When prisoners are received have the papers all handed to Judge Bullitt, a good Union man and a member of the court of appeals, to whose decision I leave the case. We cannot imprison and keep in custody all suspected persons, and the only safe course is to follow the law of the State of Kentucky which makes arrests only proper when overt acts of treason are established. The cases you mention are certainly such as the safety of the community would justify in having imprisoned and I will caution Judge Bullitt on the point.

By my request Judge Catron has appointed a number of commissioners to reside along the line, one of whom was designed for Campbellsville. His examination and commitment will be final and will obviate our hitherto trouble of judging cases from mere letters and the expla-

nations of the accused. So many improper arrests were made by self-constituted authorities that there was a physical impossibility of keeping them. To inflict any cruelty on them would not be tolerated by the laws of war or peace, and the consequence is many dangerous men are set free. Judge Catron says the commissioners can put them under bond and the bond will be good against their property or the property of their sureties.

As you can well understand we would soon fill all the places of confinement in Louisville were we to arrest and imprison all who may be dangerous. Leaders and conspicuous men never should be arrested unless in strong cases, and then an examination should be had before a commissioner of the United States.

I expect you up this week.

Yours, truly,

W. T. SHERMAN,
Brigadier-General, Commanding.

DEPARTMENT OF STATE, *Washington, November 4, 1861.*

Maj. Gen. JOHN E. WOOL, U. S. Army,
Fortress Monroe, Va.

GENERAL: I have this day received a note from Maj. Gen. George B. McClellan stating that within the past few days orders have been sent from his headquarters to you to pass over our lines two or three loyal citizens under flags of truce and that at the time of issuing of these orders it was not known to him that the power to grant such passes was confined to the State Department. He desires me to approve his action which under the circumstances I have done. You will therefore please permit the persons holding passes from him to go over our lines as directed.

I have the honor to be, general, your obedient servant,

F. W. SEWARD,
Acting Secretary.

DEPARTMENT OF STATE, *Washington, November 4, 1861.*

SETH C. HAWLEY, Esq., *New York.*

SIR: I have to acknowledge the receipt of your communication of the 31st ultimo informing me of your inability to execute the orders of this Department of the 29th ultimo in consequence of the removal of the prisoners from the forts in New York Harbor to Fort Warren, in Boston, Mass., and suggesting if it is the wish of the Department that you should proceed to that point and make the investigation required that instructions to the commanding officer of Fort Warren similar to those to the commandants of the forts in New York be forwarded to you.

In reply I inclose herewith such instructions to Colonel Dimick together with a note to Robert Murray, esq., the U. S. marshal for the southern district of New York, requesting him to accompany you and to give you all the aid in his power in prosecuting your investigations.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Acting Secretary.

[Inclosure No. 1.]

DEPARTMENT OF STATE, *Washington, November 4, 1861.*

Col. JUSTIN DIMICK, U. S. Army,
Commanding, &c., Fort Warren, Boston, Mass.

COLONEL: I have requested Seth C. Hawley, esq., to visit Fort Warren, Boston, for the purpose of investigating the cases of certain prisoners recently transferred from New York and of reporting to me the names of such as in his judgment may with propriety be released. He will be accompanied by Robert Murray, esq., U. S. marshal for the southern district of New York. You will please grant to both these gentlemen full permission to visit the prisoners confined in Fort Warren and render them all other aid in the prosecution of their errand in your power.

I am, colonel, very respectfully, your obedient servant,

F. W. SEWARD,
Acting Secretary.

[Inclosure No. 2.]

DEPARTMENT OF STATE, *Washington, November 4, 1861.*

ROBERT MURRAY, Esq., *U. S. Marshal, New York.*

SIR: I have requested the Hon. Seth C. Hawley to proceed to Fort Warren, Boston, Mass., and investigate the cases of certain prisoners therein confined (lately transferred from the military posts in New York Harbor) referred to in your letter to this Department of the 28th ultimo, and he has expressed a desire to avail himself of your counsel and advice in the premises. I will therefore thank you to consult freely with Mr. Hawley and if possible accompany him to Boston, and render him all the assistance you can in the prosecution of his investigations.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Acting Secretary.

DEPARTMENT OF STATE, *Washington, November 5, 1861.*

ROBERT MURRAY, Esq., *U. S. Marshal, New York.*

SIR: Brig. Gen. Andrew Porter, the provost-marshal in this city, has in his custody several female prisoners and it is thought advisable to transfer them to some other point where they can be more comfortably detained. Will you please proceed to Fort Columbus, New York Harbor, and make an examination of it with reference to that object and report to me as soon as you conveniently can whether in your judgment suitable accommodation can be provided therein.

I am, sir, your obedient servant,

F. W. SEWARD,
Acting Secretary.

U. S. MARSHAL'S OFFICE, *Cincinnati, November 5, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington, D. C.:*

Inclosed please find statements of several of the most prominent citizens in Southern Ohio. I have ofttimes received statements of a similar character. I would refer you to the Hon. S. P. Chase as to the responsibility of Mr. Beckett and the other gentlemen whose names appear on the within statement.

Very respectfully, your obedient servant,

A. C. SANDS,
U. S. Marshal.

[First indorsement.]

DEPARTMENT OF STATE, *November 8, 1861.*

Respectfully referred to the Secretary of the Treasury for his opinion as to the propriety of arresting the person complained of. Please return these papers.

By order of the Secretary of State:

E. D. WEBSTER.

[Second indorsement.]

SECRETARY OF STATE:

Messrs. Beckett and Tytus are best known to me of the gentlemen referred to and are highly respected citizens. The other gentlemen so far as I know enjoy the confidence of their fellow-citizens. Perhaps I ought to add, however, that I am obliged to differ from them as to the expediency of arresting Mr. Vallandigham. I return the papers.

S. P. CHASE.

[Inclosure.]

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States:

We, the undersigned citizens of Butler County, Third Congressional district, Ohio, having heard the speech of Hon. C. L. Vallandigham made in this city on the 12th of October, 1861, and believing it will calculate to render aid and comfort to the traitors now in hostility against the Government of the United States by exciting sympathy for them in this community, and particularly by preventing enlistments in the volunteer service of the country and by discouraging subscriptions to the Government loan, beg leave respectfully to request that you adopt such means as will prevent this gentleman from working similar detriment to the public service in future. We herewith send the Cincinnati Commercial containing a brief abstract of the speech in question, which we pronounce generally correct as far as it goes. Of the effect of this speech in our community we can only give our opinion, which is that it has in some measure put a stop to enlistments in this community. Were we to undertake to point out wherein the Commercial's report fails to give a full impression of Vallandigham's language it would be in that part where he denounces the loan and tax measures, which he denounced as particularly unequal, unwise and disastrous in their results. We have only further to say that the speech in its general tone and bearing was just such a speech as might very well have been addressed to and been applauded by an audience of rebels. It was vilely denunciatory of the Administration and very kindly in its tone toward the rebels. On the subject of taxation he said that the amount to each man, woman and child would be about $30; that the people would be utterly unable to pay it, and the result would be that under the law the farms would be sold and bid in by the Government officers, and shortly afterward Government land offices would be established all over the State for the sale of forfeited farms. As to the bonds issued by the Government they would soon depreciate to 80 or 70 per cent., and thus the widows and orphans would be fleeced. And if the war went on a few years the very men who authorized the issuance of the bonds would turn round and repudiate them. We do most sincerely believe the good of the country requires that the said Vallan-

digham should be forthwith arrested and taken care of until the war is ended, and we hope that Marshal A. C. Sands will be instructed to make said arrest.

F. J. TYTUS.
JACOB MORRIS.

The parts of Mr. Vallandigham's speech which we heard are correctly set forth above.

M. P. ALSTON.
PHILIP BERRY.
J. F. SUTHERLAND.

We, the undersigned citizens of the said Congressional district, believing the above to be a correct statement of the speech of Mr. Vallandigham and of its tendency, and considering that he has at other times and places made speeches to the same effect, and believing that he is using all his influence to defeat the efforts of the Government in crushing out the rebellion which now so seriously threatens its existence, would earnestly urge upon you the necessity of the immediate arrest of C. L. Vallandigham and of his safe-keeping until the public danger is removed.

WM. BECKETT.
E. G. DYER.
ISRAEL WILLIAMS.
EZRA POTTER.

As to the character and responsibility of Beckett, Dyer, Williams, Tytus, Morris, Potter and Alston, and Berry and Sutherland, see Secretary Chase.

PROCLAMATION.

HEADQUARTERS, *Prestonburg, November 5, 1861.*

Having this day occupied the town of Prestonburg with the force under my command I declare to all whom it may concern that the jurisdiction of the State of Kentucky is restored in this section of the State, and that the regular fall terms of the courts will be held in those counties in which the time for holding the same has not passed; and all civil officers are ordered to attend at the regular times and places of holding said courts and attend to the duties of their respective offices.

Given under my hand this 5th day of November, 1861.

W. NELSON,
[*Brigadier-General, Commanding.*]

DEPARTMENT OF STATE, *Washington, November 7, 1861.*

His Excellency WILLIAM DENNISON, *Columbus, Ohio.*

GOVERNOR: I have had the honor to receive your telegraphic dispatch of yesterday* expressing an opinion that three brothers named Crumbaugh, from Kentucky, now held as prisoners of war, ought to be released, and requesting their discharge after taking the oath of alle-

*Not found.

giance In reply I have to state that although reluctant even to delay a compliance with any similar request from you I am compelled by circumstances of which you may not be fully aware to postpone the release of prisoners of war from Kentucky at this juncture. This determination has been reached pursuant to the suggestion of loyal citizens of high standing in that State to which we feel bound to defer.

I have the honor to be, your excellency's very obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, November 7, 1861.*

THORNTON K. LOTHROP, Esq.,
Assistant U. S. District Attorney, Boston, Mass.

SIR: Your letter of the 4th instant* has been received. I am directed by the President of the United States to say that there being an insurrection in the United States the President has suspended the writ of habeas corpus in the State of Massachusetts and in the waters thereof so far as it may concern the action of any military or naval officer or other persons engaged in the military service or the naval service of the Union and any civil officer of the United States. No officer therefore of the United States will obey any such writ without the assent of this Department previously obtained.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

WASHINGTON, *November 7, 1861.*

Hon. WILLIAM H. SEWARD, &c.

SIR: In a note which I had the honor to address to you on the 10th [6th] of last month I directed your attention to the unusual manner in which the master and crew of the British schooner Revere appeared to have been treated after the capture of their vessel by the U. S. ship Cambridge, and especially to the fact that two of the crew had been kept in irons.

It is now my duty to beg the Government of the United States to take into their serious consideration statements concerning another case of the same kind which have been brought to my notice by Rear-Admiral Sir Alexander Milne, commander-in-chief of Her Majesty's naval forces on the North American and West Indian stations. It would appear from them that on the seizure by the Cambridge of another British schooner, the Louisa Agnes, for an alleged breach of blockade, two of the crew of that vessel also were put in irons and that the master did not meet with that considerate treatment which might have been reasonably expected.

I have the honor to inclose a copy of the admiral's dispatch on the subject and an extract† from an affidavit of the master of the Louisa Agnes which accompanied it.

I have the honor to be, with high consideration, sir, your most obedient humble servant,

LYONS.

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*Not found. †Omitted.

[Inclosure.]

NILE, AT HALIFAX, *October 28, 1861.*

Right Hon. Lord LYONS, K. C. B., &c.

MY LORD: I deem it right to forward to your excellency the accompanying original papers relative to the capture of the British schooner Louisa Agnes, of Lunenburg, which have been forwarded to me by the owner of her cargo, Mr. Moran, a merchant of this city. I do so, however, not with any view to your excellency's entering into the question of her capture which I presume is now before the U. S. prize courts, but of pointing out how contrary it is to the usages of war to resort to coercion upon the unresisting crews of neutral vessels detained for breach of blockade, &c., and further that I cannot but think as a naval officer that if these statements are true not only had the seamen who were put in irons strong grounds of complaint but the master had a right to look for more considerate treatment to himself personally than he appears to have received on board the U. S. ships Cambridge and Susquehanna.

It will be for your excellency to decide as to what steps if any should be taken thereon or whether any immediate representation should be made to the United States Government to prevent a recurrence of such harsh treatment to masters and crews of English vessels detained by U. S. ships of war, but whatever course may be deemed most in accordance with your excellency's views I may be permitted to refer to the very emphatic language used in regard to an analogous case by Sir W. Scott, in his judgment on the case of the San Juan Baptista (Robert, Adm. Reports, p. 33), wherein referring to putting the crew of a prize in irons that eminent jurist says if proved to have existed and to the extent alleged and without necessity must be pronounced disgraceful to the character of the country (Great Britain), since no one who hears me will deny that to apply even to enemies modes of restraint that are unnecessary and at the same time convey personal indignity and personal suffering is highly dishonorable.

I have, &c.,

ALEXANDER MILNE.

CHICAGO, *November 7, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: * * * A man by the name of Jewett, a son-in-law of Commodore Garrison, came to this city in the month of May last. He is Southern by birth and a strong secessionist in feeling, but says very little. He stated to a friend of his, a reliable Union man, that he was introduced to President and Mrs. Lincoln by Breckinridge last winter; that he has been in correspondence with both the President and his wife; that Mrs. Lincoln has written him several replies. Several of his recent letters to Mrs. Lincoln, copies of which he read to my informant, were substantially intended to induce her to caution the President against the Secretary of State. Whether the object of this man Jewett is to make trouble by his correspondence with the wife of the President or to obtain information by means of such replies as may be written or whether he is a mere adventurer I am at a loss to determine. I will endeavor to procure copies of his letters and forward them. I inform you of these facts, thinking that perhaps some light may be thrown upon the matter at Washington.

Very respectfully,

JOHN C. MILLER.

SARATOGA SPRINGS, N. Y., *November 7, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: The desire to furnish information that may possibly be of service to my Government will serve as an apology for my addressing you directly. I would refer to the acquaintance which I had the honor of having with you when residing in Albany simply to secure a favorable consideration of the subject of this letter. I have just been informed by a gentleman of high respectability that the traitor Beauregard has a nephew in Montreal with whom he maintains a constant semi-weekly correspondence through the mail under cover to the president of the Bank of Montreal. The Government may be in possession of the information already, but if not it seems to me to deserve their attention. There can be no doubt that the rebels gain very accurate information of the intentions of our Government, and this may be one of the methods by which it is obtained. It also seems to me probable that British officials in Virginia are used as the channels through which the correspondence is forwarded northward. There are a large number of secessionists at one of the principal hotels in Montreal who are doubtless engaged in some way in furnishing important information to their friends at the South.

I am, very respectfully, yours,

JOHN NEWLAND.

[First indorsement.]

DEPARTMENT OF STATE, *November 12, 1861.*

Respectfully referred to the U. S. consul-general at Montreal with the request that he will return when he no longer has use for it.

[Second indorsement.]

The fact that Beauregard had a nephew here was known to me at the time and reported to the Department. But he stayed here less than a week and had no letters through the president of the Montreal bank except one of an ordinary business transaction.

J. R. G[IDDINGS.]

OFFICE OF U. S. ATTORNEY,
Philadelphia, November 9, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: The case of one Samuel Eakins, recently discharged from Fort Lafayette, was presented to me to-day in a form somewhat embarassing. On the 24th of August last Eakins was arrested upon a warrant issued by the U. S. commissioner (Heazlitt) and a hearing had in his case before the commissioner. Pending the examination he was committed by the executive to Fort Lafayette, where he has remained till a day or two ago. This morning he presented himself to the marshal for this district and requested that officer to deliver to him certain property, including a watch and some gold coin, that was found in his possession at the time of his arrest. He stated that he intended to leave immediately for Washington for the purpose of learning whether the Government desired to employ him in any of its workshops. The commissioner informed him that he was in the custody of the marshal inasmuch as the original complaint had not been disposed of, to which Mr. Eakins replied that he was unconditionally discharged by the Gov-

ernment. I instructed the commissioner to allow Eakins to enter his own recognizance to appear upon the 24th of the present month to answer the charge upon which he had been originally arrested—the charge of treason—and said to him that the marshal would retain the property (in value about $1,500) as security.

I am unable to consult with the district attorney in the matter, but I learn that Mr. Coffey had concluded before his illness that the case was not one for prosecution. I desire, however, to know whether the Department have any instructions to give the district attorney in relation to the case or have any wish in reference to it. If the Government does not desire the prosecution now pending to proceed further I presume that the money belonging to Mr. Eakins may be delivered to him.

I have the honor to be, very truly and respectfully, your obedient servant,

J. HUBLEY ASHTON,
Assistant U. S. Attorney.

[Indorsement.]

If it is not a case in which the evidence will warrant a strong expectation of success discharge him.

W. H. SEWARD.

[NOVEMBER 9, 1861.]

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Some time since I sent by the United States Express a package containing a pamphlet and paper written and published by Merritt Munson, of this State, to the State Department for instructions. I have heard nothing from it, and therefore call the attention of the Department to it.

On the 29th instant I learned that one Doctor Hopper, of Knoxville, Tenn., left this city in company with two ladies and a Doctor Letcher. His destination was Canada. He went there for the purpose of purchasing quinine and morphine, and is expected to return at once. I telegraphed to Mr. Barse, at Detroit, and arranged with a gentleman at Michigan City, the junction of the Michigan Central and New Albany and Salem roads, and another at the Lake Station, the junction of the Central and "Cut Off" Railroads, to watch for them. Doctor Hopper is described thus: Tall, aristocratic appearance; light hair, smooth face, large blue eyes, about forty; wears dark business coat, drab vest and pants and slouch hat. His wife has dark complexion, black eyes and hair; full medium height. The other lady small, light hair, blue eyes, round face and plump. Their errand was communicated in Tennessee to a person who was in their confidence. The ladies both had leather traveling bags; no other baggage; will probably return with trunks. Doctor Letcher has gone to Washington. A description of him can be obtained from W. T. Dennis, a special agent of the Treasury Department. He should be arrested, and the arrest kept from the public until the others have been apprehended.

Mr. Barse informs me of the arrest of Shaver,* an agent of the Grand Trunk Railway. I had known of his movements and expected to arrest him in Indiana. I am afraid the arrest was premature. If the Department wishes any more evidence in his case I can furnish it.

* See p. 982 for case of Shaver.

Yesterday I received from Governor Morton, of Indiana, a letter* a copy of which I inclose. I will go to Bloomington to-night and make some temporary arrangement until the Department instructs me what course to take in the matter. The suggestions in the letter seem to be judicious.

Some weeks since I learned that a consignment of saltpeter had been landed from a Goderich (Canadian) propeller with no other mark than a diamond B and without a bill of lading. The seizure of contraband was not included in my duties, but I took the liberty of locking it up. No one has claimed it and it is now in the hands of the surveyor of the port. There are twenty-two packages.

A few days afterward I received a dispatch from a special agent of the Treasury Department asking me to look out for a consignment of tobacco, three-fourths of which was the property of rebels. The tobacco (2,400 cases) was found in the hands of the Michigan Central Railroad and taken charge of until the arrival of the agent of the Treasury Department, when it was delivered to the surveyor of the port. I drew upon the Department for my salary for two months and a small bill of expenses paid by me.

Respectfully submitted.

JOHN C. MILLER.

DEPARTMENT OF STATE, *Washington, November 11, 1861.*

The President of the United States directs that the writ of habeas corpus be suspended so far as it relates to officers and soldiers in the military or naval service of the United States, or marshals and their deputies within the State of New York.

WILLIAM H. SEWARD.

Approved:

A. LINCOLN.

DEPARTMENT OF STATE, *Washington, November 11, 1861.*

His Excellency WILLIAM DENNISON,
Governor of Ohio, Columbus.

SIR: I have examined the papers relative to the case of the Messrs. Crumbaugh and am of the impression that although these persons might not if released pursuant to your recommendation engage in the military service of the insurgents there is nothing to show that they would not seek civil employment under them. If therefore you will sound them as to their disposition to enter into an engagement not to accept employment of any kind in that quarter or to do any hostile act against the United States, and should find such disposition to exist, the expediency of their discharge will again be taken into consideration.

I have the honor to be, your excellency's obedient servant,

WILLIAM H. SEWARD.

BALTIMORE, *November 11, 1861.*

Brig. Gen. H. H. LOCKWOOD, U. S. Army.

GENERAL: You will proceed with the forces under your command into the counties of Accomac and Northampton, Va., and carry out

*Not inclosed.

the assurances given in the proclamation to be issued by me on the 13th instant. One of the objects in view, though not stated in the proclamation, is to bring these counties back to their allegiance to the United States and reunite them to the Union on the footing of West Virginia. The first step in the accomplishment of this object is to disarm and disperse the military corps encamped within them. If these corps are in the service of the Confederates they should be made prisoners and sent to this city. A conciliatory course should be pursued in regard to those who are not under arms and have not been in the pay of the Confederate Government. It will require great discretion and prudence in bringing about the desired result; but if the people of these counties can be induced to declare their independence of the Confederates the strongest assurance may be given to them of an efficient protection by the Government.

It will be advisable to have a free and frank conference with the leading Union men as soon as you think the time has come for disclosing the wishes of the Government. In advancing into the interior great care will be necessary to guard against surprises. It is understood that the intention is to carry on a guerrilla warfare against you and that the character of the country favors it. Against this you will take the requisite precaution by carefully feeling your way. You will if possible send me a brief note of your progress every day.

* * * * * * *

No distinction should be made between the citizens of those counties in regard to the past. All who submit peaceably to the authority of the Government are to be regarded as loyal. If any persist in acts of hostility it is for you as commander of the expedition to decide what measures shall be taken in regard to their persons or their property, and with this prerogative no subordinates can be permitted to interfere. The notion has been far too prevalent that the persons and property of secessionists may be unceremoniously dealt with by commanders of regiments or corps and the sooner it is corrected the better.

I am, general, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General, Commanding.

HDQRS. CITY GUARD, PROVOST-MARSHAL'S OFFICE,
Washington, November 11, 1861.

Brig. Gen. A. PORTER, U. S. Army, *Provost-Marshal.*

GENERAL: In the case of Mrs. Medora A., alias Mary E. Onderdonk, arrested at Chicago and brought here on an order of Hon. William H. Seward, Secretary of State, and now confined in the female prison, No. 398 Sixteenth street (Mrs. Greenhow's house), since the evening of 15th of October, I have the honor to report that I have carefully examined all the papers connected with it, including the report of John C. Miller (who was intrusted with the management of the case) to the honorable Secretary of State; also various letters and a lengthy statement made by Mrs. Onderdonk to one of my operatives and which I caused to be taken since her incarceration; all of which papers are now on file in my office, and I would respectfully suggest not seeing any good grounds to sustain the charge of being a spy or otherwise treasonably implicated that she be discharged from custody.

I am, general, very respectfully, your obedient servant,

E. J. ALLEN.

[Indorsement.]

Release her and pay fare to Chicago.

DEPARTMENT OF STATE, *Washington, November 12, 1861.*

CHIEF OF POLICE, *Philadelphia, Pa.*

SIR: It is expected that all persons embarking for foreign ports and especially for Europe will provide themselves with passports from this Department, or if aliens countersigned by the Secretary of State. You will not allow any persons not so provided to embark at Philadelphia excepting only the poorer class of emigrants, whom you can easily distinguish.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

HEADQUARTERS OF THE ARMY,
Washington, November 12, 1861.

Brig. Gen. D. C. BUELL,
Commanding Department of the Ohio.

GENERAL: * * * As far as military necessity will permit religiously respect the constitutional rights of all. Preserve the strictest discipline among the troops, and while employing the utmost energy in military movements be careful so to treat the unarmed inhabitants as to contract not widen the breach existing between us and the rebels.

I mean by this that it is the desire of the Government to avoid unnecessary irritation by causeless arrests and persecution of individuals. Where there is good reason to believe that persons are actually giving aid, comfort or information to the enemy it is of course necessary to arrest them, but I have always found that it is the tendency of subordinates to make vexatious arrests on mere suspicion. You will find it well to direct that no arrest shall be made except by your order or that of your generals unless in extraordinary cases, always holding the party making the arrest responsible for the propriety of his course. It should be our constant aim to make it apparent to all that their property, their comfort and their personal safety will be best preserved by adhering to the cause of the Union.

McCLELLAN.

NOTICE.

FORT WARREN, *November 12, 1861.*

The undersigned, appointed by the Secretary of State of the United States to examine into the cases of the political prisoners at Fort Warren, desires those prisoners to be prepared to-morrow to answer the question whether they would severally be willing to take the oath of allegiance to the Constitution and Government of the United States if they should be set at liberty, further inquiry into each case to depend upon the answer. To-morrow there will be an opportunity to answer the question.

SETH C. HAWLEY.

DEPARTMENT OF STATE, *Washington, November 13, 1861.*

JOHN A. KENNEDY, Esq.,
Superintendent of Police, New York.

SIR: Your letter of the 11th instant has been received. Inclosed is a memorandum in regard to passports to be required of passengers by steamer to Aspinwall which you may have published in the form of an advertisement.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

[Inclosure.]

There being reason to believe that disloyal persons embark in the steamers for Aspinwall for improper purposes, notice is hereby given that all passengers by these steamers will in future be expected to provide themselves with passports in the same manner as passengers by the steamers for Europe.

DEPARTMENT OF STATE, *Washington, November 13, 1861.*

JOHN S. KEYES, Esq., *U. S. Marshal, Boston, Mass.*

SIR: Referring to your communication of the 6th instant, the receipt of which has heretofore been acknowledged, I have to request that you will proceed to Fort Warren and separate the prisoners as suggested by you; that is to say you will convey the political prisoners to Fort Independence leaving the prisoners of war at Fort Warren.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

DEPARTMENT OF STATE, *Washington, November 13, 1861.*

W. H. BARSE, Esq., *Detroit, Mich.*

SIR: You are hereby authorized to employ a competent person at Port Huron and another in the city of Detroit, but the whole expense for your and their services must not exceed the sum of $150 per month.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

COMMONWEALTH OF VIRGINIA,
ADJUTANT-GENERAL'S OFFICE,
Wheeling, November 13, 1861.

General W. S. ROSECRANS:

The undersigned, adjutant of the Ninth Virginia Regiment, a new regiment just forming at Guyandotte, Va., would beg leave respectfully to report that on Sunday evening, the 10th instant, just after 7 o'clock, the said regiment, consisting of only 150 men yet in camp, was completely surprised by 700 cavalry under command of Jenkins [Clarkson], the guerrilla chief, and cut to pieces and captured, with the loss also of about 30 horses, a small stock of Government stores and 200 Enfield rifles. * * *

Among those taken prisoners are the Hon. K. V. Whaley, member of Congress, who was in command of the post. * * * The enemy also

arrested and carried off the following Union citizens, after having first taken and destroyed their property: William Dowthit, merchant, and his son; Doctor Rouse, druggist, who was also a commissioner of the Federal court; Albert White and perhaps others. At Barboursville, the county seat of the same county, they captured John W. Alford, a candidate for the legislature; Matthew Thompson, a merchant, whom they stripped of all his goods; old Mr. Kyle, a gunsmith, and Mr. Moory, a tanner. * * *

Respectfully submitted.

J. C. WHEELER,
Adjutant Ninth Virginia Volunteers, U. S. Army.

DEPARTMENT OF STATE, *Washington, November 14, 1861.*

E. L. O. ADAMS, Esq., *Portland, Me.*

SIR: Your letter* of the 11th instant has been received. In reply I have to inform you that it will be your duty to require of all persons who may embark at Portland for foreign countries excepting the poorer classes of emigrants to provide themselves with passports signed or countersigned by the Secretary of State. If not so provided you will not allow them to embark, and may employ such of the police as may be necessary to carry out this regulation. In cases where there is good reason to believe that persons may embark at Portland for Halifax or Saint John for the purpose of thence proceeding to Europe or elsewhere in aid of the insurgents of this country you will require them also to provide themselves with passports. As the object of the regulation, however, is precautionary merely and intended to thwart the designs of enemies of this Government who may be proceeding abroad it is desirable that it should be carried into effect with as little annoyance as possible to honest persons —— upon their own affairs.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

NEW YORK, *November 14, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

Will you send to me by telegraph authorization to visit and act with Seth C. Hawley at Fort Warren?

W. H. LUDLOW,
New York Hotel.

FORT WARREN, *Boston Harbor, November 14, 1861.*

Lieut. Col. M. BURKE,
Commanding Forts Hamilton and Lafayette, N. Y.

MY DEAR COLONEL: * * * Would it not be well to send me all the orders you receive for holding the prisoners sent me? All I have is simply a list of prisoners without the scratch of a pen to show where or by whose order confined. Many questions have arisen in consequence of not having the original order of confinement; some claim to be prisoners of war and say they were so considered until their arrival at Fort Lafayette. Now they are necessarily considered as civil

* Not found.

prisoners. I see you are not yet relieved by Colonel Gates. I rather [think] you will be obliged to remain some time for this to take place.

Very truly, yours,

J. DIMICK,
Colonel First Artillery, Commanding Fort.

BALTIMORE, *November 15, 1861.*

His Excellency A. LINCOLN.

MY DEAR SIR: I inclose a proclamation which I have issued to the people of Accomac and Northampton Counties, Va. Its purpose, as will be apparent to you from its tone, is to bring about a peaceable submission on their part. If they resist they are advised that they may expect severe chastisement. The case of these counties is peculiar. They have not engaged in any active hostility to the United States. Their people have never crossed the Maryland line. Their greatest offenses are sympathizing with the Richmond leaders and carrying on an illicit trade with the eastern shore of Virginia. One of their captains fired on a barge belonging to one of our revenue steamers, but the act was disapproved by their leading men. If they can be reclaimed and induced to throw off their connection with the Confederates it will be a great point gained, especially as the residence of Governor Wise, their former representative, is in Accomac; and I thought it worth while to make the effort by quieting their fears in the first place, for they have got it into their heads that we want to steal and emancipate their negroes; and by giving them the strongest assurances of kind treatment and protection if they do not resist the authority of the Government I trust—I ought to say I hope rather than trust—that they may be gained over without bloodshed. As their case is peculiar I have endeavored to meet it with a remedial treatment adapted to the special phase of the malady of secessionism with which they are afflicted.

I have sent an additional force since my return from Washington. The whole number will be 4,500—among them about 3,500 as well disciplined troops as any in the service. In my instructions to General Lockwood, who commands the expedition, I have directed him to disarm and make prisoners of all persons found with arms in their hands. I have also inclosed him a copy of the act of Congress of the 6th August last, entitled "An act to confiscate property used for insurrectionary purposes," the last section of which concerns persons held to labor and service, and I have instructed him to enforce its provisions as far as practicable.

In all I have done in this matter I have had the best interest of the Government in view, and I shall be much gratified if it meets your approbation.

I have the honor to be, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

[Inclosure.]

PROCLAMATION.

HEADQUARTERS, *Baltimore, November 13, 1861.*

TO THE PEOPLE OF ACCOMAC AND NORTHAMPTON COUNTIES, VA.:

The military forces of the United States are about to enter your counties as a part of the Union. They will go among you as friends

and with the earnest hope that they may not by your own acts be forced to become your enemies. They will invade no rights of person or property. On the contrary your laws, your institutions, your usages will be scrupulously respected. There need be no fear that the quietude of any fireside will be disturbed unless the disturbance is caused by yourselves. Special directions have been given not to interfere with the condition of any persons held to domestic service; and in order that there may be no ground for mistake or pretext or misrepresentation commanders of regiments and corps have been instructed not to permit any such persons to come within their lines. The command of the expedition is intrusted to Brig. Gen. Henry H. Lockwood,* of Delaware, a State identical in some of the distinctive features of its social organization with your own. Portions of his force come from counties in Maryland bordering on one of yours. From him and from them you may be assured of the sympathy of near neighbors as well as friends if you do not repel it by hostile resistance or attack. Their mission is to assert the authority of the United States; to reopen your intercourse with the loyal States and especially with Maryland which has just proclaimed her devotion to the Union by the most triumphant vote in her political annals; to restore to commerce its accustomed guides by re-establishing the lights on your coast; to afford you a free export for the products of your labor and a free ingress for the necessaries and comforts of life which you require in exchange; and in a word to put an end to the embarrassments and restrictions brought upon you by a causeless and unjustifiable rebellion.

If the calamities of intestine war which are desolating other districts of Virginia and have already crimsoned her fields with fraternal blood fall also upon you it will not be the fault of the Government. It asks only that its authority may be recognized. It sends among you a force too strong to be successfully opposed; a force which cannot be resisted in any other spirit than that of wantonness and malignity. If there are any among you who rejecting all overtures of friendship thus provoke retaliation and draw down upon themselves consequences which the Government is most anxious to avert, to their account must be laid the blood which may be shed and the desolation which may be brought upon peaceful homes. On all who are thus reckless of the obligations of humanity and duty, and on all who are found in arms the severest punishment warranted by the laws of war will be visited.

To those who remain in the quiet pursuit of their domestic occupations the public authorities assure all they can give peace, freedom from annoyance, protection from foreign and internal enemies, a guarantee of all constitutional and legal rights and the blessings of a just and parental Government.

JOHN A. DIX,
Major-General, Commanding.

DEPARTMENT OF STATE, *Washington, November 18, 1861.*

JOHN A. KENNEDY, Esq.,
Superintendent of Police, New York.

SIR: From extracts [from letters] which were found in possession of the Maurys recently arrested for conveying information to the insurrectionary States it appears that the following persons in New York

* For the reports relating to Lockwood's expedition to the Eastern Shore, see Series I, Vol. V, pp. 424 to 437.

have been engaged in receiving and forwarding correspondence between parties in the insurrectionary States and their sympathizers in Europe as well as in the loyal States: John Monroe & Co., Charles Le Cesne, C. A. Robert, Maury Brothers, Mr. Converse. Will you please cause a quiet but thorough watch to be kept over the movements of these parties, and after the arrival of the next foreign mail place them under surveillance and seize all correspondence and other papers and send them with your report to this Department?

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

DEPARTMENT OF STATE, *Washington, November 18, 1861.*

JOHN A. KENNEDY, Esq.,
Superintendent of Police, New York.

SIR: Herewith I transmit an extract from an intercepted letter written by William L. Yancey,* an agent in England of the persons in insurrection against the authority of the Government of the United States, addressed to his son who appears to be a captain in the forces of the insurgents at Mobile, Ala. From this extract you will learn the names of the parties in New York through whom the son is requested to send a reply. I deem it important that a watch should be kept over John Monroe & Co., and have to request that you will cause it to be done and report to me by telegraph whether in your judgment it is advisable to arrest them or any of them.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

DEPARTMENT OF STATE, *Washington, November 18, 1861.*

JOHN A. KENNEDY, Esq.,
Superintendent of Police, New York.

SIR: Herewith I inclose an abstract from an intercepted letter† written by Charles Le Cesne, doing business at 24 William street, New York, and who appears to be engaged in affording aid and comfort to the insurgents by receiving and forwarding correspondence and by outfitting vessels and shipping merchandise to them. The Mr. Shafter referred to in this extract is probably James S., doing business at 73 Franklin street. Will you please keep a quiet but close watch upon the movements of those persons, and at the proper time after the arrival of the next foreign mail arrest and convey them to Fort Lafayette, secure all letters and other papers found in their possession and send them to me. I have notified the Navy Department of the probable sailing of the vessel referred to, but you had better keep a lookout for her and inform this Department of her name and the date of her departure.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

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* For the Yancey letter see p. 1279, case of James Brown.
† Not found.

BOSTON, *November 18, 1861.*

SECRETARY OF STATE:

An order has come to put certain political prisoners in Fort Independence. That fort is not in condition to receive them. Fort Warren has some prisoners and is in proper condition. Is not Independence a mistake for Warren?

BENJ. F. BUTLER.

HEADQUARTERS, *Baltimore, November 18, 1861.*

Brig. Gen. H. H. LOCKWOOD,
Commanding Expedition to Eastern Shore.

GENERAL: Lieutenant Dix arrived this morning with your dispatch* communicating the gratifying intelligence that the rebel organizations in your neighborhood had dissolved. * * * Please bear in mind the ulterior object of the expedition—to bring these counties by their own voluntary action back into the Union—and with this view see their leading men as you advance. * * * Dispose of the state prisoners of whom you write to me as you think proper.

I am, general, respectfully, yours,

JOHN A. DIX,
Major-General.

U. S. MARSHAL'S OFFICE, DISTRICT OF MASSACHUSETTS,
Boston, November 19, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to report that * * * Lieutenant-Colonel McPherson is about to leave for the West where he is ordered to report to General Halleck, and his absence will leave the post [Independence] without an officer. * * * I have communicated to Colonel Dimick, commanding at Fort Warren, your letter of the 13th instant relating to the transfer of the political prisoners to Fort Independence and am engaged with him in making the necessary arrangements. The absence of Colonel McPherson from this post will require the detail by the proper department of some officer to take command there and perhaps of an addition to the garrison. If Colonel Dimick remains at Fort Warren I take the liberty to suggest that his lieutenant (Buell) who has had the immediate charge of the prisoners and knows them all by sight would I should judge be a very suitable officer for the post if the trust can be confided to a lieutenant.

There are now about 115 political prisoners in Fort Warren, and this number can I think be conveniently accommodated in Fort Independence. To-morrow I am to visit and examine it with Colonel Dimick and after that will make the transfer as soon as it can be made ready for the purpose and Colonel Dimick receives his orders. In the meantime and until it is done when I will report at once to you I think all political prisoners might as well be sent to Fort Warren as before, and I have the honor to be,

Your obedient servant,

JOHN S. KEYES,
U. S. Marshal.

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*Not found.

DEPARTMENT OF STATE, *Washington, November 20, 1861.*

Rev. A. L. HITZELBERGER,
Boston College, Harrison Avenue, Boston.

SIR: * * * This Department having adopted a rule which precludes all visits to political prisoners even from ministers of the gospel of any denomination has hitherto strictly observed it. If, however, the prisoners themselves shall in the event of sickness or any other reasonable cause require the services of their spiritual advisers the rule would be relaxed in favor of any one of undoubted loyalty.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HEADQUARTERS, *Baltimore, November 20, 1861.*

Brig. Gen. H. H. LOCKWOOD,
Commanding Expedition to Eastern Shore.

GENERAL: * * * Officers who have been in the pay of the Confederates should be arrested and held as prisoners until the order of the Government is announced. Rank and file if they have laid down their arms need not be disturbed.

In regard to correspondence I see no objection to the free circulation of letters to all portions of the two counties in which the authority of the Government is re-established.

You are right in your opinion that no act of a rebel convention or legislature can be recognized. In all these respects the two counties must when they come back be in the statu quo before the rebellion. Until some principles of reorganization can be agreed upon either as a part of Maryland or of Western Virginia their corporate powers as counties will be sufficient to meet all their exigencies. I speak without having examined the statutes of Virginia, but on all these points I will write you hereafter. * * *

I am, very respectfully, yours,

JOHN A. DIX,
Major-General.

DEPARTMENT OF STATE, *Washington, November 21, 1861.*

JOHN S. KEYES, Esq., *U. S. Marshal, Boston.*

SIR: I have to acknowledge the receipt of your letter of the 19th instant in reference to the transfer of prisoners from Fort Warren to Fort Independence.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

OFFICE U. S. ATTORNEY, *Baltimore, November 21, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: In view of the recent arrest of Messrs. Mason and Slidell and of the discussions to which it may lead it may be of service to your Department to be informed of a case which justifies a very grave suspicion that a British official has lent his aid to an American vessel to violate the blockade off the coast of South Carolina. The schooner Adelaide, of Charleston, S. C., late in the month of August sailed from

her home port and reached Nassau, New Providence, early in September. From thence she cleared for Saint John, New Brunswick, as an English vessel under an English register with English, Confederate and Palmetto flags on board. On September 6 she was captured off Stono Inlet by boats from the U. S. war steamer Flag, Capt. L. C. Sartori, and sent to Baltimore for condemnation, where she and her cargo have recently been forfeited for breaking the blockade.

It was alleged at the port of the claimants that the Adelaide had been sold in Nassau because she was unseaworthy, and that one Joseph Roberts was the purchaser; and that he changed her name and took out a British register. The sale, change of name and register were all the part of a contrivance, and it is difficult to resist the conviction that the registrar, Mr. F. Whitley, was cognizant of the schooner's destination and prostituted his official position in aid of the enterprise.

If it be desirable to establish the complicity of the officers of the English Government with measures in aid of the violation of the blockade it is not unlikely that the district attorneys of Philadelphia and New York may be in possession of information similar to this, and our consul at Nassau in this very case might discover facts corroborating my views of the conduct of the registrar.

I am, sir, yours, very respectfully,

WM. MEADE ADDISON,
U. S. Attorney.

HEADQUARTERS, *Baltimore, November 21, 1861.*

Brig. Gen. H. H. LOCKWOOD,
Commanding Expedition to Eastern Shore.

GENERAL: Ascertain if possible the parties who committed the depredations referred to in your letter and order and send them back as directed in irons. If you have any thieves with you get rid of them as soon as possible. I wish the troops to be sent back here as soon as they can be spared. * * * Captain Knight thought two companies would be sufficient to hold the two counties. I would be glad to have your views on the subject. My impression was that it would be advisable to have 500 men in each county. The force in Accomac might winter in Drummondtown and the force in Northampton at Eastville, with a detachment of a few men from each to take care of the light at Cape Charles and Pungoteague. Early arrangements should be made to cover these troops for the winter, and as soon as you see what may be needed please advise me.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General, Commanding.

HEADQUARTERS DISTRICT OF SOUTHEAST MISSOURI,
Cairo, November 21, 1861.

COMMANDING OFFICER U. S. FORCES, *Cape Girardeau, Mo.*

SIR: I am directed by the commanding general to inform you that General Jeff. Thompson took from the Platte Valley on Tuesday and has now confined in New Madrid two men named William McMillan and James Merkle. These men are citizens of Illinois and were employed in Memphis before the commencement of this war, and had

been there ever since. They are mechanics and were employed there as such. Not being able to procure passes they escaped to Paducah, Ky., took a boat for this place and immediately on their arrival here took passage on the Platte Valley for Saint Louis en route for Quincy, Ill., their home.

They never were employed as spies and never acted as such. They had no interview with the commanding general here and did not volunteer any information, and did not come here for that purpose. They can in no just sense be considered spies; they were simply Northern men who had availed themselves of an opportunity to escape to their homes and families.

If Thompson will release them and give them safe escort to our lines you will release such number of his men as he may think just and give them safe escort beyond our lines.

In communicating with Thompson you will send him a copy of this letter.

By order of General Grant, commanding:

WM. S. HILLYER,
Captain and Aide-de-Camp.

HDQRS. FIRST MIL. DIST., MISSOURI STATE GUARD,
Camp Near New Madrid, November —, 1861.

Brig. Gen. U. S. GRANT, *Cairo, Ill.:*

Yours of the 21st, through Col. J. B. Plummer, commandant of Cape Girardeau, is at hand. The prisoners William McMillan and James Merkle were immediately forwarded to General Polk at Columbus, and I will send your letter in reference to them directly to him.

I will state in reference to these men that when I examined the steam-boat Platte Valley I found drawings purporting to be plans of the fortifications of Columbus and upon inquiry found McMillan and Merkle had either made the drawings or furnished the information, and from some parties on the boat I learned they had been very boastful of their success and the value of the information they had acquired.

I understand they have been sent to Memphis, but I will immediately lay your statement before General Polk, and although he may object to their leaving the Confederacy at this time (as they also worked at Columbus), yet I believe your statement will be sufficient to have them released from confinement.

Yours, most respectfully,

M. JEFF. THOMPSON,
Brigadier-General, Commanding.

HEADQUARTERS PENINSULAR BRIGADE,
Drummondtown, Va., November 22, 1861.

Major-General DIX,
Commanding Department of Pennsylvania.

GENERAL: I beg leave to inform you that the major portion of this command is now in camp at this place. * * * I have secured the persons of two captains and one lieutenant of the Confederate Army, and am using active efforts to find Smith, Winder, Finney and other leading spirits of the late rebel forces on this peninsula. I take it for granted that these will be sent to Fort McHenry, but as they claim

the benefit of your proclamation I have thought best to consult you before doing so. Please advise me in this regard at your earliest convenience.

I am happy to inform you that the discipline of the troops now here under the rigid system of police established by me is now good. None of those disorders which marked their first entrance into Virginia and which both annoyed and surprised me have occurred.

I am, sir, very respectfully, your obedient servant,

HENRY H. LOCKWOOD,
Brigadier-General, Commanding.

DEPARTMENT OF STATE, *Washington, November 23, 1861.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

SIR: Will you have the kindness to furnish this Department at your earliest convenience with a list of the prisoners now in your custody at Forts Lafayette and Hamilton, New York Harbor, stating their places of residence and the date of their reception by you?

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

(Same to Col. Justin Dimick, Fort Warren, Boston; Maj. Gen. John A. Dix, Fort McHenry, Baltimore; Maj. Gen. John E. Wool, Fortress Monroe, Va.; Brig. Gen. Andrew Porter, provost-marshal, Washington; Col. G. Loomis, Fort Columbus, N. Y.; Maj. Gen. N. P. Banks, Seneca Creek, Md.)

DEPARTMENT OF STATE, *Washington, November 23, 1861.*

JOHN A. KENNEDY, Esq.,
Superintendent of Police, New York.

SIR: Herewith I return the letters* addressed to John Monroe & Co. which were received from you this date. You will please deliver them to Messrs. Monroe & Co. and tell them that the State Department has intercepted letters which place their loyalty under suspicion, and which afford conclusive evidence that they have been engaged in transmitting letters between the insurgents and their agents in Europe, and that you have been instructed to require them not to hold any correspondence themselves with persons residing in any of the insurrectionary States nor be engaged in forwarding any; and that if any letters are received by them from or intended for parties in those States they will promptly deliver them to you to be sent to this Department.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

U. S. MARSHAL'S OFFICE, *Boston, November 23, 1861.*

F. W. SEWARD, Esq.,
Assistant Secretary of State, Washington, D. C.

SIR: * * * I wrote you on the 19th instant with regard to the political prisoners at Fort Warren and am still waiting for Colonel

* Not found.

Dimick to receive his orders about Fort Independence before transferring them. They are getting on very well, and if the city authorities here would lose some of their sympathy for them would be all right. I wish none but the U. S. officers had access to them.

I have the honor to be, very respectfully, your obedient servant,

JOHN S. KEYES,
U. S. Marshal.

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413 BROOME STREET, NEW YORK, *November 24, 1861.*

Hon. WILLIAM H. SEWARD.

MY DEAR SIR: I wish to turn attention to a matter not included within the scope of your instructions to me: The number of prisoners in Fort Warren is large, the force is small and composed of inexperienced troops who are frequently changed. There is work going on which calls for a force of laborers and a constant passing in and out of civilians of the lowest class. On Saturdays the whole laboring force goes home; there can be and is no examination of their persons as they pass in and out. Out of this can come correspondence or the escape of an individual prisoner which would not be of much account, but a bold and desperate dash might take the fort much more cheaply than the Government took Port Royal.

The political prisoners have money and intoxicating liquors enough to subdue the virtue of a sentinel or two, and I see no impossibility in their taking Colonel Dimick prisoner. The suggestion of a possible resort to the *lex talionis* will put them all to thinking. The political and military prisoners are allowed to mix and confer at pleasure, which should not be, and altogether the business is conducted too loosely. It would be an improvement to transfer all the state prisoners to Fort Independence, and keep them under the charge of a corps of sappers and miners or other well-trained force, and with an officer in command who will feel that this is a business of life and death. I would not like to have it known to the military gentlemen that I have made these suggestions as I know nothing of war, &c. If the attention of the proper department is turned to the subject so as to secure investigation and attention it will suffice.

Yours, respectfully,

S. C. HAWLEY.

DEPARTMENT OF STATE, *Washington, November 25, 1861.*

Hon. SIMON CAMERON, *Secretary of War.*

SIR: I have the honor to invite your attention to the inclosed copy of a communication of the 22d instant addressed to this Department by Lord Lyons relative to the case of Charles T. (or L.) Temple, a British subject arrested at Frederick on the charge of being a deserter from the U. S. service, and to request that you will cause the matter to be investigated and the result communicated to this Department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

[Inclosure.]

WASHINGTON, *November 22, 1861.*

Hon. WILLIAM H. SEWARD.

SIR: I received on the 20th of last month a letter signed Charles T. Temple stating that the writer was a British subject; that he had been

arrested at Frederick on the 16th of that month by the soldiers of the First Regiment of the Potomac Home Brigade, under command of Lieut. Col. George R. Dennis, and that he was detained on the charge of being a deserter from the U. S. service. On receiving this letter I directed Her Majesty's consul at Baltimore to inquire into the matter. The consul accordingly addressed on the 22d of last month a letter to Lieutenant-Colonel Dennis of which I have the honor to inclose a copy.* No answer having been returned to it I am under the necessity of requesting your assistance in investigating the case.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

LYONS.

DEPARTMENT OF STATE, *Washington, November 25, 1861.*

Maj. Gen. GEORGE B. MCCLELLAN,
Headquarters U. S. Army, &c.

GENERAL: Representations have been made to this Department that persons in local authority in the city of Boston obtain access to Fort Warren to the detriment of the public interests and to the annoyance of the U. S. officers in charge. I will therefore thank you to transmit an order to Col. Justin Dimick, the officer in command of the fort, to the effect that no persons except U. S. military officers and U. S. district attorneys, U. S. marshals and deputies, and the U. S. dispatch agent at Boston shall hereafter be permitted to visit any of the prisoners confined at the forts in Boston Harbor without a written permission from this Department.

I have the honor to be, general, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, November 25, 1861.*

Col. JUSTIN DIMICK, *Fort Warren, Boston.*

SIR: You will please permit Jonathan Amory, esq., to visit any of the prisoners confined under your charge at any time he may deem it advisable to do so.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

DEPARTMENT OF STATE, *Washington, November 25, 1861.*

Messrs. JOHN MONROE & CO., *New York.*

GENTLEMEN: I have received your letter† of the 23d instant. You have doubtless already been informed by John A. Kennedy, esq. (in accordance with instructions given to him), of the circumstances which placed your firm under suspicion, and I doubt not, since you have unknown to yourselves been made the medium of transmitting treasonable correspondence between the insurgents and their agents in Europe, you will cheerfully avail yourselves of the caution thus given against the practice of forwarding letters which by the proclamation of the President have been prohibited from the U. S. mails.

I am, gentlemen, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

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* Omitted.

† Not found.

DEPARTMENT OF STATE, *Washington, November 25, 1861.*

GEORGE BULL, Esq., *U. S. Commissioner, Detroit, Mich.*

SIR: It is stated that an examination was had before you of one A. Da Costa, now confined at Fort Warren. Will you please send at your earliest convenience to Seth C. Hawley, esq., New York, a copy of all the testimony taken in the case referred to with such other information as you may have relative to Da Costa.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

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413 BROOME STREET, *November 25, 1861.*

F. W. SEWARD, *Assistant Secretary of State.*

SIR: J. K. Millner,* A. E. Smith,* of Virginia, and Charles Kopperl,* of Mississippi, are clients of Hon. William H. Ludlow who has pressed me diligently to report in their cases. But for this I could properly pass them as I shall all of the prisoners deemed to be disloyal now unless there is something special in their cases. * * *

The fourth client of Mr. Ludlow is Mr. William E. Kearney, of Clark County, Ky. He is thirty-eight years old; has a wife and seven children; a farmer and trader; has property. He claims to have voted with the Union party. I should say that this man might with safety be set at liberty but for the fact that he is complicated with some pecuniary conditions contingent upon his release. This seems to be the fact; and if so there is danger of evil report to arise from it.

I am, very respectfully, yours,

S. C. HAWLEY.

HEADQUARTERS, *Baltimore, Md., November 25, 1861.*

Brigadier-General LOCKWOOD.

GENERAL: I have received your three dispatches of the 22d instant, dated at Drummondtown, and am much gratified with the judicious and efficient manner in which you are carrying out my instructions and with the readiness with which the people of Accomac are disposed to accede to the friendly overtures made to them in my proclamation. All that has been promised should be fully executed, and the most liberal interpretation should be given to its declarations. * * *

There are two or three matters on which you ask my directions:

First. As to the officers of the volunteer force who have been arrested. They were not found in arms as I understand. In that case I think they may justly claim the immunities pledged by my proclamation, but in order to become entitled to them they must recognize the authority of the United States. This test we have a right to prescribe, and I know no other than the oath of allegiance required by section 1 of the act of Congress of August 6, 1861, chapter 64, of the first session of the Thirty-seventh Congress. * * * Should they decline to take this oath they cannot be considered as belonging to the classes of persons to whom the benefits of the proclamation are promised. In that case you will if they were not found in arms release them on their parole of honor to abstain from all acts of hostility to the United

* For these cases see *post*.

States, &c. I inclose a form for the purpose, marked B. If they decline giving their parole in the form prescribed you will send them to Fort McHenry.

Second. As to civil officers. It is desirable that the administration of the civil and municipal concerns of the two counties should go on if possible without any interruption whatever. If any of the civil officers now in the execution of their trusts have taken an oath of allegiance to the Confederate Government they should be required to take the oath inclosed, marked A.* It is especially desirable that the courts should hold their sessions as usual so that justice may be administered without adding to the law's delay.

Third. If the people return to their allegiance to the United States they should make such temporary provision for their own government not inconsistent with the Constitution of the United States as they may think best. For the time being it seems to me that it would be well for them to act with Western Virginia, and hold elections by proclamation of the governor as you suggest. Before taking any action on the subject myself I should like to know the views of their discreet men and see what is done in the meetings about to be held. I think it very important on their own account that they should be represented in the next Congress, and I have very little doubt that a member duly elected will be received if they act in concurrence with Western Virginia. As preliminary to this it seems to me very desirable if not necessary that they should send a member to the legislature of Western Virginia.

I intended to have stated in connection with what I have said in regard to the officers you have secured that I suppose them to belong to a volunteer force raised in the two counties, although you call them officers of the Confederate Army. My information was different, but if I am mistaken in this particular you will hold them till I can obtain the direction of the Government as to the disposition to be made of them.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

[Inclosure.]

B.

I, ——— ———, do give my parole of honor that I will do no act in hostility to the Government of the United States; that I will not go beyond the limits of the county of ——— without permission of the commanding officer of the U. S. forces in said county; that I will report myself in person to the said commanding officer once in seven days; that I will surrender myself to him whenever required to do so, and that in the meantime I will hold no correspondence or conversation with any person on political subjects, and have no communication direct or indirect with the States in insurrection against the United States or with any person within the said insurrectionary States.

CONFIDENTIAL.] DEPARTMENT OF STATE,
Washington, November 26, 1861.

Maj. Gen. GEORGE B. MCCLELLAN.

MY DEAR GENERAL: I transmit to you a letter† which I have received from the Hon. Seth C. Hawley, of New York, who was deputed

* Omitted. † Letter of the 24th.

by me to go to Fort Warren and examine the condition of the prisoners there. I beg to ask your attention to his suggestions, especially those which relate to the insecurity of the fort. You will perceive that this communication is one that for obvious reasons should be confidential.

Very truly, yours,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, November 26, 1861.*

JOHN S. KEYES, Esq., *U. S. Marshal, Boston, Mass.*

SIR: Herewith I inclose several orders* for the release of prisoners from Fort Warren which I will thank you to execute.

Representations have been made to this Department that a certain person who obtained a permit to visit the political prisoners confined in the several forts has abused this privilege by seeking to be employed as an attorney to intercede for their release from confinement. You will therefore please inform all the prisoners confined at Fort Warren that this Department will not recognize any person as an attorney in such cases, and that if the fact comes to the knowledge of the Department that any prisoner has agreed to pay any attorney a sum of money or to give to him anything of value as a consideration for interceding for the release of such prisoner that fact will be held as an additional reason for continuing the confinement of such person. You will also please say to the prisoners that it is the wish of the Government that they should communicate whatever they may have to say directly to this Department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, November 26, 1861.*

Col. JUSTIN DIMICK, *Fort Warren, Boston.*

SIR: The permit to visit political prisoners which was granted some time since to William H. Ludlow, esq., has been revoked.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

(Same to Col. Martin Burke, Fort Lafayette, N. Y., and Col. G. Loomis, Fort Columbus, N. Y.)

HEADQUARTERS, *Baltimore, November 26, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to inclose a list of prisoners at Fort McHenry on the 19th instant. No additions have been made until to-day. A man by the name of Coe has been sent there, but I am not prepared at this moment to report his case. It would be a great convenience if all these prisoners including Thomas (Zarvona) could be sent away.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

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* See Seward to Dimick, November 26, case of Kearney, et al., *post.*

[Inclosure.]

List of Political Prisoners at Fort McHenry, Md., November 19, 1861.

Name.	Residence.	Date of arrest.	Charge.
Richard Thomas Zarvona	.....	July 8, 1861	Piracy and treason.
William W. Glenn	Baltimore, Md	Sept. 15, 1861	Editor of Exchange newspaper, Baltimore.
George Julius	Hagerstown, Md	Oct. 16, 1861	Forwarding recruits to the Confederate Army.
Robert W. Rasin	Baltimore, Md	Oct. 26, 1861	Do.
R. C. Holland	Dorchester County, Md.	Nov. 4, 1861	Visiting Virginia (per letter from H. C. Hickson on file at Fort McHenry).
Thomas Mortimer	Baltimore, Md	Nov. 8, 1861	Disloyalty (per letter from Major-General Dix, Baltimore, Nov. 8, 1861).
James Martin	....do	....do	Do.
William F. Engle	.....	Nov. 13, 1861	Lieutenant in the rebel army.
Jonah Potterfield	.....	....do	Raising a rebel flag on his house and applying to the rebels for arms to defend it, &c.
Edward C. Cottrell	Princess Anne, Somerset County, Md.	Nov. 16, 1861	Correspondence with rebels.

Glenn, Julius, Holland, Mortimer, Martin and Cottrell refuse to take the oath of allegiance.

JOHN A. DIX,
Major-General.

HDQRS. CITY GUARD, OFFICE OF THE PROVOST-MARSHAL,
Washington, D. C., November 26, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Agreeable to your request of the 23d instant I have the honor to herewith submit to you a list of state prisoners now in my custody, to wit:

Name.	Residence.	Received.
James A. Donnelly	Georgetown, D. C.	Aug. —, 1861
Frank Rennehan	Washington, D. C.	Aug. 23, 1861
Mrs. R. O'N. Greenhow	....do	Do.
William J. Walker	....do	Do.
Rudolph Watkins	Georgetown, D. C.	Sept. 23, 1861
George S. Watkins	....do	Do.
George F. Harbin	Washington, D. C.	Do.
William F. Getty	....do	Oct. 1, 1861
Thomas A. Jones	Pope's Creek, Md.	Oct. 4, 1861
Samuel G. Acton	Anne Arundel County, Md.	Do.
E. B. Grayson	Washington, D. C.	Oct. 7, 1861
Summerfield Ball	Fairfax County, Va.	Oct. 9, 1861
Benjamin Jackson Cross	Seneca, Md. (?)	Oct. 11, 1861
William F. Moore	Fairfax County, Va.	Oct. 13, 1861
James W. Offutt	Georgetown, D. C.	Oct. 14, 1861
John W. Burson	Washington, D. C.	Do.
Alfred Nettleton	Middle Haddam, Conn.	Do.
Hugh Adams	Vicinity of Vienna, Va.	Oct. 19, 1861
G. W. Gunnell	....do	Do.
A. B. Williams	....do	Do.
William Oswald Dundas	Bladensburg turnpike	Nov. 1, 1861
Withers Smith	Fairfax County, Va.	Nov. 2, 1861
Samuel F. Anderson	....do	Do.
Philip H. Linton	Washington, D. C.	Nov. 6, 1861
John Brown	New Orleans, La.	Nov. 7, 1861
Isaac Ballenger	Saint Joseph, Mo.	Do.
Rutson Maury	Liverpool, England	Nov. 8, 1861
O. Allen Scanland	Powell's Mills, Fairfax County, Va.	Nov. 11, 1861
John McDaniel	....do	Do.
Miss Stewart, alias Ellie M. Pool	Wheeling, Va.	Do.
George Dent, sr.	Pope's Creek, Md.	Nov. 14, 1861
George Dent, jr.	....do	Do.
Riley Nash	Fairfax County, Va.	Nov. 18, 1861

I am, sir, very respectfully, your obedient servant,

A. PORTER,
Brigadier-General and Provost-Marshal.

DEPARTMENT OF STATE, *Washington, November 27, 1861.*

Maj. Gen. JOHN A. DIX, *Baltimore, Md.*

GENERAL: I have the honor to acknowledge the receipt of your communication of the 26th instant inclosing a list of prisoners confined at Fort McHenry and suggesting that it would be a great convenience if they could be sent away. In reply I have to request that you will send them all to Fort Lafayette, New York Harbor.

I have the honor to be, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

DEPARTMENT OF STATE, *Washington, November 27, 1861.*

Col. MARTIN BURKE, *Fort Lafayette, New York Harbor.*

COLONEL: The Secretary of State has been informed* that Mr. William H. Ludlow has represented to some of the prisoners confined in Fort Lafayette that he possesses or can use some influence with the Government in their behalf, and has made it a ground for obtaining from them money in hand or engagements for money or other valuable considerations.

Discountenancing and repudiating all such practices the Secretary of State desires that all the state prisoners may understand that they are expected to revoke all such engagements now existing and avoid any hereafter, as they can only lend new complications and embarrassments in the cases of prisoners in whose behalf the Government might be disposed to act with liberality.

All prisoners can communicate directly by letter to either the Secretary of State through Colonel Burke himself or any unpaid and disinterested agent whom they may find for that purpose.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

(Same to Col. Justin Dimick, Fort Warren, Boston.)

U. S. MARSHAL'S OFFICE, DISTRICT OF MASSACHUSETTS,
Boston, November 27, 1861.

F. W. SEWARD,
Assistant Secretary of State of the United States.

SIR: * * * Colonel Dimick had received no orders relating to Fort Independence and I am therefore still waiting for him before transferring the prisoners to that fort. I am still quite desirous that it should be done as in every way preferable to the present location. I have no additional facts to report in the matter of H. C. Wainwright.†

I have the honor to be, very respectfully, your obedient servant,

JOHN S. KEYES,
U. S. Marshal.

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* See Hawley to Seward, November 25, p. 149.
† See case of the Messrs. Maury, p. 1041 *et seq.*

List of prisoners of state at Fort Warren, Boston Harbor, November 27, 1861.

Name.	When received at Fort Warren.	Date of arrest as given by the prisoners.	Residence.
George A. Appleton	Nov. 1, 1861	Sept. 7, 1861	Baltimore, Md.
R. H. Alvey	....do	June 19, 1861	Hagerstown, Md.
R. H. Bigger	....do	Oct. 16, 1861	Baltimore, Md.
J. R. Barber	....do	Aug. 17, 1861	Lake Providence, La.
B. Burton	....do	Sept. 13, 1861	Brooklyn, N. Y.
M. W. Barr	....do	Sept. 18, 1861	Louisville, Ky.
George W. Brown	....do	Sept. 13, 1861	Baltimore, Md.
M. Berry	....do	Oct. 8, 1861	On the high seas.
George W. Barnard	....do	Sept. 8, 1861	New Berne, N. C.
Edw. Baum	....do	Sept. 9, 1861	Currituck County, N. C.
J. C. Brain	....do	Aug. 18, 1861	Nashville, Tenn.
J. M. Brewer	....do	Sept. 17, 1861	Cumberland, Md.
Charles Barkley	....do	Aug. 21, 1861	Charleston, S. C.
James Brown	Nov. 20, 1861	Nov. 14, 1861	New Orleans, La.
H. B. Cenas	Nov. 1, 1861	Aug. 23, 1861	Do.
H. B. Claiborne	....do	....do	Do.
Thomas J. Claggett	....do	Sept. 16, 1861	Petersville, Md.
John H. Cusick	....do	Aug. 13, 1861	Charles County, Md.
John W. Davis	....do	July 1, 1861	Baltimore, Md.
A. Dawson	....do	Aug. 5, 1861	Loudoun County, Va.
Robert Drane	....do	....do	Dranesville, Va.
C. J. Durant	....do	Sept. 17, 1861	Leonardtown, Md.
R. T. Durrett	....do	Sept. 18, 1861	Louisville, Ky.
R. M. Denison	....do	Sept. 13, 1861	Peakesville, Md.
J. A. Douglass	....do	Sept. 9, 1861	Edenton, N. C.
A. Da Costa	....do	Oct. 7, 1861	New Orleans, La.
George Eustis	Nov. 24, 1861	Nov. 8, 1861	Do.
C. J. Faulkner	Nov. 1, 1861	Aug. 12, 1861	Berkeley County, Va.
F. D. Flanders	....do	Oct. 22, 1861	Malone, N. Y.
J. R. Flanders	....do	....do	Do.
P. H. French	Nov. 8, 1861	Nov. 6, 1861	Kentucky.
R. S. Freeman	Nov. 1, 1861	Aug. 29, 1861	Macon, Ga.
H. G. Fuller	Nov. 28, 1861	Nov. 17, 1861	Lexington, Ky.
Charles Green	Nov. 9, 1861	Nov. 5, 1861	Savannah, Ga.
M. J. Grady	Nov. 1, 1861	Sept. 7, 1861	Baltimore, Md.
William H. Gatchell	....do	July 1, 1861	Do.
J. H. Gordon	....do	Sept. 17, 1861	Cumberland, Md.
R. S. Grissons	....do	Aug. 16, 1861	New Hanover County, N. C.
Charles Howard	....do	July 1, 1861	Baltimore, Md.
F. K. Howard	....do	Sept. 13, 1861	Do.
William G. Harrison	....do	....do	Do.
Thomas W. Hall	....do	Sept. 12, 1861	Do.
J. L. Jones	....do	Sept. 18, 1861	Saint Michaels, Md.
R. W. Jeffery	....do	Oct. 1, 1861	Norfolk, Va.
George P. Kane	....do	June 27, 1861	Baltimore, Md.
Charles Kopperl	....do	Aug. 17, 1861	Carroll County, Miss.
Andrew Kessler	....do	Sept. 16, 1861	Jefferson, Md.
E. G. Kilbourn	....do	Sept. 19, 1861	Pierceland, Md.
Andrew Low	Nov. 9, 1861	Nov. 3, 1861	Savannah, Ga.
D. C. Lowber	Nov. 1, 1861	Aug. 23, 1861	New Orleans, La.
S. H. Lyon	....do	July 13, 1861	Baltimore, Md.
A. A. Lynch	....do	Sept. 13, 1861	Baltimore County, Md.
J. E. Lindsay	....do	Oct. 14, 1861	Greensborough, N. C.
J. K. Millner	....do	Sept. 10, 1861	Danville, Va.
E. C. Myatt	....do	Sept. 4, 1861	Charleston, S. C.
W. R. Miller	....do	Sept. 18, 1861	Elkton, Md.
B. Mills	....do	Sept. 17, 1861	Freedom, Md.
J. W. Maxwell	....do	Sept. 10, 1861	Elkton, Md.
C. S. Morehead	....do	Sept. 18, 1861	Jefferson County, Ky.
Isaac G. Mask	....do	Oct. 17, 1861	Baltimore, Md.
M. F. Maury	Nov. 20, 1861	Nov. 7, 1861	New Orleans, La.
Charles Macgill	Nov. 1, 1861	Oct. 1, 1861	Hagerstown, Md.
William F. McKewen	....do	Oct. 15, 1861	Baltimore, Md.
J. M. Mason	Nov. 24, 1861	Nov. 8, 1861	Frederick County, Va.
J. E. McFarland	....do	....do	Petersburg, Va.
J. E. Murphy	Nov. 1, 1861	July 13, 1861	Portsmouth, Va.
J. F. Newton	....do	Aug. 16, 1861	New Hanover County, N. C.
S. F. Newton	....do	....do	Do.
N. G. North	....do	Oct. 16, 1861	Charleston, Va.
Edw. O'Neil	....do	Sept. 9, 1861	Currituck County, N. C.
C. H. Pitts	....do	Sept. 13, 1861	Baltimore, Md.
G. P. Pressy	....do	Sept. 20, 1861	Saint Louis, Mo.
W. M. Page	....do	Oct. 14, 1861	Millwood, Va.
P. F. Rasin	....do	Sept. 16, 1861	Kennedyville, Md.
R. Renwick	....do	Oct. 16, 1861	Baltimore, Md.
E. S. Ruggles	....do	July 20, 1861	Fredericksburg, Va.
A. E. Smith	....do	Aug. 2, 1861	Former navy agent at San Francisco, Cal.
T. P. Scott	....do	Sept. 13, 1861	Baltimore, Md.

List of prisoners of state at Fort Warren, Boston Harbor, November 27, 1861—Cont'd.

Name.	When received at Fort Warren.	Date of arrest as given by the prisoners.	Residence.
W. E. Salmon	Nov. 1, 1861	Sept. 16, 1861	New Market, Md.
G. Shackelford	....do	Sept. 10, 1861	Beaufort, N. C.
E. Sibern	....do	Sept. 9, 1861	Currituck County, N. C.
J. G. Shaver	....do	Oct. 14, 1861	Belleville, Canada West.
Thomas Shields	....do	Sept. 7, 1861	Baltimore, Md.
D. Summers	....do	....do	Do.
L. Sangston	....do	Sept. 12, 1861	Do.
William St. George	....do	Aug. 16, 1861	Wilmington, N. C.
John D. Sudendorf	....do	Oct. 8, 1861	At large.
John Slidell	Nov. 24, 1861	Nov. 8, 1861	Louisiana.
J. R. F. Tattnall	Nov. 27, 1861	Oct. 7, 1861	Savannah, Ga.
Robert Tansill	Nov. 1, 1861	Aug. 23, 1861	Brentsville, Va.
J. H. Thomas	....do	Sept. 13, 1861	Baltimore, Md.
H. G. Thurber	....do	Sept. 23, 1861	Oldham County, Ky.
G. O. Van Amringe	....do	Sept. 9, 1861	Wilmington, N. C.
S. F. Wilson	....do	Aug. 23, 1861	Smithfield, Md.
William H. Ward	....do	Aug. 31, 1861	Norfolk, Va.
A. D. Wharton	....do	Sept. 8, 1861	Nashville, Tenn
W. H. Winder	....do	Sept. 10, 1861	Philadelphia, Pa.
F. Wyatt	....do	Sept. 30, 1861	Do.
W. E. Wright	....do	Sept. 21, 1861	Lebanon, Ky.
H. M. Warfield	....do	Sept. 12, 1861	Baltimore, Md.
S. T. Wallis	....do	Sept. 13, 1861	Do.

J. DIMICK,
Colonel First Artillery and Brevet Lieutenant-Colonel, Comdg. Post.

List of prisoners of state at Fort Lafayette, November 27, 1861.

Name.	Date of confinement.	Residence.
John F. Parr	Oct. 31, 1861	Nashville, Tenn.
R. H. Stanton	Nov. 5, 1861	Maysville, Ky.
George Forrester	....do	Do.
W. T. Casto	....do	Do.
James H. Hall	....do	Do.
Isaac Nelson	....do	Do.
William Hunt	....do	Do.
Benjamin F. Thomas	....do	Do.
Rutson Maury	Nov. 11, 1861	Liverpool, England.
Francisco Menendez	....do	Key West.
Charles Butler	....do	No home; born in Denmark.
W. J. Browning	....do	Hoboken, N. J.
George McNabb	....do	Do.
Donald McKay	....do	Tampa, Fla.
Hunter Semple	....do	Cuba.
William Reed	....do	New Bedford.
Frederick Louis	....do	Newark, N. J.
Peter Fernandez	....do	Havana.
David Evans	....do	Bangor, North Wales.
Joseph B. Marion	Nov. 12, 1861	Antwerp.
Robert Walsh	....do	Shetland Islands, North Scotland.
John Kenny	....do	Liverpool.
Henry Costford	....do	Sutton, England.
John Elmert	....do	London.
Thomas Murphy	....do	Bristol, England.
Peter Welsh	....do	Ireland.
William M. Gwin	Nov. 18, 1861	San Francisco, Cal.
Calhoun Benham	....do	Do.
J. L. Brent	....do	Los Angeles, Cal.
Appleton Oaksmith	Nov. 19, 1861	Patchogue, Long Island.
David C. Hall	Nov. 22, 1861	Virginia.
P. C. W. Hipp	....do	Saint Mary's, Ohio.
Guy S. Hopkins	Nov. 23, 1861	Lapier, Mich.
W. H. Suydam	....do	East New York, Long Island.
W. P. Converse	....do	Brooklyn, N. Y.
John B. Fisher	Nov. 25, 1861	Philadelphia, Pa.

List of prisoners of state at Fort Lafayette, November 27, 1861—Continued.

Name.	Date of confinement.	Residence.
Henry W. King	Nov. 25, 1861	New York.
Henry Smith	....do	Wexford, Ireland.
Joseph Brady	....do	London, England.
A. C. Harris	....do	New York.
Frederic Hendricks	....do	Do.
Jacob Williams	....do	Philadelphia, Pa.
Peter Smith	....do	Syracuse, N. Y.
Thomas Porter	....do	Jersey City, N. J.
Franklin Smith	....do	Rochester, N. Y.
Charles Anderson	....do	New York.
John Donnelly	....do	Do.
Albert Zenas	....do	Spain.
Daniel McLane	....do	New York.
Edward Meyers	....do	Do.
E. W. Cecil	Nov. 26, 1861	Baltimore.
B. L. Hayden	....do	Saint Mary's County, Md.
W. M. Abell	....do	Do.
E. H. Jones	....do	Do.

MARTIN BURKE,
Lieutenant-Colonel Third Artillery, Commanding.

P. S.—This includes the prisoners arriving after 26th instant at about 4 p. m.

M. B.

TO THE POLITICAL PRISONERS IN FORT LAFAYETTE:

I am instructed by the Secretary of State to inform you that the Department of State of the United States will not recognize any one as an attorney for political prisoners, and will look with distrust upon all applications for release through such channels, and that such applications will be regarded as additional reasons for declining to release the prisoners, and further that if such prisoners wish to make any communication to Government they are at liberty and requested to make it directly to the State Department.

SETH C. HAWLEY.

WILLARD'S HOTEL,
Washington, D. C., November 28, 1861.

W. H. SEWARD.

DEAR SIR: I am both pained and mortified to hear this morning of information given to you that I had acted as counsel in cases released from Fort Lafayette. Permit me to assure you on the honor of a gentleman that in no one of the three cases, viz, Colonel Berret, H. A. Reeves or J. McMaster, had I ever acted as such or received in any way directly or indirectly therefor any compensation. I mention those three cases specifically as being the only ones which I have any reason to believe were released through any application of mine on their behalf. I apply the same distinct and emphatic statement to any other released cases. And not only so but I have refused to receive from the parties named a refunding of money paid out of my own pocket, traveling expenses, &c., on their behalf.

I should sincerely regret any loss or diminution of your good opinion, and I take this opportunity to tender to you my grateful acknowledgments for any and all kindness and consideration which you have

shown me. I shall next week take my place in the Army. I know that I shall like it and am determined to follow it. My heart has always been in this contest, and whatever influence I may possess politically at home or in our State at large has been uniformly exercised to sustain the Government without any reservation. After familiarity with military duties I will ask you to aid me to a permanent position in the regular Army.

With renewed assurance of my friendship to you, I am, yours, truly,

WM. H. LUDLOW.

HEADQUARTERS DIVISION, *Baltimore, Md., November 28, 1861.*

Brig. Gen. H. H. LOCKWOOD, *Commanding Eastern Shore.*

GENERAL: Your dispatches of the 26th instant* by Captain Knight are received. It is natural that our Union friends in Accomac County should feel nervous and desire to get rid of their late oppressors. While we look calmly and dispassionately to important and more remote results we must do all we can consistently with our public pledges to the people of Accomac and Northampton to give courage to those who desire to place the affairs of the counties on their former footing. In the language of the proclamation the Government asks that its authority may be recognized. In pursuance of this purpose we have a right to require as you have done that those who are in the execution of public trusts should take the oath of allegiance. If they refuse they decline to recognize the authority of the Government, and can claim none of the benefits or immunities promised by the proclamation. On the contrary by seeking to defeat the very object for which the expedition was sent into these counties they array themselves against the Government and cannot expect to be treated as friends. If the county clerk as is alleged has openly exerted his influence to dissuade the magistrates from taking the oath of allegiance he should be arrested for an overt act of hostility to the Government.

The rules by which you should be governed may be stated briefly as follows:

1. No arrests should be made for acts done before the proclamation was published.

2. No man should be disturbed who acquiesces in the authority of the Government no matter how cold or reluctant or sullen his submission.

3. Any person who exerts his influence to dissuade individuals from attending the meetings of the people called to declare their allegiance to the United States cannot for the reasons assigned be considered as entitled to the benefits and immunities promised by the proclamation. On the contrary he is to be regarded as an enemy to be dealt with at your discretion.

4. Any person who at any such meeting resists a proposition to declare the allegiance of the two counties to the United States can only be regarded as an adherent of the rebel Government and coming within the category of No. 3.

5. The twenty persons who have been named to you as deserving arrest should be watched, and at the very first indication of hostility to the Government they should be taken into custody. But if they have submitted in good faith they are entitled to the protection pledged by the proclamation. It must, however, be a real and not a pretended submission. It must be exemplified by an abstinence in fact from all

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*Not found.

attempts to dissuade others from an open and public declaration of their allegiance to the United States. And if you have good reasons to believe that any one of them is exerting a secret influence against the Government you may with perfect propriety send for him and require him to take the oath.

Now let me say one word to our Union friends. I understand their feelings perfectly. I have gone through the same process here which you are passing through in Accomac County. I have succeeded with the aid of a very judicious police in re-establishing order and bringing back the State to its true allegiance; but I have been constrained to differ frequently from our Union friends. They ask too much. They looked more to forcible measures than to a quiet, firm and steady adherence to fixed principles. Our Union friends in Accomac must not be unreasonable. They must act boldly and decisively, and they will beat their adversaries without difficulty. With all we have done and are doing to support them; with the certainty that they will be sustained under all circumstances, they will have no excuse if they do not come out fearlessly no matter what the course of secret traitors may be. As men of sense they cannot fail to see that treachery cannot long be kept secret, and that their game is a sure one. I trust therefore they will come out promptly and strongly and set the authors of the past mischief at defiance. If these mischief-makers continue their operations you will soon detect and bring them to punishment.

I send $2,000 in specie per Captain Tyler. The Kent will wait till Monday if necessary for the Seventeenth Massachusetts.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

DEPARTMENT OF STATE, *Washington, November 29, 1861.*

Right Hon. Lord LYONS, &c.

MY LORD: I have the honor to acknowledge the receipt of your communication of the 7th instant in which after referring to your note of the 10th [6th] ultimo, relative to the manner in which the master and crew of the British schooner Revere appeared to have been treated subsequently to the capture of their vessel by the U. S. ship Cambridge, you request this Government to take into its serious consideration certain statements concerning another case of the same kind, to wit, that of the Louisa Agnes, in which two of the crew of that vessel also were placed in irons after her capture by the Cambridge, and the master did not meet with that considerate treatment which might have been reasonably expected.

In reply I now have the honor to inclose to you the copy of a communication of the 23d instant from the Secretary of the Navy on the subject, to whom these cases were referred.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

[Inclosure.]

NAVY DEPARTMENT, *Washington, November 23, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: In reply to your letter of the 12th instant with inclosure from Lord Lyons in relation to the treatment of the master and part of the

crew of the British schooner Louisa Agnes I have the honor to inform you that immediately upon its receipt Flag-Officer Goldsborough was directed to investigate the circumstances of the alleged ill-treatment of the crews of Louisa Agnes and also of the British schooner Revere by the officers of the U. S. S. Cambridge, and I inclose herewith the reply of Commodore Goldsborough together with copies of the papers therewith inclosed being reports of the officers of that vessel and of the prize masters who carried the schooner into port.

I have the honor to be, your obedient servant,

GIDEON WELLES.

[Sub-inclosure.]

U. S. FLAG-SHIP MINNESOTA,
Hampton Roads, November 19, 1861.

Hon. GIDEON WELLES, *Secretary of the Navy.*

SIR: In reply to your communication of the 15th instant in relation to the treatment of the crews of the British schooners Revere and Louisa Agnes I have the honor to transmit to you herewith papers numbered from 1 to 4 inclusive just received from Commander William A. Parker, of the Cambridge.

Respectfully, your obedient servant,

L. M. GOLDSBOROUGH,
Flag-Officer.

[Inclosure to sub-inclosure, No. 1.]

U. S. STEAMER CAMBRIDGE,
Newport News, Va., November 18, 1861.

Flag Officer L. M. GOLDSBOROUGH,
Comdg. N. Atlantic Blockading Squadron, Hampton Roads.

SIR: In reply to your letter of the 17th instant I have to state that two of the crews only of the captured vessels (which were suspected of an attempt to break the blockade) were sent home in their respective vessels by order of Flag Officer Stringham.

The irons were placed on board for the protection of the prize masters and to be used by them when deemed necessary.

I forward herewith the statements of Messrs. Maies and Wells, the prize masters of the Revere and Louisa Agnes, as also a statement signed by the officers of the Cambridge who were on board at the time in question relative to the treatment of the crews while retained by me.

I am very certain that no unnecessary harshness or unkindness was used toward either the masters or crews of the captured vessels while on board the Cambridge. They were permitted to move about the decks in perfect liberty through the day. At night a sentry was placed over them for safety; they were not otherwise confined but had all the privileges of passengers; were regularly served with full rations and had as good accommodations as the ship could afford. I understood that when they left this vessel the captains and their men expressed themselves highly pleased with their treatment.

I can assure you, sir, the parties in question were not subjected to any unnecessary restraint; neither were they regarded in the light of prisoners of war; on the contrary they had full communication with the whole crew of this vessel. I am astonished at their complaints of ill-treatment and emphatically deny their assertions. I frequently enjoined on Lieutenant Gwin (first lieutenant and executive officer) that I wished the captured crews to have every indulgence their case

would admit and that they should be made as comfortable as possible. As no complaints were made by them while here I cannot but construe it as an afterthought on their part.

Respectfully, your obedient servant,

WILLIAM A. PARKER,
Commander.

[Inclosure to sub-inclosure, No. 2.]

U. S. STEAMER CAMBRIDGE, *November 17, 1861.*

Commander WILLIAM A. PARKER.

SIR: Having received orders to give a written statement of the treatment of the two men comprising part of the crew of the schooner Louisa Agnes (taken as a prize by this vessel), placed under my charge on the 9th of September, 1861, according to orders received from my executive and boarding officer I proceeded to place them in single irons, the boarding officer having this order executed before leaving me in charge. I kept them in irons three hours and liberated them until 8 p. m.; then put them in irons for the night, and on the 10th took them out of irons at 7 a. m.; at 8 p. m. put them in irons again for the last time, and liberated them the following morning, it being left optional with me to keep them in irons in the daytime but explicitly ordered to confine them during the night. They were in single irons twenty-five hours out of the fifty-six hours of passage to New York and their treatment while under my care was as good as circumstances would permit.

Very respectfully, your obedient servant,

WILLIAM H. MAIES,
Master's Mate.

After a careful examination of the foregoing statement I am willing to testify by oath to its correctness.

WILLIAM H. MAIES.

[Inclosure to sub-inclosure, No. 3.]

U. S. STEAMER CAMBRIDGE, *November 17, 1861.*

Commander WILLIAM A. PARKER,
U. S. Steamer Cambridge.

SIR: Having received orders to make out a written statement of the treatment of the two prisoners on board prize schooner Revere, placed in my charge on the 10th of September, I have the honor to make the following report:

On taking charge of the vessel I proceeded according to orders received from the executive officer to place the two men in irons, the object as stated being to prevent their rising and retaking the vessel. For the first two or three days the men were confined in single irons in the daytime and double at night; after that as they were quiet and orderly I allowed them their liberty during the greater part of the day but confined them at night. They were treated as well under my orders as the circumstances would admit.

I remain, sir, very respectfully, your obedient servant,

HENRY W. WELLS,
Master's Mate.

After carefully reviewing the foregoing statement I certify that I am willing to take oath that it is correct.

HENRY W. WELLS.

[Inclosure to sub-inclosure No. 4.]

U. S. STEAMER CAMBRIDGE,
Newport News, Va., November 18, 1861.

We the undersigned officers of the U. S. steamer Cambridge were attached to her at the time of the capture of the Louisa Agnes and Revere, British schooners. We would hereby testify that the captains of the above vessels and their men had good accommodations—all that the ship could afford; were regularly served with rations, and upon their departure from this steamer spoke in high terms of approbation of their treatment. At all times on board they appeared perfectly satisfied and made no complaints. The above-mentioned parties had free intercourse with the crew of the Cambridge both on and below decks, and in all respects were passengers. The absence of Lieut. William Gwin's name to this paper is accounted for by his being detached from this vessel and ordered to the brig Perry November 12.

R. D. ELDRIDGE,
Acting Master, U. S. Navy.
F. W. STRONG,
Acting Master, U. S. Navy.
SAMUEL VERY, JR.,
Acting Master, U. S. Navy.
H. A. RICHARDSON,
Acting Assistant Surgeon, U. S. Navy.
JOS. C. CANNING,
Acting Assistant Paymaster, U. S. Navy.
FRANK A. BREMON,
First Assistant Engineer, U. S. Navy.
CHARLES C. PENNINGTON,
Second Assistant Engineer, U. S. Navy.
JOHN J. STEIGER,
Third Assistant Engineer, U. S. Navy.
JAMES POWERS,
Third Assistant Engineer, U. S. Navy.

DEPARTMENT OF STATE, *Washington, November 30, 1861.*

JOHN A. KENNEDY, Esq.,
Superintendent of Police, New York.

SIR: I inclose several letters* belonging to parties in New York which have been examined and appear to contain nothing objectionable. I will thank you to visit the persons to whom they are addressed, viz, Messrs. Charles Le Cesne and Cæsar August Robert, and tell them that the Government has conclusive evidence that they have suffered themselves to be made a medium for the transmission of correspondence between the insurrectionary States and Europe some of which is treasonable in character, and require them to engage upon honor that hereafter they will desist from the practice, and if any letter of the character mentioned come into their possession they will voluntarily deliver them to you for examination. If they do this you may for the present discontinue the surveillance over their correspondence.

I am, sir, very respectfully, your obedient servant,
WILLIAM H. SEWARD.

* Not inclosed.

DEPARTMENT OF STATE, *Washington, November 30, 1861.*

J. P. TROTT, Esq., *Chief Clerk, Post-Office Department.*

SIR: I have to acknowledge the receipt of your letter* of the 27th instant inquiring what authority should be given to Mr. Dunn in respect to correspondence passing through the mails at Rouse's [Point], N. Y., addressed to persons supposed to be agents of the insurgents. In reply I have to suggest that in my judgment it would be advisable to authorize him for the present to detain and open such letters and to send those of a treasonable character to this Department.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

WASHINGTON, *November 30, 1861.*

Hon. WILLIAM H. SEWARD, &c.

SIR: I have carefully perused the papers communicated to you by the Secretary of the Navy, of which you did me the honor to send me copies with your note of yesterday's date. These papers establish the following facts: That two seamen of the British schooner Revere which was captured on a charge of breaking the blockades were for two or three days confined in single irons in the daytime and double irons at night; that after that they were left at liberty during the greater part of the day but confined at night; that two seamen of the British schooner Louisa Agnes which was also captured on a charge of breaking the blockade were kept in single irons during twenty-five out of fifty-six hours, and that in both cases this harsh treatment was inflicted in pursuance of express orders from the executive officer of the U. S. ship Cambridge.

It is stated that in the case of the seamen of the Revere this severe measure was resorted to in order to prevent their rising and retaking the vessel. No information, however, is given from which an opinion can be formed as to the reasonableness of the precaution. No evidence is adduced of there having been ground for suspecting the men of a design to retake the vessels or for apprehending that they had the means of executing such a design.

The Secretary of the Navy does not say with respect to either case whether he approves or disapproves the proceedings of the officers of the Cambridge. He does not express any intention of taking measures to secure considerate treatment in future to British seamen in similar circumstances.

The papers which you have been so good as to send me do not afford any information concerning the complaint made by the master of the Louisa Agnes of the treatment he experienced on board the U. S. steamer Susquehanna.

You will I am sure consider that I am doing no more than my duty in asking for further explanations concerning these grave matters.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

LYONS.

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*Not found.

OFFICE SUPERINTENDENT OF METROPOLITAN POLICE,
New York, November 30, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: On the arrival of the Aspinwall steamer with Colonel Buchanan's regiment the detectives on board were informed that Lieutenant Scott had talked in a disloyal manner on the passage; that he was a son of Rev. Doctor Scott, of California, formerly of Virginia. This information was obtained for me by my detectives from his fellow-passengers. His name being given to them as Robert N. Scott they very naturally supposed he might be Robert G. Scott, late U. S. consul at Rio Janeiro, whom they had orders to arrest on his way home by the way of Europe. He was accordingly brought to my office.

I discovered their mistake at once, but to avoid doing anything that would bear the appearance of rebuking them for their extra vigilance I directed him to be held until his baggage could be examined and sent one of them, Officer Roach, back to the steamer for the baggage, directing it to be brought to headquarters for examination. In the course of two hours the officer reported to me that when he went to the steamer Colonel Buchanan interposed and prevented him from obtaining possession of it, on which I directed Colonel Buchanan to be brought to the office in person. I was not in when he arrived, and having to wait the colonel seemed to have lost his temper somewhat with his time. I found him in the office of Mr. President Bowen in company with Mr. Bowen and Mr. Commissioner Acton. He complained at having been brought there and explained as the reason for stopping the baggage that the officer who was sent for it was not in uniform; that he did not exhibit a written order; that he did not show to him any evidence that he was an officer. My reply to which was that officers on detective duty were not required to wear uniform; that it was as unusual to give a private policeman an order in writing as it was to give written orders to private soldiers; that if the detective had been required to show his authority he would have produced it on demand. After reaching my office and before I had an interview with him he had written an order to the purser of the ship to deliver up the baggage to my officer which he handed to me. A few unpleasant words were used that it is not necessary to repeat and he was allowed to go.

In the conversation he was very indignant that I should suspect Adjutant Scott, one of his staff in whom he said he had the utmost confidence. He was much excited at the time and spoke as people do under such circumstances. He spoke warmly in favor of Adjutant Scott.

This is in reply to a telegram I have just received from the War Department signed B. F. Davis [Lieutenant U. S. Army] whom I don't know.

Very truly, yours,

JOHN A. KENNEDY,
Superintendent.

CAMP WRIGHT,
Oak Grove, San Diego County, Lower Cal., November 30, 1861.

Col. JAMES H. CARLETON,
First Infantry California Volunteers, Los Angeles, Cal.

COLONEL: I take advantage of the departure of Señor Sepulva, Ramon Carillo's brother-in-law, to inform you of the arrest of the Showalter party, Showalter with them. It consists of sixteen men, each

armed with rifles and a pair of revolvers. They gave us a hard chase but we finally captured them. They parleyed but finally concluded not to resist, although against the advice of Showalter.

The names of the party are: T. A. Wilson, Tennessee; W. Woods, Missouri; Charles Pendroth, Kentucky; William Sands, Tennessee; T. L. Roberts, South Carolina; R. H. Wood, Mississippi; T. W. Woods, Virginia; J. W. Sampson, Kentucky; S. A. Rogers, Tennessee; J. Lawrence, Arkansas; Levi Rogers, Alabama; Henry Crowell, Pennsylvania; William Turner, Georgia; Dan Showalter, Pennsylvania; A. King, Tennessee. Retook two of the party on the 27th near the post, viz, E. B. Summers and F. V. Chum. They were the advance party, eighteen in all. I am now examining them, and will send you by express that will leave here to-night some time full particulars. They now regret that they did not resist; if they had they would have given us a hard fight. There is no doubt that every one of them is a secessionist and are on their way to lend aid and comfort to the enemy. I would like to know as soon as possible what to do with them. They have pack-mules and are well fitted out and a desperate set of men.

I am under great obligations to Francisco Ocampo for my success. It is reported that some eighty men are getting ready and on the road. I will keep a good watch for them.

Very respectfully,

EDWIN A. RIGG,
Major First Infantry, Commanding Camp Wright.

P. S.—They were captured at daylight on the morning of the 29th at John Winter's ranch near San José Valley.

EDWIN A. RIGG.

[For correspondence between Major-General Halleck and the President relating to the writ of habeas corpus and the President's order authorizing Halleck to suspend the writ at his discretion within the Department of the Missouri, see Vol. I, this series, pp. 230 and 231.]

COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT,
Boston, December 2, 1861.

Hon. MONTGOMERY BLAIR,
Postmaster-General, Washington, D. C.

SIR: His Excellency Governor Andrew directs me to inclose to you a copy of a letter which was sent to him by Hon. George Morey, one of our most experienced and influential citizens, who was one of the Presidential electors and whose views and opinions therein expressed he believes are worthy of the serious attention of the government. The letter as you will see by its date was sent to the governor during his absence in Washington or it would have been forwarded earlier. His excellency hopes that you will take an early occasion to present the substance of Mr. Morey's views to the President with the assurance from him that Mr. Morey's anxiety is shared by many of our most prominent and discreet citizens.

Yours, very truly,

THOMAS DREW,
Assistant Military Secretary.

[Inclosure.]

BOSTON, *November 21, 1861.*

His Excellency JOHN A. ANDREW.

DEAR SIR: The number of ordinary prisoners at Fort Warren, in our harbor, is about 700, and the number of state prisoners is something more than 100 as I am informed. Amongst the state prisoners are several persons of great ability and energy. There are some possessed of large means. There is a banker from Savannah whose name I do not recollect who is said to be very rich. Our banker, George B. Blake, assures me that this Savannah banker is worth several millions. It is supposed he has made this year one to two millions by speculations in cotton. In a short time the arch traitors Slidell and Mason with their secretaries are to be added to the congregation at the fort. Slidell is very wealthy, and Eustis, his secretary of legation, married the daughter of Corcoran, the rich banker at Washington who is worth three or four millions, and is without doubt a secessionist.

I am very sure of Corcoran's proclivities from what he said to me last May in Washington. Now when it is considered how much talent, energy, deviltry and wealth are congregated in this one fort it seems to me there is infinite danger that a successful escape may be made, especially when the men placed there to guard these rascals are only 300 or 400 raw troops. I think the arch traitors, say thirty or forty of the whole number of the state prisoners, ought to be placed in the vacant cells of the State prison (especially as the Confederate Government has now put many of our officers in separate cells at Charleston and Richmond), or if not in the State prison let them be kept separate at Fort Independence or elsewhere. I hope you will confer with the President and powers at Washington before you leave and see that measures shall be taken of the most effective character by which these rascals shall be secured against all possibility of escape. Why should not one or more ships of war be stationed near Fort Warren? Suppose some strong iron-clad steamer should come along and co-operate with those prisoners?

* * * * * * *

GEORGE MOREY.

HEADQUARTERS DIVISION, *Baltimore, Md., December 2, 1861.*

Lieut. Col. MARTIN BURKE, *Commanding Fort Lafayette.*

COLONEL: Maj. D. P. De Witt, of the Second Regiment Maryland Volunteers, will deliver to you political prisoners in his custody, viz: Richard Thomas Zarvona, arrested July 8, 1861; George Julius, citizen of Hagerstown, Md., arrested October 16, 1861; Robert W. Rasin, citizen of Baltimore, Md., arrested October 26, 1861; R. C. Holland, citizen of Dorchester, Md., arrested November 4, 1861; Thomas Mortimer, citizen of Baltimore, Md., arrested November 8, 1861; James Martin, citizen of Baltimore, Md., arrested November 8, 1861; Jonah Potterfield, citizen of Harper's Ferry, arrested November 13, 1861; Edward C. Cottrell, citizen of Princess Anne, Md., arrested November 16, 1861; Charles H. P. Coe, citizen of Baltimore, Md., arrested November 26, 1861.

By command of Major-General Dix:

D. T. VAN BUREN,
Assistant Adjutant-General.

DEPARTMENT OF STATE, *Washington, December 3, 1861.*

Maj. Gen. JOHN A. DIX, *Baltimore.*

GENERAL: Herewith I have the honor to inclose for your information a copy of a letter received at this Department from P. T. Barnum, esq., in reference to correspondence between ex-Senator Mallory, now at Richmond, Va., and his daughter, Mrs. Bishop, who resides at Bridgeport, Conn., which it is supposed passes through Baltimore. Will you please adopt such measures for the suppression of this correspondence as in your judgment are necessary and proper?

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

[Inclosure.]

LINDENCROFT, *Bridgeport, Conn., November 29, 1861.*

Hon. SIMON CAMERON.

DEAR SIR: The daughter of ex-Senator Mallory resides here with her husband, who is brother to our late ex-member of Congress, William D. Bishop (secesh). Of course Mr. Mallory (Secretary of the Navy in secesh) resides in Richmond. The daughter, Mrs. Bishop, is in constant correspondence with her parents and their letters are mailed to her in Baltimore. Of course the letters are brought from Richmond to Baltimore by some private hand. Such a letter arrived here last night and they continually arrive at intervals of two or three days.

Your obedient servant,

P. T. BARNUM.

DEPARTMENT OF STATE, *Washington, December 3, 1861.*

Right Hon. Lord LYONS, &c.

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of the 30th of November last in which you review the explanations of the Secretary of the Navy which I had submitted to you concerning the cases of two seamen of the British schooner Revere and two other seamen of the British schooner Louisa Agnes, which two schooners were captured, though at different times, in attempts to break the blockade of the ports held by the insurgents. I have read your objections to those explanations with great care and as I trust with candor, inspired by a sincere desire to concede to the complainants whom you represent any redress to which they might be found entitled, and to preserve the best possible understanding with the Government of Great Britain.

The Secretary's explanations do in fact show as you have assumed that the two seamen of the schooner Revere were confined for two or three days in single irons in the daytime and in double irons during the night, and that after the period thus passed they were left at liberty during the greater part of the day but confined at night. I cannot admit, however, that you are perfectly just in calling this confinement "hard treatment." You notice the explanation that confinement of the seamen with irons to the extent practiced was resorted to in order to prevent their rising and retaking the vessel; but you object that no information is given from which an opinion can be formed as to the reasonableness of the precaution, and that no evidence is adduced of there having been ground for suspecting the men of a design to retake the vessel or for apprehending that they had the means of executing

such a design. Whether the restraints practiced upon the two seamen in question were "hard treatment" and a "severe measure" as you have characterized them, or whether it was proper treatment of course depends altogether as you seem to admit upon the circumstance whether those restraints exceeded the rigor which reasonable prudence required for the security of the capturing vessel and her prize on their way to port for adjudication.

You seemed to have assumed that any confinement of the seamen especially in irons in such a case must by law be presumed to be unnecessary and therefore unreasonable and severe, and that consequently it devolves upon the officer who makes the capture to exculpate himself from the general charge of hardness or severity by showing that the rigor practiced was necessary in the act complained of. I submit on the contrary that in these as in all other cases it rests with the complainant to show in his statement the facts and circumstances which constitute the grievance before the accused party can be called upon to deny or at least justify the conduct alleged against him. I proceed to examine the case of the two seamen of the Revere in the light of this rule.

On the 6th of October your lordship addressed me a note in which you stated that you therewith handed to me a copy of a dispatch as well as a copy of a letter and an attested copy of an affidavit. You added that you desired to recommend to my favorable consideration the request to which those papers referred that the mate of the British schooner Revere, who appeared to be detained at Fortress Monroe, might appear at Boston as a witness for the defense of the vessel before the prize court at that city. You added that you desired also to direct my attention to the unusual manner in which the master and crew of the Revere appeared to have been treated, and especially to the fact of two of the crew having been kept (as it would seem very unjustly) in irons. You closed with requesting me to return the attested copy of the affidavit to you.

Your request that the captain might be allowed to appear at the prize court was promptly granted. The attested copy of an affidavit was returned to you as requested without a copy of it having been taken in the Department, as it was not then supposed that you thought it would be useful beyond the purpose of showing that you had grounds for calling my attention to the subject of the confinement of the seamen. It is necessary to state that the dispatch was silent upon the subject of the confinement of the seamen. A copy of your note together with a copy of the dispatch annexed to it was on the 7th day of October, the very day of their receipt, by me submitted to the Secretary of the Navy with a request in general terms for the information necessary to enable me to reply to the note.

On the 11th of November I had the honor to receive from your lordship a second note bearing date on the 7th of that month in which you recited that on the 10th of October (meaning the 6th) you had directed my attention to the unusual manner in which the master and crew of the British schooner Revere appeared to have been treated after the capture of their vessel by the U. S. ship Cambridge, and especially to the fact that two of the crew had been kept in irons. You then proceeded to lay before me another and kindred complaint about the rigor practiced as you assumed upon two seamen of another and different vessel. But you gave me no information whatever concerning the two seamen of the Revere. A copy of this last paper was transmitted by me to the Secretary of the Navy on the 12th day of November. The

Secretary of the Navy having called Flag Officer Goldsborough's attention to the two complaints as thus submitted to me in very general terms, that officer reported to the Secretary of the Navy by sending him the papers, copies of which were transmitted to you and which you have found so unsatisfactory. These papers show that the irons which had been used had been placed on board for the protection of the prize-master and to be used by him when deemed necessary. I am informed that irons are always provided and kept on board blockading vessels as a necessary precaution. So customary is this that a naval officer who being charged with the maintaining of a blockade should lose his own vessel or even a prize for want of this precaution would justly incur punishment at the hands of his government. The papers show that Lieutenant Gwin, the executive officer of the Cambridge, certainly had injunctions from the commander that the crews were to have every indulgence their case would admit of, and that they should be made as comfortable as possible. Upon the capture of the Revere he put the prize-master on board of her with the irons with instructions to use them if he should deem it necessary. The prize-master going with probably only two or three loyal seamen spared from the Cambridge, it appears did deem it necessary at first to put the two captured seamen in irons until their dispositions should be ascertained. When it is considered that these seamen were strangers to him, captured, disappointed in the objects of their voyage and conveyed against their wishes and will to a distant and to them foreign port by an authority in the exercise of a belligerent power, I think that it might have been reasonably apprehended by the prize-master that if left from the first entirely free they might attempt the life of the prize-master or at least the deliverance of the prize. Using the same form of illustration as before I think that the prize-master who having irons put into his hands for his own safety and the security of the prize vessel should nevertheless have lost the prize by its being recaptured by captives whom he had not confined would justly be dismissed from the naval service. Whether the prize-master might not with safety have released the two seamen from their confinement in irons at an earlier day or hour remains uncertain. It should seem right if he has exercised his best discretion in which his discretion was necessarily the rule of his conduct, unless indeed it shall be affirmatively shown that he willfully or negligently abused his power over the unwilling and reluctant seamen. That he did not so abuse his power seems to me to be clearly proved by the fact that all of the officers of the Cambridge testified that the seamen made no complaints on leaving the Cambridge, and on the contrary spoke in good terms of their treatment, and that the commander of the Cambridge declares that he is astonished at the complaint of ill treatment, and with the best sources of information open to him denies those assertions altogether.

It remains to say that the Government having no sufficient ground cannot agree that the two seamen in question in the present case were hardly treated or made to suffer unnecessary hardship.

For this reason I cannot admit what your lordship seems to claim—that the Secretary of the Navy ought to have expressed his disapproval of the proceedings of the officers of the Cambridge, or that he ought in view of the whole case to have expressed an intention to take means to secure considerate treatment in future to British seamen in similar circumstances. At the same time this Government means and intends to conduct its operations upon the highest principles of humanity known in maritime proceedings, and especially with a view to the

cise of justice and moderation so far as these proceedings affect
it Britain and other friendly powers, and therefore a copy of these
rs will be addressed to the flag officers of the blockading squadron,
mpanied by an instruction from the Secretary of the Navy to use
s only when and so long as necessary, and in all cases to practice
itmost kindness consistent with the safety of captives and prizes
rd seamen captured in attempting to break the blockade.
avail myself of this opportunity to renew to your lordship the
rance of my high consideration.

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, December 3, 1861.*

it Hon. Lord LYONS, &c.

Y LORD: I refer again to your lordship's note of the 30th of Novem-
'or the purpose of saying that the case of the two seamen of the
ish schooner Louisa Agnes which was captured on a charge of
npting to run the blockade seems to stand so nearly on the same
ng with that of the two seamen captured on board of the British
oner Revere which I have discussed in a previous note of this date,
I pray your lordship to accept my reply in the latter case as
essing the opinion of the Government upon the former case also.
ıave the honor to be, with high consideration, your lordship's obe-
t servant,

WILLIAM H. SEWARD.

MAUCH CHUNK, *December 3, 1861.*

)N CAMERON, *Secretary of War.*

EAR SIR: Pardon me for calling your attention to a treasonable
t published in this place by the name of the Carbon Democrat and
)d by one George Bull, the last issue of which I transmit you by
. You will see by the tone of the paper that it is a dangerous
t, and we would like to have it suppressed if it could be done. The
grand jury here found a true bill against it, but as our judge is a
ocrat it is uncertain that anything will be done with it. In one of
'ormer issues it came down in the strongest terms against the last
gress, calling it a bloody Congress, &c. If signatures for suppres-
would be of any use we could get a majority of names of the most
ectable people in this place. Please give it your attention and
s know if anything can be done.

From your unacquainted friend,

WILLIAM L. RICHARDS.

DEPARTMENT OF STATE, *Washington, December 4, 1861.*

. GIDEON WELLES, *Secretary of the Navy.*

R: I have the honor to invite your attention to the fact that your
nunication to me of the 23d ultimo relative to the cases of the
oners Revere and Louisa Agnes contained no explanation in regard
ıe alleged maltreatment of the captain of the last-named vessel on
d of the U. S. steamer Susquehanna. As it is desirable to furnish
British Government with as full information as possible on the
ect I will consequently thank you to enable me to do so.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, December 4, 1861.*

Right Hon. Lord LYONS, &c.

MY LORD: I have the honor to acquaint you that I have invited the attention of the Secretary of the Navy to the fact adverted to by you in your note of the 30th instant [ultimo] that his communication to me of the 23d ultimo contained no explanations in regard to the alleged maltreatment of the captain of the schooner Louisa Agnes. No time will be lost in sending to you a copy of Mr. Welles' answer on that subject.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, December 4, 1861.*

ALEXANDER H. STOWELL, Esq., *Detroit, Mich.*

SIR: You are hereby appointed a special agent of this Department for the period of two months from the date hereof at a compensation of $50 per month. Your duties will be to act in conjunction with W. H. Barse in arresting disloyal persons, particularly those from the insurrectionary States, and in detecting and suppressing treasonable correspondence between the insurgents and their sympathizers in the loyal States, the Canadas and Europe. You will be particularly on the watch for such persons who may pass into or from Canada on their way to or from Europe. In the exercise of your duties you are expected to be cautious not to arrest or detain any persons against whom no well-founded suspicion is entertained, but on the contrary when there is such suspicion you will promptly arrest such person, secure his papers and give immediate notice by telegraph to this Department.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, December 5, 1861.*

DAVID L. PHILLIPS, Esq.,

U. S. Marshal for the District of Illinois, Springfield.

SIR: It is represented to this Department that there is strong ground for the belief that treasonable organizations are in existence in the southern part of the State of Illinois. You will please send a proper person to that quarter to examine into the truth of the matter, and in case any well-founded evidence should be discovered against any person or persons you will give notice to this Department by post. In cases which will not admit of delay, however, you will first arrest the person, secure his papers and give immediate notice by telegraph to this Department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HEADQUARTERS DEPARTMENT OF THE OHIO,
Louisville, Ky., December 5, 1861.

General L. THOMAS,

Adjutant-General, U. S. Army, Washington, D. C.

SIR: The disposition of prisoners accused of giving aid to the enemy is a subject attended with much labor and inconvenience.* The plan

* See Attorney-General Bates' letter to the Secretary of War, p. 182.

which I have adopted is at once to release the minor cases and refer the more serious ones to the district judge or a U. S. commissioner.

The latter course is of no avail without the services of an attorney to attend the cases. The district attorney does not live here and cannot do it. I would suggest the appointment or employment of an assistant attorney and request that the subject may be recommended to the proper Department.

Very respectfully, your obedient servant,

D. C. BUELL,
Brigadier-General, Commanding.

OFFICE OF PROVOST-MARSHAL,
Saint Louis, Mo., December 6, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I beg leave to lay before your Department the record* of a case of Joseph M. P. Nolan, a British subject confined in the military prison of this city on suggestion of F. W. Seward, Assistant Secretary. In addition to the facts presented by the record I desire to say that Mr. Wilkins, the British consul at this point, after having satisfied himself of Nolan's unquestioned disloyalty refused to interfere officially in the matter. Upon Nolan's examination he refused to give any explanation of his letter; refused to state that he would not take up arms against the Government; refused to promise that he would remain neutral during the present rebellion. Through Mr. Wilkins' friendly intercession with General Curtis and myself and with an idea that if discharged his imprisonment might have the effect of inducing him to restrain his words and acts in the future I ordered his release, accompanying the order with a letter to the prisoner as suggested by General Curtis. His reply is contained in the letter of Lieutenant Butterworth addressed to myself, which is part of the record. I immediately withdrew the order for his discharge and he remained a prisoner.

The only motive I can possibly conceive for his conduct is the desire to become celebrated. My motive in presenting the matter at this time to the Department is that I understand that Mr. Wilkins, the British consul, will present the matter to Lord Lyons. He informs me that he will clearly present to his lordship the disloyalty of the prisoner and his own refusal to interfere in the matter for that reason. Mr. W. is himself a warm friend of the Government and all his sympathies are with it in the efforts to put down rebellion. I am sure he will not interpose his official position to protect a subject of Great Britain who departs from the strict neutrality ordered by the Queen.

I am, sir, very respectfully,

GEO. E. LEIGHTON,
Captain and Provost-Marshal.

HDQRS. CITY GUARD, PROVOST-MARSHAL'S OFFICE,
Washington, D. C., December 6, 1861.

Brig. Gen. A. PORTER, *Provost-Marshal.*

DEAR SIR: In accordance with a request of the Secretary of State just made of you to report the facts and circumstances in the case of

* Not found.

Benjamin J. Cross, a prisoner confined in the Old Capitol Building, I have the honor to report as follows:

I find on file in my office a letter addressed to yourself, of which the following is a copy and which seems to be the initiation of the case:

HEADQUARTERS CORPS OF OBSERVATION,
Poolesville, Md., October 10, 1861.

Brig. Gen. A. PORTER,
Provost-Marshal, Army of the Potomac, Washington, D. C.

GENERAL: I forward to you as a prisoner Mr. [B.] Jackson Cross who was this morning arrested by the Thirty-fourth Regiment New York Volunteers at Seneca. Mr. Cross is brother-in-law of Doctor Causten, a member of the President's Mounted Guard lately in the service of the United States from the District of Columbia, who was taken prisoner in his own house near Seneca in May last by Virginia troops said to have been led there by this Mr. Cross. Lieut. Col. Samuel [W.] Owen, of the Kentucky [Pennsylvania] Cavalry (Colonel Averell), was captain of the company and can give testimony or information in the case. Mr. Causten, notary public on F street near Fifteenth, can also give information. Young Mr. Causten yet remains a prisoner in the hands of the rebels by the act as it is alleged of this Mr. Cross.

Very respectfully, I am, general, your most obedient servant,
CHAS. P. STONE,
Brigadier-General, Commanding.

[Indorsement on back of the letter.]

WASHINGTON, D. C., *October 11, 1861.*

I believe the facts herein stated to be true.

S. W. OWEN,
Lieutenant-Colonel Kentucky [Pennsylvania] Cavalry.

On the 7th of November I detailed one of my operatives to further investigate the matter. He learned from two nieces of young Causten at the residence of their grandfather on F street, near Fifteenth, that their uncle, the Doctor Causten above mentioned, was a brother-in-law of Cross; that they had understood that on the day before their uncle's arrest he went to the house of Cross at his (Cross') invitation, where he was captured by Virginia troops said to have been guided there by Cross. They further stated that they had been informed that their uncle was then a prisoner at Raleigh, N. C.; that Lieutenant-Colonel Owen knew more of the matter, &c.

On the 8th of November the same operative visited the camp of the Kentucky [Pennsylvania] cavalry on the Virginia side of the Potomac for the purpose of examining Lieutenant-Colonel Owen on the subject. Colonel Owen stated that Causten, the man who it was alleged had been betrayed to the rebels by Cross, was a member of the President's Mounted Guard of which he (Owen) was captain and which was in the service of the United States; that some time in May last Causten went to the house of Cross in Seneca, Md., to see his wife who was on a visit there, she being a sister of Mrs. Cross; that while he was there an officer of the Virginia army by the name of White came with a detachment of rebel soldiers and took him prisoner, carrying him to Virginia where he has been ever since; that he (Owen) went with the District volunteers to the vicinity of Seneca, near Edwards Ferry, a short time after the capture of Causten and remained there four or five weeks; that while there he had the house of Cross watched all the time and Cross never came to it; that on inquiry he learned that on the day of Causten's capture Cross was seen to go over the river at Edwards Ferry into Virginia; that a short time afterward White with his squad of men crossed over from Virginia at the ferry, proceeded straight to Cross' house, captured Causten and returned with him into Virginia; that it was the belief of all the persons in the vicinity who were cogni-

zant of the affair that Cross betrayed Causten into the hands of the enemy; that Cross never came back from Virginia until about the time of his arrest; that General Stone had kept a watch on the place and had set several traps to catch White and Cross, but did not succeed while he (Owen) was in the vicinity.

From a letter of James H. Causten, of this city, on file in my office dated December 5, 1861, I learned further that his son, Manuel C. Causten, the above-mentioned captive of the rebels, is now a prisoner in Raleigh, N. C.; that a few days after his capture the same or some other rebel party forcibly took from the stable at the same place his horse and equipments and still retain the same; that since the capture of his son he has on the recommendation of the Secretary of State, Mr. Seward, been appointed a first lieutenant in the new Nineteenth Regiment of the U. S. Army, his commission as such as the father understands now awaiting his release from the rebels.

I further learn from refugee Union parties from the vicinity of Dranesville, Va., opposite Edwards Ferry, that Jack Cross has always had the distinguished credit in that neighborhood of having betrayed his own brother-in-law (Causten) from his Maryland home into the hands of the rebels, and that Jack has always been a great crony of the Virginia rebels, freely and fully enjoying their hospitality until their pressing invitations to carry one of their muskets and if necessary stop the balls of the Federal muskets so annoyed him and conflicted with his idea of personal safety that he again sought the quietude and felicity of his Federal-protected fireside, with what result the foregoing report discloses.

I also understand from parties from the vicinity of Seneca, Md., that at the time of the capture of Causten an ill feeling existed against him on the part of Cross (growing out of family affairs) which it was thought led to the treacherous and disloyal conduct of the latter.

Unless Benjamin Jackson Cross (as I understand his name to be) can satisfactorily explain the foregoing charges against him—where he was on the day of Causten's capture, &c.—I submit that there is but one true course for the Government to pursue and that is to hold Cross if not as a hostage for the return of Causten and his property (and it is not likely that the rebels would entertain such a proposition) at least until Causten returns or the war is at an end. While it is very hard for Cross to be thus separated from his wife and children it is no less a hardship for Causten separated from his young wife to be pining in a Southern prison while the Government is in need of his services in camp and in the field.

Respectfully, your obedient servant,

E. J. ALLEN.

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OLD CAPITOL PRISON. (Received July 1, 1862.)

MY DEAR MRS. MORRIS: Will you be kind enough to present the statement which I have made below of Mr. Cross' case to the Confederate Government? Poor fellow, he has been here a long time and he wishes that you would interest yourself for him. He is a young man and a right good fellow. Please answer my last.

Yours, truly,

MANSE.

Statement.

B. J. Cross, of Montgomery County, Md., was arrested 9th of October, 1861. charged with having his brother-in-law, M. C. Causten, of Wash-

ington City, a Federal soldier, arrested in June, 1861, by the Confederate soldiers and imprisoned at Raleigh, N. C. The Federal Government state that they hold Mr. Cross as a hostage for his brother-in-law and will release him on condition that M. C. Causten is exchanged for any Confederate soldier. Mr. Cross desires to call the attention of the Confederate Government to the matter, as by the release of Mr. Causten they will secure a Confederate soldier and also effect his own release.

HDQRS. OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., December 7, 1861.

Col. J. DIMICK, *Fort Warren, Boston, Mass.*

SIR: The General-in-Chief has received several communications in reference to the safety of the prisoners at Fort Warren. Although he has full confidence in your vigilance he thinks it not amiss to caution you against any attempt either from the land or sea which might be made to overpower your garrison and set free men of such political and personal wealth as many of the prisoners under your charge are possessed of. In this view a copy of instructions from the Secretary was sent you November 26 restricting intercourse with the prisoners, and you were asked by telegraph the 4th instant what additional force you would require for the safety of the post.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

U. S. MARSHAL'S OFFICE,
SOUTHERN DISTRICT OF NEW YORK,
New York, December 7, 1861.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SIR: On the 1st of November I had the honor to address you a letter* marked "confidential" calling your attention to the importunities of certain lawyers to obtain the release of political prisoners confined in Fort Lafayette, and alluded especially to the case of J. K. Millner,† who had offered as much as $2,000 to any one instrumental in procuring his discharge. On my recent visit to Washington I mentioned the circumstance to the Assistant Secretary, and that a lawyer named Ludlow had taken a peculiar and suspicious interest in Millner's case. The Assistant Secretary replied that Mr. Ludlow had most positively assured him he was actuated solely by friendly and disinterested motives, and that he had never received or claimed of Millner one cent for his services. I now beg to inclose you an order from J. K. Millner on Lieutenant Wood in charge at the fort to pay Ludlow the sum of $150, together with Lieutenant Wood's letter to me on the subject. With these documents in your possession you will perhaps be able to judge for yourself after this what Mr. Ludlow's pretensions to disinterestedness and truthfulness are worth.

I am, sir, your most obedient servant,

ROBT. MURRAY,
U. S. Marshal.

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*Not found.

† For case of Millner, see *post*. Also see Hawley to Seward, November 25, p. 149; Seward to Colonels Dimick, Burke and Loomis, November 26 and 27, pp. 151, 153, respectively.

[Inclosure.]

FORT LAFAYETTE, *New York Harbor, December 5, 1861.*

R. MURRAY, Esq., *U. S. Marshal.*

DEAR SIR: Inclosed please find the order from J. K. Millner upon which I paid W. H. Ludlow, esq., $150. I send it as requested by you.

Very respectfully, your obedient servant,

CHARLES O. WOOD,
First Lieutenant, Ninth Infantry, Commanding Post.

[Sub-inclosure.]

FORT LAFAYETTE, *October 24, 1861.*

Lieutenant WOOD:

You will please pay to bearer $150 and charge to account.*

Yours, respectfully,

J. K. MILLNER.

OFFICE OF SUPERINTENDENT OF METROPOLITAN POLICE,
New York, December 8, 1861.

E. D. WEBSTER, Esq.

DEAR SIR: Yours of 6th instant inclosing two letters addressed to Monsieur Charles Le Cesne, New York; one to Monsieur C. A. Robert, New York, and four to M. A. Herera & Co., Havana, Cuba, is received. To-morrow I shall return the Herera letters to the post-office and restore the others to the parties to whom addressed. Monsieur Le Cesne is no doubt as clean as any man can be whose business connections have heretofore been very deep in cotton, but since the detention of his letters he has suddenly concluded to return to France, and has accordingly gone, family, coach, horses, driver and all. However, his business remains here. I regard the movement as strange.

Very truly, yours,

JOHN A. KENNEDY,
Superintendent.

DEPARTMENT OF STATE, *Washington, December 10, 1861.*

JOHN A. KENNEDY, Esq., *Superintendent of Police, New York.*

SIR: I have received your letter† of the 5th instant relative to the exaction of passes from persons going to California via Aspinwall. Your suggestions upon the subject of the adoption of a uniform rule are duly appreciated. I will thank you to call upon the agent of the steamers and after consulting with him to make such arrangements as in your opinion will best promote the public interests in the present exigency respecting the passenger whose real intention is to go to California. Should you, however, find it impossible to do so without the requirement of a passport in every case you will after reporting to this Department resume the enforcement of the regulation first adopted.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

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* For Millner to Seward, December 1, denying the payment of money to Ludlow, see case of Millner, *post.*

† Not found.

DEPARTMENT OF STATE, *Washington, December 10, 1861.*

J. A. KENNEDY, *New York:*

It is deemed probable that Beverly Tucker, late consul to Liverpool, will soon try to embark for Europe in disguise or with a fraudulent passport. Look after and stop him. He is a large man, upwards of fifty, florid complexion, plausible and boisterous manners.

WILLIAM H. SEWARD.

(Same to Jonathan Amory, Boston, and E. L. O. Adams, Portland.)

DEPARTMENT OF STATE, *Washington, December 11, 1861.*

Capt. GEORGE E. LEIGHTON,
Provost-Marshal, Saint Louis, Mo.

SIR: I have to acknowledge the receipt of your communication of the 6th instant and its inclosures. In reply I have to request that you will hold the prisoner Joseph M. P. Nolan in custody until further orders from this Department. I notice your observations respecting Her Britannic Majesty's consul at that point, Mr. Wilkins, and have to state that the Government of the United States appreciates the impartiality manifested by him.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

DEPARTMENT OF STATE, *Washington, December 12, 1861.*

W. H. BARSE, Esq., *Detroit, Mich.*

SIR: The fund out of which you have heretofore been paid having been nearly exhausted I have to inform you that the Department will be compelled to dispense with your services and those of the two agents employed by you after the 15th instant.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

HEADQUARTERS, *Baltimore, December 12, 1861.*

Hon. S. P. CHASE, *Secretary of the Treasury.*

SIR: In a letter to you of the 5th instant I mentioned in connection with a recommendation of two persons in Accomac and Northampton Counties, Va., for the offices of collector and surveyor that all my information from these counties was very satisfactory. I have to-day received a letter from General Lockwood in which he says that he summoned all the magistrates of Accomac County before him; that they all took the oath of allegiance as well as the sheriff and his deputies and clerks. He adds: "After this there was quite a rush of smaller officers to do likewise." He was to go in a day or two after to Northampton and pursue the same course. He has made but a single arrest for disloyalty.

I consider the restoration of these counties to the Union complete, and if our troops were to be entirely withdrawn I am satisfied that there would be no movement against the Government. Of the 3,200

men sent from here I have brought back 3,100. There are about 100 left in the two counties. As soon as convenient I trust you will appoint a collector and surveyor.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

DEPARTMENT OF STATE, *Washington, December 13, 1861.*

JOHN A. KENNEDY, Esq., *Superintendent of Police, New York.*

SIR: Your letter* of the 11th instant has been received. In reply I have to inform you that your remark on the subject of passports for passengers to California having been taken into consideration it has been determined to restore the original order upon the subject. In view, however, of the complaints which have been made upon the subject it is presumed that the order will be executed with the same discrimination which is expected in regard to passports for persons bound to Europe, and that while all cabin passengers will be required to provide themselves with passports passengers in other parts of the vessel may be exempted from the requirement except in particular cases. Conspirators against the Government should reasonably be suspected of embarking as passengers elsewhere than in the cabin.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HEADQUARTERS, *Baltimore, December 14, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: In reply to your letter of the 10th instant received this morning I have the honor to inclose the two letters† which led to the detection of Isaac G. Mask. In the letter of the 17th of September signed "I. G. M." he gives information in regard to the naval expedition sent out from New York and asks that it may be communicated "to General Beauregard or some one of the influential members of the Confederate Government without an hour's delay." In the letter of the 18th he gives the same information and says: "It is of the utmost importance that all knowledge of the expedition and its destination should be kept from the rebel Government." This letter professing to be loyal is signed with his name in full and contains his address. Both are written in pencil. Letters in the same handwriting signed "I. G. M." had been repeatedly intercepted. They were all written in pencil but until he had the folly to write a loyal letter no clue had been found to the author. I remember several of these letters but as they contained no important information they were not preserved.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

WASHINGTON, *December 16, 1861.*

Hon. WILLIAM H. SEWARD, &c.

SIR: I have this afternoon had the honor to receive two notes from you dated thirteen days ago and a third dated twelve days ago. They

* Not found. † Omitted.

relate to the representation which I felt it to be my duty to address to you with regard to the treatment to which seamen belonging to the British schooners Revere and Louisa Agnes were subjected by officers of the U. S. Navy. It is not my purpose on the present occasion to make any observations on their contents. I hasten, however, to inform you that they have only reached me to-day lest I should be deemed guilty of discourtesy in not having acknowledged the receipt of them until so long after their dates.

I have the honor to be with high consideration, sir, your most obedient humble servant,

LYONS.

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413 BROOME STREET, N. Y., *December 16, 1861.*

F. W. SEWARD, *Assistant Secretary of State.*

DEAR SIR: On the 28th of November I received from you the papers (which I had asked for) in the case of A. Da Costa, a prisoner in Fort Warren. I have held his case waiting for the evidence taken before George G. Bull, U. S. commissioner, Detroit. The testimony was directed to me as C. Hawley, and was advertised and hence the delay. I make this report and send the evidence* taken on his arrest, and also the papers remitted to me by you.

It appears that he was arrested without any valid grounds. His statement to me accords exactly with the report from Detroit. If he had or has treasonable designs they are unknown. But he to me declined to take the oath required, from which it is fairly to be inferred that he is not loyal in his opinions or designs and therefore I cannot recommend his release. Yet I think if set at liberty and should go to Havana or Vera Cruz he would do no harm. He is an intelligent, good-looking, good-tempered man, and would perhaps count in some exchange of prisoners. With these papers in your files you have all the proof in the case likely to be had.

If the British lion should bite as well as roar the prisoners in Fort Warren might be in danger from British shell.

Yours, respectfully,

S. C. HAWLEY,
Chief Clerk.

CIRCULAR.] HEADQUARTERS ARMY OF THE POTOMAC,
Washington, December 16, 1861.

The major-general commanding directs that hereafter all deserters, prisoners, spies, "contrabands" and all other persons whatever coming or brought within our lines from Virginia shall be taken immediately to the quarters of the commander of the division within whose lines they may come or be brought without previous examination by any one, except so far as may be necessary for the officer commanding the advance guard to elicit information regarding his particular post; that the division commander examine all such persons himself or delegate such duty to a proper officer of his staff, and allow no other persons to hold any communication with them; that he then immediately send them with a sufficient guard to the provost-marshal in this city for further examination and safe-keeping, and that stringent orders be given to all guards having such persons in charge not to hold any

* Omitted.

communication with them whatever, and further that the information elicited from such persons shall be immediately communicated to the major-general commanding or to the chief of staff and to no other person whatever.

The major-general commanding further directs that a sufficient guard be placed around every telegraph station pertaining to this army, and that such guards be instructed not to allow any person except the regular telegraph corps, general officers and such staff officers as may be authorized by their chief to enter or loiter around said stations within hearing of the sound of the telegraph instruments.

By command of Major-General McClellan:

S. WILLIAMS,
Assistant Adjutant-General.

DEPARTMENT OF STATE, *Washington, December 19, 1861.*

Hon. MONTGOMERY BLAIR, *Postmaster-General.*

SIR: I have the honor to inform you that Mr. William L. Yancey, an agent of the insurgents at London, England, has directed his friends and correspondents who post their letters in the loyal States to address him under cover to "Arthur Dare, 15 Half Moon street, London." I deem it advisable therefore that the postmasters at New York, Boston and Portland be instructed to detain all letters to that address and to forward them either to the Post-Office or to this Department. It is presumed that this course will be approved by you. If so will you have the kindness to notify this Department?

I am, &c.,

F. W. SEWARD,
Assistant Secretary.

DEPARTMENT OF STATE, *Washington, December 20, 1861.*

D. L. PHILLIPS, *U. S. Marshal, Cairo, Ill.:*

Convey Christopher Ledwidge, Francis Lowe and S. R. Burnett to Fort Lafayette, New York Harbor.

WILLIAM H. SEWARD.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 20, 1861.

Col. J. DIMICK,
First Artillery, Commanding Fort Warren, Boston, Mass.

COLONEL: The following is the decision of the Secretary of State in relation to certain privileges to be allowed prisoners confined in Fort Warren:

There is no objection to the prisoners at Fort Warren reading any newspapers which they may themselves obtain. Their receiving them through a third party, however, cannot be sanctioned as this might lead to serious abuses.

I am, colonel, &c.,

L. THOMAS,
Adjutant-General.

DEPARTMENT OF STATE, *Washington, December 21, 1861.*

ROBERT MURRAY, Esq.,
U. S. Marshal for the Southern District of New York.

SIR: In reply to your several letters I have to state that such of the prisoners to whom they refer as were captured in vessels charged with breaking the blockade as may not be required as witnesses may be discharged. Those captured in vessels of the insurgents should be held as prisoners of war and transferred as such to the custody of Colonel Burke or Colonel Loomis.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WAR DEPARTMENT, *December 21, 1861.*

Hon. W. H. SEWARD, *Secretary of State.*

SIR: In answer to your communication of the 25th ultimo* inviting my attention to the case of Charles T. Temple, a British subject arrested at Frederick on the charge of being a deserter from the U. S. service, I have the honor to inform you that the matter was referred to General Banks, a copy of whose report in the case I now transmit for the information of Lord Lyons together with the inclosures† therein referred to and an unopened letter addressed to Temple. These papers contain all the information in the possession of this Department.

Very respectfully, your obedient servant,

SIMON CAMERON,
Secretary of War.

[Inclosure.]

FREDERICK, MD., *December 11, 1861.*

Brigadier-General THOMAS, *Adjutant-General, U. S. Army.*

SIR: I have the honor to return to you by your direction the inclosed papers relating to Charles T. Temple, a supposed prisoner at Frederick and to accompany the same with a full statement of facts connected with Temple's detention here. It appears that he was arrested as a spy some two months since by the commander of the home guard and that a few days after he escaped from custody since which time he has not been heard from except by a threatened appeal to the British minister on account of his arrest. I inclose also an unopened letter addressed to Mr. Charles T. Temple by the British consul, I suppose from the superscription, at Baltimore.

I am, sir, respectfully, your obedient servant,

N. P. BANKS,
Major-General, Commanding Division.

DEPARTMENT OF STATE, *Washington, December 23, 1861.*

JOHN A. KENNEDY, Esq., *Superintendent of Police, New York:*

Mr. John E. Ward, late U. S. minister to China, is expected to arrive with his family on the Arago. He is to be left free to land and otherwise.

WILLIAM H. SEWARD.

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* See p. 147. † Inclosures omitted.

U. S. MARSHAL'S OFFICE,
SOUTHERN DISTRICT OF NEW YORK,
New York, December 27, 1861.

Lieut. Col. MARTIN BURKE,
Commandant Forts Hamilton and Lafayette.

DEAR COLONEL: Having to send in a return to the State Department of the political arrests and discharges made by me since entering upon the duties of this office I should feel greatly obliged if you would send me a faithful copy from your register of all persons received from or released by me who have passed through your custody since the 22d of April last, as I may have omitted some names in my account.

Please let me have this list at your earliest convenience, and with many apologies for thus troubling, I am, dear colonel, very faithfully, yours,

ROBT. MURRAY,
U. S. Marshal.

PHILADELPHIA, *December 28, 1861.*

His Excellency the PRESIDENT.

SIR: Permit me to invite your attention to the inclosed note from Capt. John J. Garvin, formerly of this port, but now a prisoner at Salisbury, N. C. If anything can be done for him and his companions I trust it will not be neglected. I have another letter of similar import from a constituent, James Shockley, who was an engineer on board the Union.

Commending their care to your consideration, I remain, very truly, yours,

WM. D. KELLEY,
[*Representative in Congress.*]

[Inclosure.]

RALEIGH, N. C., *December 6, 1861.*

Hon. W. D. KELLEY, *Washington, D. C.*

DEAR SIR: There are now here some seventy-six prisoners, including myself; most all belonging to Philadelphia who were with me in the U. S. transport steamer Union and wrecked on this coast on the morning of the 3d of November.

We are as a matter of course desirous to get home again, and we beg you will use your influence to get us released by an exchange for the same number of Hatteras prisoners, or if that cannot be done to use your influence toward a regular exchange if consistent with Government policy.

We were compelled to leave the wreck soon after she struck to save our lives, as she commenced breaking up immediately, and saved nothing but the clothes we had on at the time, and will soon be destitute. We suffer considerable these cold nights for the want of covering, and have not been supplied here. Unless something is done by our Government we shall have a large number of sick if not some deaths before the winter is over unless soon released. The destitute condition of the men exposes them to sickness now around them.

There are also some forty others including officers belonging to different regiments here who are likewise desirous of getting released as early as possible and fully as destitute, some having been here several months.

We feel it peculiarly hard after barely escaping with our lives from that severe gale of November 2 and then the shipwreck on the morning of the

3d to be held here as prisoners of war for an indefinite time short of clothes and covering this cold weather, and without funds or means of procuring the necessary articles for our comfort.

Yours, respectfully,

JOHN J. GARVIN.

DEPARTMENT OF STATE, *Washington, December 28, 1861.*

Col. JUSTIN DIMICK, *Fort Warren, Boston.*

COLONEL: It is thought advisable by the military authorities here that two female prisoners confined in this city should be transferred to Fort Warren for safe-keeping. Will you if possible make the necessary arrangements and inform this Department when you are ready to receive them?

I am, colonel, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

DEPARTMENT OF STATE, *Washington, December 28, 1861.*

ROBERT MURRAY, Esq., *U. S. Marshal, New York.*

SIR: Your letter of the 19th instant has been received. You are instructed to release from custody the three prisoners, viz, John Q. A. Butler, Henry Sutter and Arthur McAbey, crew of the prize ship Lida.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

DEPARTMENT OF STATE, *Washington, December 28, 1861.*

ROBERT MURRAY, Esq., *U. S. Marshal, New York.*

SIR: Your letter of the 19th instant relative to the crew of the English bark Empress is received. Release from custody the following-named prisoners: Michael O'Brien, William Sanger, William Jones, James Hopkinson, Arthur Wardle, William Cuthbert, George Watt, the crew of the vessel above referred to.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

ATTORNEY-GENERAL'S OFFICE, *December 30, 1861.*

Hon. SECRETARY OF WAR.

SIR: A few days ago you did me the honor to refer for my consideration and advice a letter of General Buell* addressed to Adjutant-General Thomas and by him transmitted to you.

I do not wonder that General Buell is put to difficulty about "the disposition of prisoners accused of giving aid to the enemy." I share in that difficulty, and mainly because in these disordered times it is hard to draw the exact line of separation between the different kinds of arrests as distinguished by their different purposes and objects—that is judicial arrest whose only object is to secure the presence of

* See Buell to Thomas, December 5, p. 170.

the accused so that he may be tried for an alleged crime before a civil court, and political arrest—which is usually executed by the military arm—whose object is to secure the prisoner and hold him subject to the somewhat broad and as yet undefined discretion of the President as political chief of the nation.

As to arrests merely political or military they are as I understand the law beyond the reach of the judicial officers and subject only to the political power of the President, who may at his discretion dispose of the prisoners by orders addressed to his subordinate officers either civil or military. Without such order I have no authority to give any direction touching the disposition of political or military prisoners.

A judicial arrest is quite another thing, and fortunately the proceedings upon it are plain matters of statute law, presumed to be well known to every district judge, commissioner, attorney and marshal. It is not the business of the district judge (or commissioner) to accuse, arrest or keep a prisoner, but to hear and determine the causes properly brought before him; to commit the prisoner for indictment and trial or to discharge him with or without bail as in view of the testimony may be proper.

It is the duty of the district attorney to prosecute all delinquents for crimes and offenses against the United States; but that does not mean that he is to be an original accuser nor that it is his duty to arrest and keep the offender; nor indeed that he must be present as prosecutor in every preliminary inquiry before an examining magistrate. That would be unreasonable as a legal duty and impossible in practice.

It is the duty of the marshal to execute all criminal process for the arrest of offenders against the United States within his district, and in some urgent cases to arrest without process, and he is the lawful keeper of all such prisoners.

From all this, sir, you may readily infer my opinion to be that the judicial officers of the United States in Kentucky—with whom alone I have direct official connection—have no powers or duties in regard to the prisoners merely political or military in the hands of General Buell. But if the general have in his custody prisoners who are intended to be tried in the civil courts for alleged crimes he may easily get rid of them by turning them over to the marshal of the district together with all testimony and means to prove their guilt. The marshal I think is bound to receive them and of course will know how to proceed against them before a proper examining magistrate to have them committed to jail or bailed to answer the charge. The marshal has power to appoint deputies—as many as the occasion may require.

I do not yet see the necessity to appoint an assistant attorney as the general suggests. If one should be appointed for every vicinity in which arrests may be made I fear the number would soon become inconveniently large and the expense needlessly extravagant.

I have the honor to be, most respectfully, your obedient servant,

EDWD. BATES,
Attorney-General.

(Copy to General Buell January 27, 1862.)

WASHINGTON, *December 30, 1861.*

HON. SECRETARY OF STATE.

DEAR SIR: On the morning of the 19th instant I arrested on board the steamer Mary Washington in Baltimore one William T. Wilson. On

searching his person I found concealed in an overcoat pocket one large druggist's jar containing thirty ounces of quinine, one package of letters addressed to parties in Europe and a number of photographs. I also found in Wilson's hat very ingeniously concealed twenty ounces of quinine. From reliable information received since the arrest I am satisfied that Wilson is no other person than the notorious Billy Wilson, of Saint Mary's County, Md., and the individual for whom the Government recently offered a large reward. Wilson had on him when arrested British papers and a British passport showing that he had traveled throughout Europe as an Englishman. Wilson is now confined at Fort McHenry awaiting the orders of the State Department. I consider him a very unsafe man to be at large.

Yours, very respectfully,

L. C. BAKER.

U. S. MARSHAL'S OFFICE,
SOUTHERN DISTRICT OF NEW YORK,
New York, December 31, 1861.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SIR: In obedience to your order of the 28th instant I have released the crew of the bark Empress and of prize ship Lida unconditionally. Caspar Klock and William [Brown] I liberated on the conditions stipulated in your special letter ordering their discharge.

I am, sir, your most obedient servant,

ROBERT MURRAY,
U. S. Marshal.

ANNAPOLIS, *December 31, 1861.*

General HUGER, *Commanding Department, Norfolk.*

DEAR SIR: My servant Robert Halloway, a negro, was taken prisoner at Bull Run. He is now cook for the Federal prisoners at Richmond and is known to most of the officers of your service who were formerly in our Army. As he has been with me for many years I of course am anxious to get him again, and Commodore Goldsborough has kindly offered to interest himself in the matter. Will you be kind enough to communicate with your Government on the subject and inform me through the commodore how I may if possible get him? General McClellan tells me that he released in Western Virginia a large number of officers' servants.

Very truly, yours,

A. E. BURNSIDE,
Brigadier-General, U. S. Army.

[Found with the above.]

ON STEAMER S. R. SPAULDING,
Off Roanoke Island, February 17, 1862.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: General A. E. Burnside having released to us our servants, slaves included, we respectfully request that his servant, Ro. Halloway, captured at Manassas in July last and now held a prisoner in Richmond, be restored to him. This release of our servants by General Burnside

being unconditional we consider it due to ourselves as well as just to him that we should make the above earnest request.

Trusting that this request will meet the approval of the Department, we are, most respectfully, your obedient servants,

H. M. SHAW,
Colonel Eighth North Carolina Troops.
F. P. ANDERSON,
Lieutenant-Colonel Fifty-ninth Regiment Virginia Volunteers.
J. V. JORDAN,
Colonel Thirty-first Regiment North Carolina Troops.
W. J. GREEN,
Lieutenant-Colonel Second North Carolina Battalion.

U. S. MARSHAL'S OFFICE, *Springfield, Ill., January 2, 1862.*

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SIR: In obedience to your order of the 20th ultimo communicated by telegraph I conveyed to Fort Lafayette, New York Harbor, Christopher Ledwidge and S. R. Burnett, and formally delivered them into the custody of Lieut. Col. M. Burke, commanding, on the 29th ultimo. * * * The expenses of transportation for the prisoners, guards and myself are submitted herewith also.*

I am, most respectfully, your obedient servant,

D. L. PHILLIPS,
U. S. Marshal.

HEADQUARTERS HOOKER'S DIVISION,
Camp Baker, Lower Potomac, Md., January 6, 1862.

Brig. Gen. S. WILLIAMS,
Adjutant-General, Army of the Potomac.

GENERAL: Two prisoners were sent in to me to-day from Allen's Fresh. They are J. Barrett Cohen and M. Francis McKee. The circumstances of these arrests will be found in the report of First Lieut. B. Q. A. Gresham, Third Indiana Cavalry, dated the 5th instant, and herewith inclosed.† On examination of them separately I find many discrepancies, but as I have no direct means of establishing their identity I have deemed it advisable to have them forwarded to Washington. My first impression was that they were from Virginia, as a small party crossed the river on Wednesday night last near Allen's Fresh. My opinion was that they were of them. They could give me no satisfactory reason for their visit to this district, but both agreed that they left Baltimore by a schooner a week ago last Friday, though neither of them remembered her name nor did they tell me what she was freighted with. They tell me that they landed at Drum Point, near the Patuxent. I regard them with suspicion. By referring to the letters forwarded to you in one of the trunks to-day I think the name of the former frequently appears.

Very respectfully, your obedient servant,

JOSEPH HOOKER,
Brigadier-General, Commanding Division.

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*Not found. †Omitted.

LOUISVILLE, KY., *January 6, 1862.*

Col. CHARLES WHITTLESEY,
Commanding Twentieth Ohio Volunteers.

SIR: I am directed by the general commanding to instruct you that in future you will make no more arrests of civilians except such as may be engaged in violent proceedings against the Government.

I am, sir, very respectfully, your obedient servant,

OLIVER D. GREENE,
Assistant Adjutant-General.

DEPARTMENT OF STATE, *Washington, January 8, 1862.*

U. S. MARSHAL, DISTRICT ATTORNEY, U. S. PASSPORT AGENT, COLLECTOR AND OTHER OFFICERS OF THE UNITED STATES AT PORTLAND, ME.

The authorities of the United States will permit the British steamer and the officers or agents of the British Government to have all proper facilities for landing and transporting to Canada or elsewhere troops, stores and munitions of war of every kind without exception or reservation.

WILLIAM H. SEWARD.
Secretary of State.

DEPARTMENT OF STATE, *Washington, January 10, 1862.*

Hon. GIDEON WELLES, *Secretary of the Navy.*

SIR: The Secretary of the Interior has referred to this Department a letter addressed to him by the U. S. marshal at Key West asking what disposition shall be made of prisoners brought thither by naval officers and committed to his custody. He represents that there are no proper accommodations there for them and suggests that they be taken to New York by the steamer Connecticut or Rhode Island. I will consequently suggest an order to this effect, and that on their arrival at New York the prisoners be delivered to the marshal of the United States there for confinement in Fort Lafayette.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

LOUISVILLE, KY., *January 10, 1862.*

Lieut. Col. J. M. HENDERSON,
Thirty-third Indiana Volunteers, Crab Orchard, Ky.

SIR: In reply to your letter of 30th ultimo addressed to General Carter I am directed to instruct you that in future too much attention must not be paid to mere expressions of disloyalty, but persons whose acts and intemperate language disturb the peace will be arrested. It must be done only upon good evidence and with discrimination and must be immediately reported to headquarters. * * *

Very respectfully, &c.,

O. D. GREENE,
Assistant Adjutant-General.

NAVY DEPARTMENT, *Washington, January 11, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to acknowledge the receipt of your letter of the 10th instant in reference to the prisoners that have been turned over to the U. S. marshal at Key West by naval officers.

In giving instructions for the conveyance of the prisoners to New York the Department also proposes to send to the flag officer a circular letter, a copy of which I inclose, in order that such of them as come within its provisions may be released if you acquiesce in the proposition.

I am, very respectfully, your obedient servant,

GIDEON WELLES.

[Inclosure.]

NAVY DEPARTMENT, *Washington, January 15, 1862.*

Flag Officer WILLIAM W. MCKEAN,
Commanding Gulf Blockading Squadron.

SIR: You may release such persons from the rebel States as shall be captured within the limits of your command provided they are civilians not in the rebel service and are not known to have engaged in any act against the authority of the United States and are not needed for witnesses. Before their release they will be required to sign a written parole not to engage in any hostile act against the United States during the present rebellion.

I am, respectfully, your obedient servant,

GIDEON WELLES.

DEPARTMENT OF STATE, *Washington, January 13, 1862.*

Hon. GIDEON WELLES, *Secretary of the Navy.*

SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant. In reply I have to inform you that the proposition relative to the release of prisoners (civilians) contained in the circular addressed to the flag officer of the blockading squadron in that quarter is approved.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, January 13, 1862.*

S. W. MORTON, Esq.

SIR: You are hereby appointed a special agent of this Department for the period of thirty days from the date hereof at a compensation of $75. Your duties will be to detect and suppress treasonable correspondence which may pass through Alexandria, Va., between persons in insurrection against the authority of the Government of the United States and their sympathizers and agents in that and other cities of the loyal States. You will report to L. C. Baker, esq., 217 Pennsylvania avenue, Washington, D. C., in connection with whom you are expected to operate.

I am, &c.,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, January 14, 1862.*

Lord LYONS, &c.:

I have the honor to acknowledge the receipt of your note of the 11th instant* and its inclosure relative to the case of Mr. William T. Wilson, who was arrested at Baltimore on the 19th ultimo and who is at present held in custody at Fort Lafayette, New York Harbor. In reply, I have the honor to state that inquiries have been made of the officer who made the arrest from which it appears that the statement of Mr. Wilson does not relieve him from suspicion of being the Wilson for whom he was in fact arrested. I have, however, transmitted all the papers on file in this Department together with the statements submitted by you to Maj. Gen. John A. Dix at Baltimore, with a request to cause a careful examination to be made and return them together with his report thereon to me.

I avail myself of this occasion to renew to your lordship the assurance of my very high consideration,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, January 14, 1862.*

Maj. Gen. JOHN A. DIX, *Baltimore.*

GENERAL: Herewith I have the honor to inclose copies of a note* from Lord Lyons, Her Britannic Majesty's minister, together with two inclosures submitted by him to this Department relative to the case of William T. Wilson who was recently arrested in Baltimore and who is now held in custody at Fort Lafayette, New York Harbor. Will you please examine these statements and take such other testimony in regard to the facts in this case as may be obtained and report to this Department as soon as you conveniently can?

I have the honor to be, general, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

HDQRS. CITY GUARD, OFFICE OF PROVOST-MARSHAL,
Washington, D. C., January 15, 1862.

Brig. Gen. A. PORTER,
Provost-Marshal, Washington, D. C.

GENERAL: In accordance with the request† of the Hon. W. H. Seward, Secretary of State, directed to you requesting you to report on the case of Capt. B. F. Gwynn, I have the honor to report that on January 7, 1862, Captain Gwynn, residing in Prince George County, Md., was committed to your custody by order of Brigadier-General Casey under the following circumstances, to wit:

From information received by General Casey he on the 6th of January, 1862, caused to be detached for the purpose of arresting Captain Gwynn a force of 200 men belonging to the Eighty-fifth Pennsylvania Infantry, headed by the colonel, lieutenant-colonel and other officers of that regiment and of General Casey's staff. After a night's march of thirty-two miles the arrest was accordingly effected at 8 o'clock the next morning at his residence. He was charged with holding correspondence with and giving information to the enemy and suspected of being a spy. An immediate search of his residence resulted in the discovery of the boxes

* Not found. † Omitted.

containing clothing obviously intended for transfer to the enemy and for their use, also five letters addressed to persons within the enemy's lines containing correspondence of a treasonable character. It is alleged by Captain Gwynn that the boxes in question were left with his wife in his absence, and that she on perceiving the directions tore them off intending to return the boxes to the lady from whom they were received.

The colonel who arrested him states that "the written directions on labels upon the boxes had evidently been recently removed as I found labels corresponding with the directions upon the boxes concealed in a small box on the mantelpiece." The addresses on the labels are "Mrs. Mordmia Cary, Hospital, Culpeper Court-House, Va.," and "Lieut. Charles S. Contee, First Maryland Artillery Company, stationed at Aquia Creek, Va."

Since the receipt of the papers on which the preceding statements are based documents inclosed to the Hon. W. H. Seward, Secretary of State, have been forwarded to this office from the State Department. They consist of statements by Mrs. Mary Harford and Mrs. Eleanor Gwynn, wife of Captain Gwynn, indorsed by Dr. G. H. Bayne, of the Maryland senate, and Hon. Charles B. Calvert, of the U. S. House of Representatives. Mrs. Harford states that the boxes in question were left with her by a young and inexperienced girl (name not given) to be sent to Piscataway; that Mrs. Harford took them to Captain Gwynn's residence to be sent, and Captain Gwynn being absent left them with his wife; that a large portion of the articles in question were old clothes and other articles of little value not intended for army purposes; that some of them were articles sent by a widow to her sick son, who left before the outbreak and was not permitted to return, he having taken no part whatever in the rebellion. She alleges most positively that Captain and Mrs. Gwynn knew nothing whatever of the contents or destination of the boxes in question; that Mrs. Gwynn did not even see the boxes until after she (Mrs. Harford) left, and that Captain Gwynn was not at home. She further states that whatever responsibility there is in the case belongs to her rather than to Mrs. Gwynn; that two of her brothers died in the service of this Government, &c.

Mrs. Gwynn's statement is to the same effect so far as her and her husband are concerned. She also states that on perceiving to whom the boxes were directed she tore off the labels intending to return the boxes to the lady from whom they were received; that Captain Gwynn never had any direct or indirect connection with the Southern Army; that his numerous friends and neighbors can give unequivocal evidence in his favor.

Dr. George H. Bayne, senator from Prince George County in the Maryland legislature, feels warranted in fully indorsing Mrs. Gwynn's statement "from a long and intimate acquaintance with Captain and Mrs. Gwynn."

Hon. Charles B. Calvert, U. S. House of Representatives, considers Mrs. Gwynn's statement indorsed by his friend Doctor Bayne entitled to be received as unquestionably true. The circumstances previously known at this office concerning Captain Gwynn are as follows:

It appears that last spring he was concerned in an attempt to get up and drill a company or companies of militia in the county in which he resides. It being deemed by the military authorities that the organization was covertly intended as an aid to the rebellion it was broken up. Apprehensive of being arrested for his share in those proceedings Captain Gwynn fled to the rebel portion of Virginia where he remained some months. The testimony is very conflicting as to what he did

there; some persons allege positively that he was in the rebel army while others again are equally positive that he was not. Moreover I have no evidence showing whether his flight took place after or before the President's proclamation of non-intercourse with the rebel States.

After his return home he came to this office voluntarily on the 25th of November and expressed his wish to take the oath of allegiance to this Government. Having no authority to comply with his request I recommended him to call for that purpose on Thomas C. Donn, justice of the peace of this city, by whom the oath was administered to him. The oath and signature are now on file in this office. The evidence in this case proves the following facts, to wit:

That having been engaged in a military company of very questionable loyalty either as regards its composition or its objects he fled to a rebel State, apprehensive that if he remained he would be liable to arrest for his connection with said company; that after his return he voluntarily came to this city and took the oath of allegiance; that two boxes containing articles and correspondence unquestionably designed to be conveyed to rebels for the purpose of giving them aid, comfort and information were found in his residence under very suspicious circumstances.

I therefore respectfully recommend that as the testimony in this case is very contradictory and Captain Gwynn has been but a short time in custody he be retained until the military authorities stationed in that vicinity are able to institute further investigations. Herewith I inclose to you the statements* of Mrs. Eleanor Gwynn and Mrs. Mary Harford, with Doctor Bayne's and Hon. Charles B. Calvert's indorsements,* which the Secretary of State requests should be transmitted to him with your report on the subject.

All of which is respectfully submitted.

Very respectfully, your obedient servant,

E. J. ALLEN.

CITY OF WASHINGTON, *January 16, 1862.*

I, Ellie M. Poole, a resident of the city of Wheeling, State of Virginia, by profession a teacher, now imprisoned in the city of Washington and charged with treasonable conduct against the Government of the United States, do hereby give my parole of honor and solemnly pledge my word and faith that on condition of my release from imprisonment I will hereafter keep myself from all connection with the existing rebellion against said Government; that I will not engage directly or indirectly by communicating information or otherwise in the service of the Confederate States so-called or either of them against the United States, and that I will not in any way engage or assist in any resistance to the authority or forces of the United States. I do hereby request of said Government of the United States that I may be sent by said Government to Fortress Monroe and be permitted to pass thence to the city of Norfolk, Va.

Witness my hand on the day above written.

ELLIE M. POOLE.

Subscribed in my presence at Washington, D. C., January 16, 1862.

THOMAS M. KEY,
Colonel and Aide-de-Camp, U. S. Army.

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* Omitted.

DEPARTMENT OF STATE, *Washington, January 17, 1862.*

Maj. Gen. GEORGE B. MCCLELLAN,
Headquarters U. S. Army.

MY DEAR GENERAL: From representations which have at different times been made to me I am induced to inquire whether in your judgment Col. Justin Dimick is entirely such an officer as ought to be the keeper of state prisoners and the commandant of so important a post as that of Fort Warren.

Very truly, yours,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, January 17, 1862.*

JOHN A. KENNEDY, Esq.,
Superintendent of Police, New York.

SIR: This Department has received information to the effect that the house of Trenholm Bros. & Co., No. 42 Pine street, New York, is a branch of the house of Fraser, Trenholm & Co., of Liverpool, and John Fraser & Co., of Charleston, S. C. It is important and desirable to ascertain the truth of these statements because the two last-named houses have from the commencement of the insurrection been engaged in attempts to run the blockade, and some of the vessels owned by them have succeeded in that attempt. I will consequently thank you to inquire, first, if the Messrs. Trenholm in New York are British subjects, and secondly, if their house is a branch of the others referred to. It is not deemed advisable to take any other steps until this Department shall have received information on these points.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, January 17, 1862.*

Brig. Gen. ANDREW PORTER,
Provost-Marshal, Washington.

GENERAL: You will please send Miss Ellie M. Poole, a prisoner in your custody in this city, under the protection and custody of a proper guard by way of Baltimore to Fortress Monroe and thence under flag of truce beyond the lines of the U. S. forces, there to be discharged.

I am, general, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

POST-OFFICE DEPARTMENT, *January 17, 1862.*

SECRETARY OF STATE.

SIR: In pursuance of your suggestion of the 19th ultimo the postmasters of New York, Boston and Portland have been instructed to withhold from the outgoing mails and to forward to your Department all letters posted or otherwise received at their office addressed to "Arthur Dare, 15 Half Moon street, London."

I have the honor to be, your obedient servant,

THOS. P. TROTT,
Chief Clerk.

HEADQUARTERS, *Baltimore, January 18, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to inclose a letter from Mr. McPhail, the deputy provost-marshal of this city, and one from Mr. Franklin, the chief of the detective police in Philadelphia, in regard to William T. Wilson.* The identity of this person with the Wilson engaged in Saint Mary's County in carrying on illicit trade with Virginia is in some doubt, though I am strongly inclined to believe they are different persons. By Mr. McPhail's letter you will perceive that William T. Wilson had a quantity of quinine concealed on his person destined unquestionably to Virginia. He was arrested on one of the Patuxent boats on which he had taken passage for Saint Mary's County. A letter of which I inclose a copy† was also found on him. It was open when it came into the hands of the police as well as the larger envelope in which it was contained and which was believed to have had within it other letters.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

[Inclosure.]

OFFICE OF PROVOST-MARSHAL,
Baltimore, January 15, 1862.

Major-General DIX.

DEAR SIR: About the 1st of November Mr. Reynolds of our force received information from Mr. John Fowler that a certain William [T.] Wilson, an Englishman, was carrying a Confederate mail and goods with Captain Alston, of Saint Mary's County, to Virginia by way of Blay Creek to Ragged Point. They occupied a log cabin with a Mr. Bradburn on Blay Creek.

On the morning of the 19th of December as I was examining the passengers of the steamer Weems one of my officers brought two men to me who had been avoiding us. I ordered them to be taken to the side of the boat and searched. Upon Wilson was found a bottle containing about four ounces of morphine and an English passport that disclosed his name as W. T. Wilson. Upon Mr. Krengle, the other party, nothing was found of a contraband character. They were conveyed to our office and there underwent another search when there was found in the hat of Wilson done up in a bladder filling about one-third of the hat crown a quart of quinine. These were the only articles secreted about him. He had a large navy revolver and holster, the holster much worn as if used on horseback, which agrees with the report of Fowler who stated that he always carried the mail on horseback from Alston's and always at night. I also inclose you a copy of the letter† found upon the person of Wilson; it was inclosed in a rough envelope which from its size indicated more inclosures. I was unable to find who opened it but supposed it to be Wilson who destroyed a part of its contents. Besides the letters we have two photographs of two females and a small lace collar and cuffs.

Fowler of whom we obtained the information is now engaged in teaming about Washington and Alexandria. Mr. Reynolds of our force thinks he would be able to find him and thus remove our doubts.

Respectfully, yours, &c.,

J. L. MCPHAIL,
Deputy Provost-Marshal.

* Franklin's letter omitted. † Not found.

DEPARTMENT OF STATE, *Washington, January 20, 1862.*

Maj. Gen. GEORGE B. MCCLELLAN,
Commanding Armies of the United States:

You or any officer you may designate will in your discretion suspend the writ of habeas corpus so far as may relate to Major Chase, lately of the Engineer Corps of the Army of the United States, now alleged to be guilty of treasonable practices against this Government.

ABRAHAM LINCOLN.

By the President:
WILLIAM H. SEWARD.

NAVY DEPARTMENT, *January 20, 1862.*

Col. MARTIN BURKE, U. S. Army,
Commanding Fort Lafayette, N. Y.

SIR: It is contemplated to release and send South all civilians or seamen from the rebellious States who were captured on board vessels seized for violating the blockade or who when captured were not in arms or had not been engaged in any hostile act against the United States. The Department does not know the names of all those who are now confined in Fort Lafayette by its order and will therefore be much obliged to you for a list of them, with the name of the vessel on board which or the place where they were captured, if you can give me that information.

I am, respectfully, your obedient servant,

GIDEON WELLES.

BRIDGEPORT, CONN., *January 21, 1862.*

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SIR: I am in some doubt as to which Department to communicate the following facts, but have concluded to inform that under your charge of the same. A few days since two persons, one named Reemer the other Theodore W. Downs, arrived in this city from Memphis, having received a pass to come North from the rebel authorities. Reemer has a family here and Downs a number of friends. An article was published in one of the Chicago papers (which I cannot recollect) a few days since stating that they had been closely watched, inasmuch as it was reported and believed that they were coming North for the purpose of visiting some of the manufactories of arms, taking drawings of machinery, &c., for the benefit of the rebels. Reemer is a machinist by trade and quite expert. Adjutant Rust, of Colonel Buford's Illinois regiment, rode some distance behind them in the cars and informed some friends of his in this city that he believed from their conversation they were rank secessionists and upon no honorable errand. They design remaining here for some days.

There is every reason to believe that a lodge of Knights of the Golden Circle exists in this city, although their meetings are held secretly and without any degree of regularity. They at one time met on stated evenings, but on the eve of July 21, 1861, our citizens smarting under the result of Bull Run and thinking they had met for the purpose of

glorifying over the result disturbed them in their deliberations, and procuring a locomotive lantern so placed it that all who came from the hall were recognized and names put down. Since then they have been more secret in their operations, but there is good reason to believe that they have not discontinued their meetings. Mr. William M. Connelly, room No. 6, police headquarters, New York City, is a shrewd and experienced detective and operated with me last December in investigating some supposed frauds upon the revenue, and suspected operations of some parties here in movements and designs of running the Southern blockade. He has an original certificate of membership in the order of Knights of the Golden Circle, and informed me that if any lodge of the kind did exist in this city he could find it out and obtain admission. It would be a desirable thing to have these matters investigated, inasmuch as this city is the focus and center of the secession sympathizers in this portion of Connecticut. I had some correspondence with the honorable Secretary of the Treasury in relation to those parties who were suspected of running the blockade, and will refer you to him as to whether any statements from me are reliable.

Very respectfully, your obedient servant,

FRED. H. THOMPSON,
Deputy Collector.

DEPARTMENT OF STATE, *Washington, January 22, 1862.*

Hon. HANNIBAL HAMLIN, *Washington.*

SIR: I have the honor to acknowledge the receipt of your note* of this date, accompanied by one addressed to you by G. S. C. Dow, esq., in which that gentleman expresses a wish to correspond with a client at New Orleans and asks if it is possible or proper for him to do so. In reply I have the honor to acquaint you that the interruption of correspondence with that quarter has been occasioned by a military exigency. To the general regulation upon the subject there has been occasional exceptions. It is impracticable for me to determine beforehand whether the correspondence in which Mr. Dow wishes to engage ought to be one of them. If, however, he will send open to this Department any letter which he may wish to address to his client the expediency of forwarding the same to its destination will be taken into due consideration.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, January 22, 1862.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

COLONEL: I will thank you to inform Mr. William T. Wilson, a prisoner confined at Fort Lafayette, that in consequence of the doubts as to his identity you have been instructed to discharge him from custody. You will also please inform him that in view of his having secreted about his person at the time of his arrest an unusual quantity of quinine, and of other suspicious circumstances which have come to the knowledge of the Government, a watch will be kept over his future movements. You will please discharge him.

I am, colonel, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

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* Not found.

HDQRS. CITY GUARD, PROVOST-MARSHAL'S OFFICE,
Washington, D. C., January —, 1862.

Brig. Gen. A. PORTER, *Provost-Marshal, Washington, D. C.*

GENERAL: I have the honor to report that on January 13, 1862, Rev. Bennett Smedes, of Raleigh, N. C., was received at this office and committed to the Old Capitol Prison, having been transferred to your custody by Captain Dahlgren, commanding the U. S. navy-yard, with the information that he was arrested by the Potomac flotilla in an attempt to cross the Potomac River into Virginia. On being examined at this office he made the following statement, to wit:

That he is twenty-four years of age; that he was born in Schenectady, N. Y., and that when three years of age he accompanied his parents to Raleigh, N. C., where they now reside; that his father is a clergyman in that place; that he (Smedes) at the age of sixteen went to Saint James College, near Hagerstown, Md., where, excepting vacations spent with his parents, he remained four years; that he then for three years attended a theological seminary in the city of New York, on leaving which in June, 1860, he commenced to officiate with the Rev. Dr. Cleveland Coxe, an Episcopal clergyman at Baltimore, with whom he remained until December 13, 1861; that for some time he has been desirous of joining his parents in Raleigh, N. C., and had with this view made application to the honorable Secretary of State for a passport, which he did not succeed in procuring; that he then determined to make the attempt without such passport and take his chances of eluding the blockading flotilla and military authorities of the United States; that he accordingly proceeded through Maryland to the river Potomac, and with three other persons attempted to cross it in a boat from Cedar Point, when he, with two of those persons, was arrested by a boat's crew from the cutter Howell Cobb; at 12.30 a. m. January 11 was taken to the cutter, searched by Captain Frank, transferred to the Island Belle, thence to Colonel Graham's headquarters at Indian Head, thence successively to the Wyandank, Harriet Lane and Yankee, on board of which latter he was taken to the navy-yard, whence he was sent by Captain Dahlgren to this office.

The prisoner refused upon the above examination to give any information relative to the person or persons by whose aid and abetment he was crossing the Potomac at the point and time named, or where he stayed while in Maryland preparing to leave for Virginia. No papers or correspondence were found on him when searched, excepting a letter of recommendation from Doctor Coxe. A letter from that gentleman relating to this case has been received at this office of which the following is a copy, viz:

WASHINGTON, D. C., *January 13, 1862.*

Brig. Gen. A. PORTER, U. S. Army.

DEAR SIR: The Rev. Bennett Smedes, a prisoner under your charge, was until about a month since assisting me as a deacon in Grace Church, Baltimore. He then left me as he said to see whether he could reach his parents in North Carolina. They had been recently afflicted by the death of his elder brother, and as he supposed were in need of his services and the comfort of his presence. His father is the Rev. Doctor Smedes, of Raleigh, but his parents as well as himself are native New Yorkers; to the best of my belief his mother is a daughter of the late Rev. Doctor Lyell, rector of Christ Church, New York. Having seen him since his arrest in the presence of an officer he assured me that he went with nothing but his raiment, a few sermons and a certificate of his good character (which I gave him), and that he designed nothing and did nothing more or less than was necessary to the sole object of seeing and consoling his parents. I believe his word absolutely, and can certify from long and intimate acquaintance with him that he is a young man of integrity and of great personal worth. When I accepted his services as my assistant eighteen months ago

or more I found his academical character not only unsullied but remarkable for all that adorns youth in the eyes of the good and wise. I pray that these facts may have weight, and that his imprisonment (should his speedy release be denied) may be as little as possible rigorous. It is my earnest hope that his discharge may be deemed compatible with the demands of the public good.

I remain, &c.,

A. CLEVELAND COXE,
Rector of Grace Church, Baltimore.

It may be proper to remark that although Doctor Coxe preaches to a Baltimore congregation of which a large portion are known to entertain treasonable sentiments he is nevertheless considered a decided Union man. It has since been ascertained by inquiry at the Department of the Secretary of State that that portion of the prisoner's statement is correct in which he mentions his unsuccessful application for a passport to go South.

The evidence in this case establishes the following facts: That the Rev. Bennett Smedes having made application at the State Department for a pass and having failed to obtain one, the honorable Secretary of State not considering his case one in which the same should be issued, finding himself thus unable to attain his object in a legitimate manner did clandestinely, contrary to law and with knowledge that he was acting unlawfully, attempt to circumvent the authority of the United States by entering one of the States in rebellion; that inasmuch as the act of crossing the Potomac in this manner is in contravention of the proclamation of the President and highly detrimental to the efficiency of our military operations it is necessary that strong measures should be taken to discourage such attempts by the punishment of all concerned in them no matter what may be their character, standing or purpose.

I therefore respectfully recommend that Rev. Bennett Smedes be confined until the conclusion of the war or until such time as by the advance of our armies he may be enabled to visit his relatives without violating the President's proclamation.

All of which is duly submitted.

Very respectfully, your obedient servant,

E. J. ALLEN.

[Indorsement.]

Let him be detained for the present.

W. H. S[EWARD].

DEPARTMENT OF STATE, *Washington, January 23, 1862.*

Lieut. Col. MARTIN BURKE,
Fort Hamilton, New York Harbor.

SIR: Your letter of the 21st instant has been received, and in compliance with your request I inclose herewith 100 copies of the prescribed oath of allegiance. You will observe that the words "and further, that I will well and faithfully perform all the duties which may be required of me by law," is applicable to those only who hold office under the Government and may be omitted when administered to private citizens.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

COMMONWEALTH OF VIRGINIA, ADJT. GEN.'S OFFICE,
Wheeling, Va., January 23, 1862.

Brigadier-General ROSECRANS,
Commanding Department of Western Virginia.

SIR: I call your attention to the inclosed newspaper paragraphs in relation to certain loyal citizens of Virginia threatened with an ignominious death by the traitors assembled in Richmond: George W. Aubrey (printed Aufrey), A. W. McDonald and Henry A. Ault, all of Hardy County. These men were in a State military company and by orders were when taken acting under the U. S. military officers stationed at Fort Pendleton, near the southwest corner of Maryland, and were to all intents and purposes of war a military company in the U. S. service, and for its members this government demands the protection of the United States. John Alford has never been in arms and is charged with being a candidate for the legislature here. I have been unable to procure information respecting Messrs. Bone and Bergdale, but it is probable they were members of the Hardy County company aforesaid. In the name and on the behalf of the restored government of Virginia and by the direction of the executive thereof I earnestly appeal to you to take such action in the premises as will relieve these men from the perils which environ them at Richmond; or if the suggestion of the traitor Benjamin is adopted and our loyal friends die for devotion to our flag a signal example of retributive vengeance will be executed that will deter the cowardly traitors assembled there from the perpetration of like cruelties there afterward. The prisoners as far as known are respectable, worthy men.

I have the honor to be, very respectfully, your obedient servant,
HENRY I. SAMUELS,
Adjutant-General of Virginia.

[Indorsement.]

HEADQUARTERS DEPARTMENT OF WESTERN VIRGINIA,
Wheeling, Va., January 24, 1862.

Respectfully referred to the Secretary of War.

The within letter states facts which show that the persons alluded to cannot be hung or otherwise punished without violating the principles of humanity which have hitherto been acted on and tending to frightful reprisals.

W. S. ROSECRANS,
Brigadier-General, U. S. Army.

[Inclosure.]

ARREST OF UNION PATRIOTS.

The following was sent to the Virginia senate on Thursday by Governor Letcher:

WAR DEPARTMENT, C. S. A., *Richmond, Va., January 10, 1862.*

JOHN RANDOLPH TUCKER, Esq., *Attorney-General.*

SIR: I respectfully inform you that the following-named persons now confined in jail here have been examined by the Hon. James Lyons, as commissioner for this Department, and he reports them as being in his opinion traitors that ought to be hung. This being a matter that concerns the civil authorities I deem it my duty to give you their names, as follows, viz: First, George W. Aufrey; second, Henry A. Ault; third, Benjamin Bone; fourth, John Bergdale; fifth, Aaron W. McDonald; sixth, John Alford.

I am, respectfully, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

HEADQUARTERS, *Baltimore, January 24, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Nineteen persons were arrested last week at a place of rendezvous from which they were to go to the insurgent States. Several have been released on taking the oath of allegiance, the evidence not being perfectly clear in regard to them. There are twelve who should be sent away as there is no room for them at Fort McHenry. One of these men, Thomas C. Fitzpatrick, is claimed to be a British subject, and I am told was discharged from Fort Warren or Fort Lafayette on the application of Lord Lyons. I do not know what was the charge against him. We have satisfactory evidence that he has been engaged in recruiting for the insurgent army and that he was the leader of the party arrested. They were under an oath not to divulge the purposes of their organization.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

DEPARTMENT OF STATE, *Washington, January 25, 1862.*

Maj. Gen. JOHN A. DIX, *Baltimore, Md.*

GENERAL: Referring to your letter of the 24th instant the receipt of which has heretofore been acknowledged I have the honor to authorize you to convey the twelve prisoners (names not given) referred to by you to Fort Lafayette, New York Harbor. Will you please transmit to this Department a list of their names together with a report of the proof upon which they are held?

I have the honor to be, general, very respectfully, your obedient servant,

F. W. SEWARD,
Acting Secretary of State.

HDQRS. CITY GUARD, PROVOST-MARSHAL'S OFFICE,
Washington, D. C., January 27, 1862.

Brig. Gen. A. PORTER, *Provost-Marshal.*

DEAR SIR: In the case of Nathaniel N. Clabaugh, of Morgan County, Va., a prisoner confined in the Old Capitol Building, I have the honor to report in obedience to the request of the honorable Secretary of State as follows:

Said Clabaugh was received at this office from General Banks' division, Upper Potomac, on the 18th instant, accompanied by the following charges:

First. That said Clabaugh was one of a party of four instrumental in conveying information from Maryland to Winchester of a treasonable nature.

Second. That he harbored rebel officers and soldiers.

Third. That he oppressed the Union party of that section of Virginia in which he lived.

Fourth. Refused to take the oath, declaring he was a Virginian and Virginia had declared her independence.

Fifth. That he aided and abetted in connection with Van Arsdale and Fleece, of Morgan County (reported at Frederick), to sustain the rebel Government and was very violent in opposition to the Federal Government.

These several charges stated before me.

JOHN G. HOVEY,
Lieut., Thirteenth Regt. Massachusetts Vols., Provost-Marshal, Williamsport.

Witnesses: Lieutenant Grafflen, First Virginia Brigade; Capt. J. Kearns, First Virginia Brigade; others can be obtained.

About the 21st instant Mr. Clabaugh sent to this office from the Old Capitol Building substantially the following statement which he said he was willing to verify on oath: That he was never in Winchester in his life but once, about the 20th of October last, and did not then know a resident of the place; that he went at the request of several men in his neighborhood who had helpless families dependent upon them; that he traveled the entire way to and from Winchester alone; that his business was, first, to see General Carson, and then Colonel Johnson, of the home militia; that he was introduced to General Carson by an old acquaintance from his neighborhood, Doctor Canfield, now he believed a captain; that after being introduced to the general he informed him of his business, stating the helpless condition of his neighbors, and asking him if under the circumstances he could not exempt them from military duty as if they were forcibly taken from their homes (and they would not go otherwise) their families must necessarily suffer; that the general replied very kindly saying he was sorry for them but he had had twenty applications of the kind; that all men were equal and that he could not grant his (Clabaugh's) request: that he (Clabaugh) was not as he should judge over half an hour with General Carson; has never seen or written to him directly or indirectly before or since nor communicated with him through any other person; in short knew nothing more of him than he had stated; that the first call for militia was merely a notification about the 1st of July, there being no force attempted to his knowledge; that this first call was generally regarded as being unlawful or not authorized by the governor, and so far as their particular vicinity was concerned was as he thought wholly disregarded; that no further call was made until about the 1st of October, when it was currently reported that such as refused to go would be forcibly taken; that at this last date a large majority of their eligible militia had left the State or congregated in the woods of Sideling Height, where they were comparatively safe from arrest, but that some men, probably a dozen, within three or four miles round had families and could not without serious loss and suffering leave either to go to Maryland or to join the rebel army; that at his (Clabaugh's) earnest solicitation at that time the impressing officer who had discretion in the matter agreed not to disturb the militia in that neighborhood until after they had done their seeding, which agreement was being kept at the time of his (Clabaugh's) arrest, November 1, no further call having been made up to that time; that after his ineffectual mission to General Carson he went to Colonel Johnson, of their militia, and informed him what he had done, asking him if he had not considerable influence and whether he had not the power to grant his request; that the colonel answered that he had to a certain extent; that he (Clabaugh) then informed him as he had Carson c[illegible]
and helpless condition of his neighbors, and reque
lay in his power to favor them; that he (the colc
cheerfully and apparently sincerely informed him
to his neighbors that they should not be further i
possibly avoid it; that this was about two weeks be
arrest, and that no further notice to or arrest of a
place up to the time of his arrest; that he had n
twice since the Virginia election of last spring; th
the sheriff of the county, and necessarily passe
house sometimes and never did so without stopp
business, as was the case on the two occasions abc
he merely called, probably remaining an hour each tim
long enough to get his dinner and his horse fed; that he (Clabaugh)

had never been in his company or passed a line with him directly or indirectly since the occasions above mentioned taking place last spring; that Van Arsdale has not been a near neighbor of his, and as he (Clabaugh) never had any business with him of any kind he had not even seen him for ten months or more to his knowledge until they met in Williamsport, and that he had never passed a word with him about the war either since or before it commenced; that all of his family are uncompromising Union folks, &c.

The above charges and statement is all the evidence that I have been able to collect in this case. The prisoner is quite an old man of frank and earnest manners, and I have no doubt but that his statement is correct. He suggests that his property is all without our military lines, and that it would be unnecessarily jeopardizing it to require him to take the oath of allegiance to the United States at the present time. I understand that he is willing to give his parole of honor not to interfere in this contest.

In conclusion I am inclined to think that Nathaniel N. Clabaugh, of Morgan County, Va., may safely be released from custody on taking the usual oath of allegiance, stipulating that he will not go beyond our military lines during the present contest between the Federal Government and the rebel States.

All of which is respectfully submitted by your obedient servant,

E. J. ALLEN.

DEPARTMENT OF STATE, *Washington, January 29, 1862.*

ROBERT MURRAY, Esq., *U. S. Marshal, New York.*

SIR: * * * Will you please proceed to the different forts wherein persons captured while attempting to run the blockade are confined and release all who are not citizens of the United States and whose testimony is not required in the administration of justice. Please return this inclosure with your report thereon.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

FORT LAFAYETTE, N. Y., *January 31, 1862.*

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

DEAR SIR: I desire an investigation of my case, and it is for the purpose of giving you an insight into the circumstances attending my arrest that I now address you. I left Hickman, Ky., November 19 to go to Cairo, Ill., to pay taxes on land that I own on Bird's Point, Mo. On my way thither I met with Colonel Wallace at Charleston, Mo., and went with him to Bird's Point. Arriving there I ascertained that my agent was at Cairo. I then asked the colonel for a pass to Cairo which he granted. After paying my taxes to Mr. Falls I was arrested and held for five weeks at the above-named place when I was sent here, arriving at my present quarters on the 29th of December. I know of no charges against me nor have I heard of any reasons for my arrest. For proof as to my loyalty I refer you to Capt. D. L. Duffy, of the flagship Benton.

I remain, yours, respectfully,

C. LEDWIDGE.

N. B.—If it is required I am perfectly willing to take the oath of allegiance.

HDQRS. ARMY OF THE POTOMAC, *January 31, 1862.*

Brig. Gen. JOSEPH HOOKER, *Commanding Division.*

GENERAL: Your communication with accompanying papers concerning the arrest of James T. Blackiston, of Leonardtown, Md., was received at these headquarters some time since. Pressure of public business has caused the delay of this reply. The report of Major Chapman, the officer making the arrest, expressly states that no proof exists that the prisoner had either committed, aided or abetted any treasonable act against the United States nor do the papers show the slightest ground for suspecting that he entertained any such design. The commanding general directs me to say that the unnecessary arrest of any citizen is much to be regretted, and that that of Mr. Blackiston seems to have been without sufficient cause and is therefore not approved. Mr. Blackiston has been discharged.

Very respectfully, your obedient servant,

A. V. COLBURN,
Assistant Adjutant-General.

DEPARTMENT OF STATE, *Washington, February 1, 1862.*

Maj. Gen. JOHN A. DIX, *Baltimore.*

GENERAL: For your information I have the honor to inclose herewith an extract* from an intercepted letter which seems to indicate that Mr. N. D. Falls, president of the Bay State Line, Baltimore, is or has been engaged in transmitting correspondence to the insurrectionary States. Will you have the kindness to cause an examination as to the facts to be made and reported to this Department?

I am, general, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

HDQRS. CITY GUARD, OFFICE OF PROVOST-MARSHAL,
Washington, February 1, 1862.

J. L. MCPHAIL, *Deputy Provost-Marshal, Baltimore, Md.:*

Young Wise, son of General Henry A. Wise, was seen here to-day dressed in uniform. Suspected to have left on 5 p. m. train disguised as an invalid, wearing black pants over uniform pants. He is about twenty-four years old, five feet ten inches high, slim build, very dark-brown hair and eyes large. Youthful appearance. May have mustache and goatee but no whiskers. Look close for him.

A. PORTER,
Brigadier-General and Provost-Marshal.

WASHINGTON, *February 3, 1862.*

Hon. WILLIAM H. SEWARD.

DEAR SIR: I understand from a reliable source that Senator Bright, of Indiana, will be expelled Tuesday next. I am thoroughly convinced from facts coming to my knowledge that he intends going South as soon as opportunity presents itself. Should he not be put under surveillance at least if not arrested?

Yours, most respectfully,

L. C. BAKER.

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* Not inclosed.

FORT WARREN, *Boston Harbor, February 3, 1862.*

Lieut. Col. W. HOFFMAN,
Commissary-General of Prisoners, Sandusky City, Ohio.

SIR: * * * There are now here about fifty-eight prisoners of state. The Government has furnished these with bedding and common furniture.

I am, very respectfully, your obedient servant,

J. DIMICK,
Colonel First Artillery, Commanding Post.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Sandusky City, Ohio, February 3, 1862.

Col. LUTHER DAY, *Judge-Advocate of Ohio, Columbus, Ohio.*

COLONEL: I have in my possession petitions for the release of certain prisoners of war now at Camp Chase, and in order that their cases may be properly laid before the Department of State I request of you the favor to inform me of the facts and circumstances as far as they are known to you connected with the arrest of the following-named persons, viz: G. A. Davis, Matthew Bright, George T. Henderson, J. Allen Harwood, W. H. Wise, Lewis S. Farrell, A. W. Jones, J. W. Wigal, W. H. Peterson, J. B. Smith, G. S. Grove, John W. Coffman, John Barneto and Thomas W. Tillman. If there is anything known to you why the cases of any of the above named should not be favorably considered I will be obliged to you if you will mention it. Will you also have the kindness to inform me if the prisoners at Camp Chase have a sufficient supply of bedding which they can bring with them when they are transferred to the depot near this city? Is it public or private property? The depot is supplied with bed sacks.

Very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

DEPARTMENT OF STATE, *Washington, February 4, 1862.*

Brig. Gen. M. C. MEIGS, *Quartermaster-General.*

GENERAL: I inclose a confidential letter addressed to me from London by Mr. Joseph L. Chester, and will thank you for any information which you can communicate touching the Mr. Wethered to whom it refers. Please return the inclosure with your answer.

I am, general, your very obedient servant,

WILLIAM H. SEWARD.

[Inclosure.]

LONDON, *January 18, 1862.*

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., Washington.

SIR: I feel it my duty to call your attention to the fact that a person who has been for some time in this country representing himself, and I believe correctly so, to be the agent of Union men in Baltimore who hold a Government contract (concerning wool or woolen goods) openly avows himself a secessionist, associates constantly with that class here,

and habitually uses such ability and influence as he may possess in behalf of the Southern rebellion and in opposition to the Government of which you are at the head. The person to whom I allude is Mr. John Wethered, of the house of Wethered Bros., of Baltimore.

I should be glad if there were any doubt about the facts, for Mr. Wethered and myself have hitherto been upon the most friendly terms. He was here last winter, and before returning home then it was plainly to be seen that his sympathies lay in that direction. After a short absence he returned again to this city in the character above stated, and there is not the slightest doubt that his conduct ever since has been as I have already represented. By reason of our former friendly relations I should desire that if possible my name should not be revealed as the author of this communication, but if necessary I feel that my duty to the true cause is paramount to all private friendship. If you deem the fact of any importance it can be readily substantiated from other sources here. It certainly galls your loyal friends here to know that a man who is doubtless filling his pockets with Government money is at the same time pursuing a treasonable course to that Government, and it seems also proper that you should be advised of the fact in order that you may ascertain whether the direct parties to the contract mentioned are also guilty of the same bad faith or whether they have been misled in the character of the agent they have sent here.

It is proper that addressing you as a stranger I should furnish you with some reference concerning myself. When I left Washington three years ago to spend some time in Europe in literary pursuits I was on intimate terms with (among others) Mrs. Henry R. Schoolcraft and Lieutenant Gilliss, of the Observatory, either of whom I think would be willing to vouch for my social position and my loyalty. I might refer more directly to Hon. E. Joy Morris, U. S. minister at Constantinople, and may also add that I am not unknown to Hon. Simon Cameron through his friend Henry C. Hickok, esq. I beg to add that I hope I am rendering my country and its Government some service here both privately and through the press, and that I should be most happy if you could in any way make my abilities and disposition more directly available. I should be ready at a moment's warning to go anywhere and do anything in obedience to your instructions. That the true cause needs all the help it can muster here is too true, for the loyal Americans in England are few while the Southern refugees are numerous, unscrupulous and untiring in their efforts to influence the public sentiment, nor are they without evident success. I should also add that I may refer generally to our legation in this city.

I am, sir, with great respect, your obedient servant,

JOSEPH L. CHESTER.

[Indorsement.]

QUARTERMASTER-GENERAL'S OFFICE,
February 5, 1862.

Respectfully returned to the Secretary of State.

I know nothing of Wethered Bros. or of Mr. Wethered here referred to. I have written to the quartermaster at Philadelphia to inquire whether he has connections with the house named and will communicate any information he may be able to obtain.

Very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General.

DEPARTMENT OF STATE, *Washington, February 4, 1862.*

Brig. Gen. ANDREW PORTER, &c.

GENERAL: Herewith I inclose for your information a letter* from an agent of the Government of the United States containing a list of disloyal persons at Alexandria and in its vicinity who are in the habit of applying for papers to cross the river back and forth. It is recommended that passes hereafter be withheld from any of the parties therein mentioned unless they shall furnish satisfactory evidence of loyalty.

I am, general, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

WASHINGTON, *February 4, 1862.*

Hon. WILLIAM H. SEWARD, &c.

SIR: I have the honor to transmit to you a copy of a letter which I have received from Mr. Thomas Craggs who states himself to be a British subject, and who is it appears confined in the Old Capitol Prison in this city. I shall be very much obliged if you will give me any information which it may seem proper that I should receive concerning his case.

I have the honor to be, with high consideration, sir, your most obedient humble servant,

LYONS.

[Inclosure.]

OLD CAPITOL PRISON, *January 28, 1862.*

Right Hon. Lord LYONS.

MY LORD: I have the honor to state to your lordship that I am held in this prison, having been arrested on the 12th instant at my home near Pohick, Fairfax County, Va.; that I am a British subject, native of County Durham in England, and that I have resided in America eight years without ever taking any steps whatever toward becoming a naturalized citizen of this country. I have to assure your lordship that I have in no manner had any connection with the disturbances of this country, and am satisfied that no charge can be brought against me with the least show of justice on this score. I have therefore to ask your lordship's kind interference on my behalf to the end that I may be set at liberty.

THOMAS CRAGGS.

TREASURY DEPARTMENT, FOURTH AUDITOR'S OFFICE,
February 4, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor respectfully to inclose a copy of an official letter addressed to myself by James J. Waddell, late a lieutenant in the U. S. Navy, who was dismissed from the service on the 18th ultimo. I also inclose a copy of his resignation forwarded to the Secretary of the Navy. I desire respectfully to add that this correspondence is transmitted from a sense of duty and with no reference to the request made in his communication of the 1st instant.

I have the honor to be, sir, very respectfully, your obedient servant,

HOBART BERRIAN.

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*Not inclosed.

[Inclosure No. 1.]

ANNAPOLIS, MD., *February 1, 1862.*

HOBART BERRIAN, Esq., *Fourth Auditor, Treasury.*

SIR: Your communication of this day's date is before me and in reply to it I have to say that if the Hon. William H. Seward, Secretary of State, will permit me to go South to collect the money my account can be settled in compliance with the order dated April 26, 1861. Otherwise I desire my account settled after the usual custom.

I am, sir, very respectfully, &c.,

JAMES J. WADDELL.

[Inclosure No. 2.]

U. S. SHIP JOHN ADAMS,
Saint Helena, November 20, 1861.

Hon. GIDEON WELLES, *Secretary of the Navy.*

SIR: The people of the State of North Carolina having withdrawn their allegiance to the Government and the State from the Confederacy of the United States—owing to these circumstances and for reasons to be hereinafter mentioned—I return to His Excellency the President of the United States the commission which appointed me a lieutenant in the Navy with other public documents, asking acceptance thereof.

In thus separating myself from associations which I have cherished for twenty years I wish it to be understood that no doctrine of the right of secession nor wisl
simply because my home is the home of my people in the South and I cannot bear arms against it or them.

I am, sir, respectfully,

JAMES J. WADDELL.

FORT HAMILTON, *New York Harbor, February 4, 1862.*

Col. E. D. TOWNSEND,
Assistant Adjutant-General, Washington, D. C.

SIR: I have received and confined at Fort Lafayette twenty-eight prisoners from Marshal Murray.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Third Artillery.

P. S.—There are now 118 prisoners at the fort. The largest number ever there at one time was about 130.

M. B.

[Indorsement.]

ADJUTANT-GENERAL'S OFFICE, *February 7, 1862.*

Respectfully submitted to the Secretary of War with the suggestion that a part of the prisoners—mostly political—now confined in Fort Lafayette be recommended to the Department of State to be transferred to Fort Warren on account of the want of means to make so many men decently comfortable in Fort Lafayette at this season.

L. THOMAS,
Adjutant-General.

QUARTERMASTER-GENERAL'S OFFICE,
Washington City, February 5, 1862.

SECRETARY OF STATE:

Upon inquiry of the officers in charge of clothing contracts at New York, Philadelphia and Baltimore I learn that they have now no contracts with the house of Wethered Bros., of Baltimore, but that Col. Charles Thomas, formerly in charge of the clothing depot at Philadelphia, made a contract with Charles E. Wethered for 32,500 yards of six-quarter dark blue kersey at $1.69 per yard, which contract was completed on November 21, 1861. This probably is the person and the contract referred to in the confidential letter from London referred to me by the State Department and returned yesterday. I presume Mr. Wethered had visited Europe to purchase wool at a time when its increased price in this country bore heavily upon contractors for army cloths. I know nothing of the person himself.

I am, very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General.

HDQRS. CITY GUARD, PROVOST-MARSHAL'S OFFICE,
Washington, D. C., February 5, 1862.

Brig. Gen. A. PORTER, *Provost-Marshal.*

GENERAL: In the case of Isaac Ballenger, a prisoner confined in the Old Capitol Building, I have the honor to report as follows: On the 27th of September last the following letter was received at this office:

CAMDEN, *September 22, 1861.*

JAMES LESLIE, Esq.

DEAR SIR: A man by the name of Isaac Ballenger, a native of Burlington County, N. J., but for the last five or six years a citizen of Saint Joseph in Missouri, is now in this place. He left Saint Joseph, Mo., last Wednesday according to his own account and arrived here Saturday evening. He is now visiting his relatives in New Jersey. He is a violent secessionist, and I understand admits that he was arrested before he left Saint Joseph by the Union men. His mother, a very estimable woman, lives in Virginia between Alexandria and Mount Vernon. She is the wife of David Walton, a Union man, formerly of New Jersey. He has a brother, John Ballenger, who lives close to Walton, in Virginia, who is also a Union man. I understand he (Isaac) is about to visit Washington on his road to Virginia. He will no doubt apply for a pass to visit his relatives in Virginia and will most likely pass himself off as a Jerseyman. If he gets over into Virginia he will carry information to the rebels and do us mischief. You had better watch out for him and put the authorities on their guard against him. His relations in Virginia are all from this State—loyal and very clever people.

Very respectfully, yours, &c.,

THOMAS H. DUDLEY.

On the 7th of November last the following letter was received at this office:

DIVISION HEADQUARTERS, *Fort Lyon, November 6, 1861.*

Brigadier-General MONTGOMERY, *Alexandria.*

GENERAL: By the direction of General Heintzelman I send you a man by the name of Isaac Ballenger who was arrested and brought to these headquarters. He has strong Southern proclivities, and came to Alexandria under a pass belonging to another party, not being able to obtain one for himself. He wishes to go to New Jersey. The general requests you to take charge of him to-night and forward him with a guard to the provost-marshal in Washington.

Respectfully,

ISAAC MOSES,
Assistant Adjutant-General.

On the same 7th of November on examination at this office Ballenger made substantially the following statement: That he was originally from New Jersey; that he had for four years past resided in Saint Joseph, Mo.; that he left there about the middle of September last to visit his friends in New Jersey, Moorestown, Burlington County, and his mother, Mrs. David Walton, living about two miles from Accotink toward Mount Vernon, Va.; that he went from Missouri directly to New Jersey; that he left New Jersey about sixteen days ago and went to see Isaac Hosea residing near Laurel, Del.; that Hosea accompanied him from Missouri; that he (B.) arrived in Washington on the 22d or 23d of October and went to a boarding house, No. 368 or 386 Eighth street, back of the Patent Office, having been solicited by the man keeping the house on his arrival at the depot; that he stayed in Washington three days trying to obtain a pass to cross into Virginia; that not succeeding he borrowed one belonging to George Haines, speculator in wood, who was at the time boarding at one Augustine's on Van street, east of Four-and-a-half street; that Augustine obtained the pass for him, he (A.) being an old acquaintance of his (B.'s) and formerly a merchant at Accotink, Va.; that while at Washington he visited the Twenty-third Pennsylvania Regiment to see Richard Lippincott, attached to one of the companies, but that he could not find him; that he was at no other encampment while stopping in Washington; that on the 26th of October he left Washington by boat, using Mr. Haines' pass, and went to Alexandria; that at Alexandria he met his brother John, living adjoining his stepfather's, and with him rode to his mother's near Accotink; that Mr. Augustine accompanied him to Alexandria to take his wife there; she was going to visit some friends and look after their household goods which had been left at their place near Accotink, they having been driven off by the rebel pickets; that he (Ballenger) obtained a pass from General Montgomery's office to go to Accotink, there being a man there by the name of Joseph Styles who knew him and wrote the pass; that on Wednesday he visited Accotink to see his sister, being accompanied by a guard; that he was no farther than Accotink, two miles from his stepfather's, during his stay there except on one occasion when he rode with his mother and sister up to his brother Charles', about five miles from Alexandria toward Mount Vernon; that on Sunday afternoon he left his mother's for his brother Charles' on his way back to New Jersey where he proposed stopping a short time prior to his return to Missouri; that he stopped at his brother's until Monday night when he was arrested by the lieutenant of Company B, of the Fifth Michigan Regiment, on the charge of using another man's pass; that he (Ballenger) was a clerk in the dry goods house of Powell, Levy & Lemon, Saint Joseph, during the time he was there; that Isaac Hosea was clerk for Toole & Fairleigh, dry goods dealers in Saint Joseph and came east to visit his relatives; that he (Ballenger) has never been under arrest before except in Saint Joseph where he was arrested by some soldiers one evening because he would not allow them to enter the store of which he was clerk, and that in this instance he was discharged after a few minutes by the officer of the company; that he (Ballenger) has no relatives in the rebel army to his knowledge; that he was in Saint Joseph until the day before he left for New Jersey; that one reason for his leaving was the dullness of business there, it being his intention when he left to return again to his situation.

We have here it seems a violent secessionist who no doubt left his situation in Missouri because his insults to Federal soldiers had made

it too warm for him. Coming here and being refused a pass into Virginia on account of his sentiments and antecedents having been made known before him, he in defiance of the constituted military authorities here crossed the river into Virginia on a fraudulent pass and was hovering on the outside of one of the most vulnerable portions of our entire lines at the time of his arrest. I see but one prudent course to pursue in this case, and that is to keep him in close confinement until the end of the war for the Union when there will no longer be any danger in violent secessionists going at large on fraudulent passes.

All of which is respectfully submitted by your obedient servant,

E. J. ALLEN.

HDQRS. CITY GUARD, PROVOST-MARSHAL'S OFFICE,
Washington, D. C., February 5, 1862.

Brig. Gen. A. PORTER, *Provost-Marshal.*

GENERAL: In the case of William Oswald Dundas, a prisoner confined in the Old Capitol Building, I have the honor to report as follows:

Said Dundas was sent to this office on the 1st of November last by Brig. Gen. L. P. Graham, stationed between this city and Bladensburg, Md., with a statement that he had been in the habit of leaving his home in the neighborhood on horseback early in the evening and returning sometimes late at night; that when challenged he would represent himself as "officer of the road," and would use tantalizing and insulting language, asking the sentinels why they did not arrest him, &c.; that the inmates of the house where he lived had been suspected of being secessionists, and that on previous occasions signals had been made from said house; that at the time of his arrest Dundas attempted to force his horse past the sentry challenging him, but did not succeed in so doing; that on being delivered by the arresting sentinel to the officer of the guard Dundas represented himself as a gentleman of means and one who had a right to go where he chose; that in answer to the inquiry why he was always away from his home at night in the present unquiet state of the country, knowing that the roads were lined with picket and grand guard, he said that he went to visit the neighbors; that as his time was his own he could use it as he chose; that in answer to the question whether he was in favor of our Government he said he was not; that he would never be with a Government that oppressed his country; that finally in answer to the question whether he was a secessionist he admitted that he was.

On examination at this office on the 1st of November Dundas stated that he was twenty years of age, and resided about four miles from Washington on the old Bladensburg turnpike; that he was a farmer and lived on a farm owned by his mother; that on the night of the 31st of October he was returning from Mrs. Wood's, who resided two miles from where he did, and when arriving at the forks of the road he was challenged by a soldier who was on guard; that he answered he was a "resident of the road," and not "officer of the road," as had been reported; that this was the first time that he had ever been stopped by the guard at that place; that when he was brought before the major (De Zeng) he told him the same in regard to himself as he stated on this occasion; that he admitted to those arresting him that he was a secessionist as he admitted on the present occasion, but had never taken any part with the secessionists against the Federal Government; that he had friends in the South but had no relatives in the Southern Army;

that he had not written or received any communications to or from any of his friends now living in the South or verbally sent any communication to any of them; that he would not take the oath of allegiance to the Federal Government of the United States; that he would take the oath of allegiance to support the Confederate States Government so-called were he called upon to do so, and would be proud to be called a rebel under the present existing circumstances.

In a note to the Secretary of War dated January 29 Dundas says that he told the authorities of the provost-marshal's office that he would not take the oath of allegiance, and does not see why a man should be taken from his family at night and be made to take an oath which he had taken before—that is to support the Constitution of the United States, and that he is willing to take the oath the second time. He also says that if he had told the officers he was a Democrat he would have been taken for as good as a rebel, and consequently he told them he was a rebel to wind up his statement of the case. Not content with this lame and prevaricating management of his own case he takes up the vindication of a fellow-prisoner and kindred spirit named Isaac Ballenger whom he has met with in prison, and of whose case he can know nothing except what he has ascertained in secret conclave and rebel communion in the Old Capitol. This Ballenger as will be seen by a report accompanying this is a violent secessionist who undertook to cross our lines into the rebel States in a surreptitious manner and was only arrested by the vigilance of our soldiers on the outposts.

Here we have the case of a sprig of would-be nobility suspected of disloyal practices but claiming to be "a gentleman of means" (to use his own language) with a right to go where he pleased night or day without being questioned by common soldiers on duty. When challenged by the sentinels of the U. S. Army picketed around the national capital day and night, through sunshine and storm, the faithful guardians of their country's honor and integrity, he has invariably thrown himself upon his dignity, insulted them to their faces and defied them to arrest him.

After his arrest under the most suspicious circumstances, relying upon the power and influence of his patrimonial wealth acquired from the patronage of the Federal Government, he has refused to take the oath of allegiance after having by his own acts compromised his position; has acknowledged fealty to the Confederate Government and has gloried in being called a rebel. All this has been done after plenty of time for reflection after the excitement naturally attending his arrest.

In his prevaricating note to the Secretary of War after nearly three months' confinement he but superciliously insults the intelligence of that Department while calling into question the common sense and honesty of this office. He says that he does not see why a man should be taken from his family at night and be made to take an oath which he had taken before—that is to support the Constitution of the United States; that he is willing to take the same oath again, &c.

It was under very different circumstances than being taken from his family at night that he expressed his unwillingness to take the oath of allegiance at this office. He here said nothing about having previously taken the oath even to support the Constitution of the United States and a proposition to have taken the same oath again with the "mental reservations" that he would be likely to make would hardly have been satisfactory.

He also says that if he had told the officers [at the provost-marshal's office] that he was a Democrat he would have been taken for as good

as a rebel and he consequently told them he was a rebel to wind up h statement of the case and I suppose get rid of the plebeian publ servants who were humbly endeavoring to ascertain his true relatio to the Government.

Of course it is not necessary for me to say to you or the honorab Secretary of War that we are not in the habit at this office of con founding Democrats and rebels and that a man's civil politics or rel gion has nothing to do with his examination or disposition at thes headquarters; and any full-grown man that would resort to such miserable subterfuge and falsehood to effect his release does not deserv to succeed in his attempt.

The undertaking of Dundas after essaying to clear himself by th miserable prevarication to set himself up as a court-martial and cooll recommend the simultaneous release of one of the most dangerou characters confined in the Old Capitol Building is too ridiculous to b laughable these serious times.

Of course it is unnecessary for me to suggest that the safety of th country demands as a military necessity that this pert sprig of aris tocracy—so full of secession venom that he would gladly forswear hi foster Government, swear allegiance to the Confederate States an glory in being called a rebel—should be kept in close confinement unt the end of the war for the Union. Of course any oath that he would no take would be merely for the purpose of getting out of confinemen and would be but adding perjury to treason.

All of which is respectfully submitted by your obedient servant,

E. J. ALLEN.

DEPARTMENT OF STATE, *Washington, February 6, 1862.*

JOSEPH L. CHESTER, Esq., *London, England.*

SIR: I have to acknowledge and thank you for the information con tained in your confidential letter of the 18th ultimo. Having referre it to the Quartermaster-General of the United States that officer ha learned upon inquiring of the officers in charge of the clothing con tracts at New York, Philadelphia and Baltimore that they have no no contracts with the house of Wethered Bros., of Baltimore, but tha Colonel Thomas, formerly in charge of the clothing depot at Philadel phia, made a contract with Charles E. Wethered for 32,000 yards o six-quarter dark blue kersey at $1.69 per yard, which was completed on November 21, 1861. This it is thought by the Quartermaster-Genera is probably the person and the contract referred to by you, and he pre sumes that Mr. Wethered had visited Europe to purchase wool at a tim when its increased price in this country bore heavily upon contractor for army cloths.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

FORT HAMILTON, *New York Harbor, February 6, 1862.*

Col. E. D. TOWNSEND,

Asst. Adjt. Gen., Hdqrs. of the Army, Washington, D. C.

SIR: I have received and sent to Fort Lafayette thirty-eight prison ers from Marshal Murray. They were formerly confined I understand

in Philadelphia. There are now confined in the fort 153 prisoners, and it is pretty well filled.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

TREASURY DEPARTMENT, FOURTH AUDITOR'S OFFICE,
February 7, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: On the 4th instant I had the honor to inclose certain official letters in the case of James J. Waddell, late a lieutenant in the U. S. Navy. I beg herewith respectfully to submit a copy of Mr. Waddell's reasons for abandoning the service. The original has been handed me by an officer who served with him in the same vessel and who will bear testimony to his disloyalty.

I have the honor, sir, to be, very respectfully, your obedient servant,

HOBART BERRIAN.

[Inclosure.]

JANUARY 13, 1862.

TO ALL WHOM IT MAY CONCERN:

I resigned to avoid bearing arms against my father's home, my father's sons and my relations, all of whom are scattered through the seceded States, and to whom I am bound by the ties of blood and affection stronger than life itself. I prefer to give up my commission in the Navy rather than incur the displeasure and risk the affection of those dear ones. I surrender twenty years' service and an ample support rather than offer bodily hurt to them. I therefore cannot take the oath offered me. Could I subscribe to it why should I have resigned? I am and have been a citizen of the State of Maryland since the year 1848 when I married in Annapolis, and have at the present time a wife, a child and a little property there. I have no property of any kind in the seceded States. I am not hostile to the Constitution and laws of the United States. I am not its enemy. I venerate the flag, and would to God the strife it is now engaged in was with a foreign and not a domestic foe that I might hazard limb and life and shed freely my blood in its defense. I am pained to feel that a suspicion rests upon me and that it is necessary I should be compelled to declare my intention to remain a quiet, unobtrusive person in the city of Annapolis during this civil war. If the Government officials will [not] consider me above suspicion but hold me a prisoner, a man of felonious intent, I am surely at their disposition. I need no watchman, I need no guard. If I am to be consigned to the walls of a prison I will be the bearer of the order to its keeper and will deliver my body to his care until such a time as it may please the Government to order my release. I simply desire to be permitted to occupy the position of a citizen of the United States just as thousands of men are to-day. I have finished.

JAMES J. WADDELL.

STATE OF OHIO, EXECUTIVE DEPARTMENT,
Columbus, Ohio, February 7, 1862.

Col. W. HOFFMAN,
Commissary-General of Prisoners, Sandusky, Ohio.

SIR: Yours of February 3 to Col. Luther Day, judge-advocate, inquiring as to a list of prisoners at Camp Chase prison was opened by

Governor Tod in absence of Colonel Day. Governor Tod sent me to the prison to see as to cause of commitment of these men, &c. I found that all the persons, viz, G. A. Davis, Matthew Bright, George T. Henderson, J. Allen Harwood, W. H. Wise, Lewis S. Farrell, A. W. Jones, J. W. Wigal, W. H. Peterson, J. B. Smith, G. S. Grove, John W. Coffman, John Barneto and Thomas W. Tillman had been already discharged or sent away. The bedding, &c., at camp is public property but is all needed there. There is none that can be sent with the prisoners worth anything. Jonathan Whisler, sent there from Blue's Gap, Va., as a military prisoner is willing to be discharged on his parole, give security and remain in Ohio and not bear arms. He was a Virginia militiaman and pressed into the service. Is a rheumatic man, and I am satisfied is a non-combatant and ought to be released.

Yours, respectfully,

B. F. HOFFMAN,
For Governor Tod.

HEADQUARTERS, *Baltimore, February 8, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: In reply to your letter of the 1st instant I have the honor to report that N. D. Falls is not the president of the Bay line of steamers. The president's name is Moor N. Falls. There is an inaccuracy therefore in the intercepted letter. The person alluded to is no doubt the same. I do not believe from the examination I have made that he has been concerned in the transmission of correspondence except as the provost-marshal is. Open letters with the Confederate postage inclosed are sometimes forwarded to him and handed by him to the provost messenger on the steamer to be delivered to Major-General Wool for examination before they are transmitted to Virginia.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

ALEXANDRIA, *February 9, 1862.*

Hon. W. H. SEWARD, *Secretary of State:*

To-day the Rev. J. R. Stewart was arrested in the pulpit of Saint Paul's Church in Alexandria for omitting the prayer for the President of the United States by your detective here, Mr. Morton. The omission of that prayer occurred in the same church in my presence weeks since. I reported the fact to the headquarters of the [Army of the] Potomac for the information of the Government, but did not deem it an act that authorized or called for my interference. Had it been a matter of duty I would cheerfully have taken such measures as the circumstances called for and will execute any instructions as may be given in the case, but as it now stands I conceive my rightful authority has been interfered with and the quiet and police order of the city disturbed. May I ask to be put in possession of the Government's views in such cases. My own views and object in the performance of duty here has been to win rather than force back the affections and adherence of Southern people to the Constitution and its blessings. This I have and still believe the true policy to reinstate the Constitution in all its integrity.

W. R. MONTGOMERY,
Brigadier-General.

ALEXANDRIA, *February 9, 1862.*

Hon. F. W. SEWARD, *Assistant Secretary of State:*

Attended church over which Reverend Mr. Stewart is pastor. He omitted to read prayer for the President of the United States, also for Congress. I requested him to read them twice. He declined. Ordered him under arrest as a state prisoner. He is a Northern secessionist.

S. W. MORTON.

HEADQUARTERS, *Baltimore, February 10, 1862.*

His Excellency AUGUSTUS W. BRADFORD,
Governor of Maryland.

SIR: Hon. R. B. Carmichael has for many months been one of the prime movers of disaffection and disloyalty on the Eastern Shore of Maryland. He was the author of a treasonable memorial to the legislature, published and circulated under his own signature while holding a place on the bench. His charges to the grand juries in his district have been inflammatory and insulting to the Federal Government. He has caused military officers to be indicted and has charged grand juries that it was their duty to find bills against all persons who had given information on which arrests had been made by order of the Government. Under his instructions Brigadier-General Lockwood—whose conduct has been marked by the most prudent and discreet forbearance in the execution of my orders which have been by many regarded as too lenient—was subjected to the indignity of an indictment. This man is a dishonor to the bench. He is a dishonor to the loyal State of Maryland. I have forborne to take any measures in regard to him by the advice of gentlemen on the Eastern Shore; but I believe the feeling is now nearly unanimous that his disloyal and vindictive conduct has been endured too long. It was proposed months ago to arrest him and send him to Fort Lafayette. Though he deserves it I prefer to have him sent into the Confederate States to be turned over to the insurgents with whom he sympathizes and whose cause he is doing all in his power to promote. He is unworthy of the protection of a Government which he is laboring to subvert and he ought not to enjoy its privileges. I think he should go where he will find congenial associations. In this matter I should be glad to know Your Excellency's views.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

Extract from proceedings of the British Imperial Parliament, Monday, February 10, 1862, in relation to the arrest of British subjects in America.*

The Earl of Carnarvon said he was anxious to ask a question of some importance of the noble earl [Russell], the secretary of foreign affairs. The House would remember that on Friday last he made some remarks on the case of an Englishman in America who had been taken into custody and sent to prison under the warrant of Mr. Seward. Since Fri-

*See Executive Document, third session Thirty-seventh Congress, 1862-1863, Vol. I.

day he had received further information in reference to similar cases, but they were if possible worse than the one he then mentioned. He understood that at this moment there were no less than three British subjects who had been for four or five months confined in Lafayette prison, and they had been detained there without any charge of any sort or kind having been made against them. There had been no inquiry made into their cases. An inquiry had been asked for, but it had been refused unless they first consented to take the oath of allegiance to the Government of the United States.

Now if that were so it was clear that those persons had been illegally arrested, illegally imprisoned and illegally detained, and there ought not to be a moment lost before clearly understanding the present position of affairs. [Hear.] In these American prisons there were confined persons of every rank and means and intelligence, and many who had been brought up in affluence—there were representatives of the liberal professions, of the bar, the press and the judicature, and many of the best classes of American society. They had been arrested and dragged from prison to prison and they had undergone very great hardships. So far as it concerned the American citizens their lordships' House had nothing to do except in this way that their position would throw some light upon the manner in which British subjects were treated in prison. The state of this prison was very bad. In it were confined twenty-three political prisoners, and two-thirds of them were placed in irons. From this prison the light and air were excluded, the ventilation was imperfect and the atmosphere was oppressive and intolerable. The prisoners were deprived of the decencies of life, and the water supplied to them was foul and for some purposes it was salt. He had received these facts from an authority which he could not doubt, and he believed in their correctness.

The names of the British subjects were Charles Green* formerly a British merchant resident at Savannah. He went from Liverpool, and his connection with this country had been maintained to the present time, for he had now a son residing at Liverpool. The next person was Andrew Low,* also a British merchant residing at Savannah, and he had children now at school at Brighton. The other person was an Irish laboring man who went out to America in October, 1860, in search of a relative resident near Harper's Ferry, and the troops of the Federal Government having found him there he was taken into custody and the oath of allegiance having been tendered to him and refused he was dragged to a prison in New York and had since been confined there. Now if these persons had broken the laws of the United States they ought to be brought to trial and if they were found guilty then let them be sentenced according as the law directed; but if they had not broken any law then they ought not to be kept in prison for an indefinite period and on secret charges. He understood that an inquiry would be directed into the cases of these persons, but Mr. Seward made it a preliminary condition that they should take the oath of allegiance to the Government of the United States. Now the very fact that these persons would not do that served to show that they were British subjects. He wished to know how far the noble earl had been informed of these things and what steps or measures he had taken to obtain redress.

* See Lyons to Seward, November 16, 1861, with its inclosure, and Seward to Lyons in answer January 6, 1862, case of Andrew Low, Mrs. John Low, and Charles Green, p. 1031 *et seq.*

Earl Russell said:

I conclude that the noble earl has hardly read the papers which have been laid upon the table of the House by command of Her Majesty for the noble earl would there have found a correspondence between Lord Lyons and Mr. Seward and also between Her Majesty's Government and Lord Lyons on this subject. The noble earl in his statement seems hardly to have taken into account the very critical circumstances in which the Government of the United States has been placed. In the spring of last year nine of the States in the scheme of confederation declared war against the Government of the United States. In such circumstances as these it is usual for all governments to imprison upon suspicion persons who they consider are taking part in the war against them.

In a case which happened not many years ago, viz, 1848, when there was a conspiracy for the purpose of overturning the authority of Her Majesty the secretary of state applied to the other House of Parliament for authority to arrest persons on suspicion, viz, for the suspension of the habeas corpus act, and in the papers presented to Parliament at that date there are two cases in which the lord-lieutenant of Ireland had ordered the arrest of two American persons; a complaint was thereupon made by the American Government, and my noble friend (Lord Palmerston), at that time at the head of the foreign office, replied that with regard to those persons the lord-lieutenant had due information upon which he relied that those persons were engaged in practices tending to subvert the authority of the crown and were aiding practices which were being pursued in that part of the kingdom. Those persons were never brought to trial, but on that authority they were arrested.

After this civil war broke out in America complaints were made by certain British subjects that they had been arrested upon suspicion. I immediately directed Lord Lyons to complain of that act as an act enforced by the sole authority of the President of the United States and especially in regard to one of those persons there seemed very light grounds of suspicion and I said he ought not to be detained. I am not here to vindicate the acts of the American Government for one or for any of those cases. Whether they had good grounds for suspicion or whether they had light grounds for suspicion it is not for me here to say. If I thought there were light grounds for suspicion it was my business to represent that to the Government of the United States, but it is not my business to undertake their defense in this House. The American minister replied that the President had by the Constitution the right in time of war or rebellion to arrest persons upon suspicion and to confine them in prison during his will and pleasure.

This question has been much debated in America and judges of high authority have declared that the writ of habeas corpus could not be suspended except by an act of Congress. But certain lawyers have written on both sides of the question; and I have recently received a pamphlet in which it is laid down that the meaning of the law of the United States is that the writ of habeas corpus can be suspended on the sole authority of the President of the United States. The question itself was brought before Congress and a resolution was proposed that there should be no arbitrary arrests except with the sanction of Congress. But it was contended that it was part of the prerogative of the President and a large majority decided that the question should not be discussed and thereby left the President to act for himself. So much for the power given by the Constitution of the United States.

With regard to the particular acts which the Secretary of State under the sanction of the President has authorized as to the arrest of British subjects as well as American subjects, I am not here to defend those arrests, but I certainly do contend that it is an authority which must belong to some person in the Government if they believe that persons are engaged in treasonable conspiracies in the taking part as spies or in furnishing arms against the Government. I believe that in regard to many of the cases of arbitrary authority that power was abused. I believe that not only with regard to persons arrested but in the courses pursued there was unnecessary suspicion, but I do not find that in any case there has been any refusal to allow British consuls at places where convenient to hear the cases of those persons or when a statement was made by the British minister that Lord Lyons was slow in representing the case to Mr. Seward. Lord Lyons represented to me that these cases took up a great part of his time and he was anxious to investigate every one of them.

Nor can I say that Mr. Seward has refused at any time to listen to those complaints. He has always stated that he had information upon which he could depend that these persons were engaged in treasonable practices against the Government of the United States. That being the question, the noble earl states upon his own authority that the arrests are illegal and that the persons are kept in prison illegally. But that is more than I can venture to say. I can hardly venture to say that the President of the United States has not the power, supposing persons are engaged in treasonable conspiracies against the authority of the Government, to keep them in

prison without bringing them to trial; and it would require a strong denial of the authority of the law officers of the United States before I could presume to say that the President of the United States had not that power.

With regard to the particular cases which the noble earl has referred to I am unable to say whether or not some of those persons may not have been engaged in these conspiracies. We all know that during the time in which the United States have been divided there has been much sympathy shown in this country on one side and on the other; some have shown a strong sympathy for the North and some for the South. [Hear, hear.] With regard to some of those cases I have stated I thought the circumstances were such that it was quite evident that they had not been engaged in any conspiracy. There was one gentleman who happened to be a partner in a firm, and the other partners had great connections with the South. It was true that the firm had strong Southern sympathies, but the gentleman himself was a firm supporter of the Government of the Union. It was the mere circumstance of letters being sent to his partner which induced his arrest. I thought that a most arbitrary and unjust proceeding. [Hear.] Mr. Seward said he thought the circumstances were enough to induce suspicion; but as soon as it was ascertained that there was no ground for suspicion that gentleman was released.

An innocent person being arrested and confined for several days in prison was undoubtedly a great grievance, and one for which he was entitled to compensation; but beyond the right to complain and beyond the constant remonstrances of Lord Lyons, the British minister, in every such case I do not hold that the circumstances warrant further interference. I believe the gentleman to whom I allude had stated that he expected his own friends would procure his release. The noble lord mentioned three cases. I was not aware of the cases the noble lord would mention. But with regard to Mr. Green this is the statement he made on the 5th of September: "I desire no action to be taken by my friends in England in consequence of my arrest. Lord Lyons has represented my case, and it will receive investigation in due time. Meanwhile I am in the hands of the officers of this fort."

There have been other cases of arrest and imprisonment under circumstances involving considerable hardship. There have been many cases of arbitrary imprisonment without trial; and these cases of arbitrary imprisonment have taken place under a Government which is engaged in a civil war, perhaps one of the most serious and formidable in which any country was ever engaged. Right or wrong, it is not for us to decide; but we must admit that all the means that have been used by civilized nations in warfare against each other are open to the Americans in this case. With respect to the particular cases I believe that to whatever cause it may be owing—whether owing to the novelty of the case in North America or to the inexperience of persons who are not conversant with the carrying out of affairs, or whether it is this that arbitrary power can never be safely intrusted to any one without being abused—to whatever cause it is owing I believe there will ever be many cases of abuse of such power. [Hear, hear.]

But in every case where a British subject is arrested and a reasonable case is made out for him I shall be ready to instruct Lord Lyons to bring the case under the consideration of the Government of the United States. Lord Lyons has never been wanting in his duty. [Hear, hear.] He has I think shown himself a vigilant British minister in that respect; and I trust your lordships will not think that these cases have been neglected by the Government of this country. [Hear.]

DEPARTMENT OF STATE, *Washington, February 11, 1862.*

Maj. Gen. JOHN A. DIX, *Baltimore, Md.*

GENERAL: Your letter of the 8th instant relative to Mr. N. D. Falls has been duly received and I thank you for the information which it contains.

I am, general, your obedient servant,

WILLIAM H. SEWARD.

OFFICE OF COMMISSARY-GENERAL OF PRISONERS,
Sandusky, Ohio, February 11, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to acknowledge the receipt of your letter of the 28th ultimo and I beg leave to say in reply that in answer to my

inquiries as to the facts and circumstances connected with the arrest of certain prisoners confined at Camp Chase to whom I referred in my letter to the Adjutant-General of the 13th ultimo I have been informed by direction of Governor Tod of Ohio that all of them had been already discharged at his receipt of my letter. I am not informed by what authority the discharge was made, though I judge it was not made by order of the Governor as his private secretary went out to Camp Chase to inquire for the men. The following are their names, viz: G. A. Davis, Matthew Bright, George T. Henderson, J. Allen Harwood, W. H. Wise, Lewis S. Farrell, A. W. Jones, J. W. Wigal, W. H. Peterson, J. B. Smith, G. S. Grove, John W. Coffman, John Barneto and Thomas W. Tillman. From those it was my intention to select the most favorable cases.

I am, very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col., U. S. Army, Commissary-General of Prisoners.

DEPARTMENT OF STATE, *Washington, February 12, 1862.*

His Excellency DAVID TOD, *Governor of Ohio.*

GOVERNOR: I have the honor to acknowledge the receipt of your note of the 28th ultimo introducing General George W. Morgan and requesting the Department to consult freely with him relative to prisoners confined at Camp Chase, Ohio, and also to have your duties in the premises defined and pointed out. In reply I have the honor to state that the Department sometimes desires to take the advice of gentlemen of known character and standing in regard to the cases of prisoners confined at different military posts in the country so that the Secretary of State may act intelligently and for the best interests of all concerned. Governor Dennison was kind enough to perform these duties for a time at Camp Chase, and when his term of office as governor expired the Secretary sent to you not as a duty but as an act of kindness to him and for the Government of the United States, and if he should have occasion to make similar requests in the future he will endeavor to explain the nature of the service required in each case in the communication to you upon the subject.

I have the honor to be, governor, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

ALEXANDRIA, VA., *February 12, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: In compliance with your request I respectfully submit to you the following report of the arrest of a secessionist on Sunday last in this city whose arrest and subsequent release by order of General Montgomery occasioned considerable excitement.

The Rev. J. R. Stewart, an Episcopal clergyman officiating at Saint Paul's Church, has long been notoriously known in this city as an open and avowed secessionist, denying the authority of the Government of the United States and recognizing that of the (so-called) Confederate States and of Bishop Meade who has seceded. He has habitually refused to read the prayer for the President of the United States as established

by the authority of the church and only omitted to pray for Jeff. Davis and his Government (as he avowed to his congregation one week before) because they (the church) were so peculiarly circumstanced. His congregation is made up almost wholly of rebel citizens of Alexandria, well known for their habitual mockery of the Stars and Stripes and their insolent bearing toward Union citizens and U. S. soldiers.

Learning the truth of these statements beyond a question I attended Saint Paul's Church on Sunday morning and when Stewart omitted to read the prayer for the President of the United States as required by the church service I arose and respectfully requested him to do so. He paying no attention to my request I again requested him to read the prayer with the same result. Immediately Captain Farnsworth, of the Eighth Illinois Cavalry, who was present and to me an entire stranger, arose and demanded that he should read the prayer. Still refusing Captain Farnsworth ordered his sergeant to arrest and take him to the quarters of Colonel Farnsworth, of the same regiment, which order was immediately executed. Fearing a collision between the congregation and the military present I immediately directed Captain Farnsworth to hold him only as a state prisoner subject to your order.

After arriving at the headquarters of Colonel Farnsworth, Stewart sent for Brigadier-General Montgomery, military governor of the city, who soon called in. At the request of General Montgomery Stewart was delivered to his custody and was not long after by him discharged from arrest I am informed unconditionally.

This arrest I believe was approved and applauded by the Union citizens of Alexandria and by the military officers here with scarcely an exception.

In this connection I deem it proper for me to attempt to give you some correct idea of the condition of things in this city and to call the attention of the Government to the abuses (as they seem to me) which are practiced almost constantly. There are a large number of secession sympathizers resident here who openly and defiantly boast of being secessionists and avow their disposition to aid the rebels all in their power and to do us all the harm they can. Many of them, especially the females, are in the practice of insulting the soldiers of the United States, denouncing our flag and the authority which upholds it. Yet these people are freely granted passes to go to and fro to Washington and wherever else they desire by the military authorities.

The divisions of Generals Heintzelman, Sumner and Franklin are within from two to four miles of Alexandria, and many of the men of those divisions are obliged to visit here constantly to procure their letters, supplies, express matter, &c. Two regiments of troops are quartered in Alexandria, yet in all parts of the city may be found the vilest of whisky dens and rum holes and other vile places of corrupt debauch to demoralize the soldiers, carrying on their trades not only without opposition but with (many of them) absolute protection. In consequence the streets leading from the city toward the camps of those divisions are almost constantly filled with staggering, drunken soldiers, poisoned and rendered unfit to serve their country in this trying hour; their money filched from them, the Army disgraced and weakened, and all under the eye and protection of military officers of the General Government.

Under this state of things I have no doubt that Alexandria is made a rendezvous by rebels and a depot whence information and correspondence is obtained and constantly kept up. Rebels who are in active

correspondence and close league with the enemy have been arrested and passes from high military functionaries found upon them.

In conclusion I beg to suggest the great importance to the cause of the Union that more stringent measures should be adopted and a wiser policy pursued in the military administration of the affairs at this point.

I am, sir, respectfully, your obedient servant,

S. W. MORTON,
Special Government Agent.

NEW YORK, *February 12, 1862.*

F. W. SEWARD, *Assistant Secretary of State.*

SIR:

* * * * * * *

P. S.—Allow me to observe that there are over 150 prisoners now in Fort Lafayette, a number too large by fifty. Some steps ought to be taken to reduce the number.

Yours, &c.,

S. C. HAWLEY.

DEPARTMENT OF STATE, *Washington, February 13, 1862.*

Lieut. Col. MARTIN BURKE,
Fort Lafayette, New York Harbor.

COLONEL: Will you please transmit to this Department a list of all the persons received and held in confinement at Fort Lafayette and Fort Hamilton other than prisoners of war since the 4th of March, 1861, with a statement showing when and on whose order they were severally received, when and on whose order any of them were transferred to any place of detention or discharged, and especially designating such as now remain in custody at Fort Lafayette and Fort Hamilton aforesaid?

I am, colonel, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

(Same *mutatis mutandis* to Col. Justin Dimick, Fort Warren, Boston; Maj. Gen. John A. Dix, Fort McHenry, Baltimore, Md.; Maj. Gen. John E. Wool, Fortress Monroe, Va.; Col. G. Loomis, Fort Columbus, N. Y.; Brig. Gen. Andrew Porter, Old Capitol Prison, Washington; Col. V. Bausenwein, Camp Chase, Ohio; provost-marshal, Cairo, Ill.; Capt. George E. Leighton, provost-marshal, Saint Louis, Mo.)

DEPARTMENT OF STATE, *Washington, February 13, 1862.*

Right Hon. Lord LYONS, &c.

MY LORD: Referring to my note of the 4th of December last relative to the alleged maltreatment of the captain of the schooner Louisa Agnes I now have the honor to inclose to you the copy of a communication of yesterday addressed to this Department by the Secretary of the Navy on that subject.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

[Inclosure.]

NAVY DEPARTMENT, *Washington, February 12, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: In compliance with your request of the 4th of December last the Department wrote for statements from the officers of the U. S. steamer Susquehanna respecting the treatment of the captain of the English schooner Louisa Agnes, seized for a violation of the blockade. The statements have just been received, and are herewith submitted with a letter from Flag Officer Du Pont dated the 28th ultimo. Will you please return them when you shall have no further use for them?

I have the honor to be,

GIDEON WELLES.

[Sub-inclosure No. 1.]

FLAG-SHIP WABASH,
Port Royal Harbor, S. C., January 28, 1862.

Hon. GIDEON WELLES, *Secretary of the Navy, Washington.*

SIR: On the return to this port of the Susquehanna from blockading duty I called the attention of Captain Lardner to the subject of the treatment of the master and crew of the English schooner Louisa Agnes.

I have the honor to inclose communications from Captain Lardner, Lieutenant (Commanding) Bankhead and Lieutenant Weaver.

Respectfully, your obedient servant,

S. F. DU PONT,
Flag Officer, Commanding South Atlantic Blockading Squadron.

[Sub-inclosure No. 2.]

U. S. STEAMER SUSQUEHANNA,
Port Royal, January 24, 1862.

Flag Officer S. F. DU PONT,
Comdg. South Atlantic Block. Squadron, Port Royal, S. C.

SIR: I have the honor to acknowledge the receipt of a copy of a dispatch from the Navy Department of December 11 referring to the treatment of the master and crew of the English schooner Louisa Agnes together with extract from Lord Lyons' letter to the Secretary of State and an extract from the affidavit of the master, to which my attention is called.

Captain Chauncey who commanded this ship at the time was detached soon afterward. From the senior lieutenant, Bankhead, now in command of the Pembina, I inclose a statement of the treatment and condition of the men; also one from Lieutenant Weaver, of this ship.

Very respectfully, your obedient servant,

J. L. LARDNER,
Captain.

[Sub-inclosure No. 3.]

U. S. STEAMER SUSQUEHANNA,
Port Royal, S. C., January 24, 1862.

Capt. JAMES L. LARDNER,
Commanding U. S. Steamer Susquehanna, Port Royal, S. C.

SIR: In reply to your request of this day I have to state that the master of the schooner Louisa Agnes was received on board this ship on the 10th day of September, 1861. He (Robert Nicholson, master of

the schooner Louisa Agnes) was furnished with bedding and a hammock and took his meals in one of the messes of the crew of this ship where he was treated as a member of said mess. The said Nicholson would not have been received in any officers' mess as his personal condition was filthy and ragged in the extreme.

I am, respectfully, your obedient servant,

A. W. WEAVER,
Lieutenant, U. S. Navy.

[Sub-inclosure No. 4.]

U. S. GUN-BOAT PEMBINA, *Port Royal, January 25, 1862.*

Capt. JAMES L. LARDNER,
Commanding U. S. Steamer Susquehanna.

SIR: In answer to your request to furnish you with the particulars as to the treatment of the captain and two of the crew of the Louisa Agnes while on board of the Susquehanna, of which ship I was first lieutenant, I have to state that the said captain and men after having been transferred from the Cambridge were both messed and berthed. He, the said captain, was recognized by several of the crew as having served on board a U. S. vessel of war in the capacity of seaman at some previous time.

His personal appearance and want of cleanliness was such that I did not feel justified in berthing him in the steerage where I had been in the habit of putting men of his class while on board of the Susquehanna. A ration was issued for himself and the two men, and a place assigned on the forward orlop deck (under a sentry's charge) for their effects. He was treated as well as the crew of the ship and quite as well as I judged from his manners and appearance he had any reason to expect.

While the said captain and two men were on board of the Susquehanna none of them were put in irons or in any manner deprived of their personal liberty, but were treated with all the consideration which men in their situation were entitled to.

Respectfully, your obedient servant,

J. P. BANKHEAD,
Lieutenant, Commanding.

FORT HAMILTON, *New York Harbor, February 13, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: There are now about 170 prisoners at Fort Lafayette. I have to request that immediate orders may be given that no more be sent to that post. I have to request if the good of the service will permit that some designated portion of the above prisoners be sent to Fort Columbus or Fort Warren.

Very respectfully, your obedient servant,

M. BURKE,
Lieutenant-Colonel, Commanding.

Executive Order, No. 1, Relating to Political Prisoners.

WAR DEPARTMENT, *Washington, February 14, 1862.*

The breaking out of a formidable insurrection based on a conflict of political ideas being an event without precedent in the United States

was necessarily attended by great confusion and perplexity of the public mind. Disloyalty before unsuspected suddenly became bold, and treason astonished the world by bringing at once into the field military forces superior in number to the standing Army of the United States.

Every department of the Government was paralyzed by treason. Defection appeared in the Senate, in the House of Representatives, in the Cabinet, in the Federal courts; ministers and consuls returned from foreign countries to enter the insurrectionary councils or land or naval forces; commanding and other officers of the Army and in the Navy betrayed our councils or deserted their posts for commands in the insurgent forces. Treason was flagrant in the revenue and in the post-office service as well as in the Territorial governments and in the Indian reserves.

Not only governors, judges, legislators and ministerial officers in the States but even whole States rushed one after another with apparent unanimity into rebellion. The capital was besieged and its connection with all the States cut off.

Even in the portions of the country which were most loyal political combinations and secret societies were formed furthering the work of disunion, while from motives of disloyalty or cupidity or from excited passions or perverted sympathies individuals were found furnishing men, money and materials of war and supplies to the insurgents' military and naval forces. Armies, ships, fortifications, navy-yards, arsenals, military posts and garrisons one after another were betrayed or abandoned to the insurgents.

Congress had not anticipated and so had not provided for the emergency. The municipal authorities were powerless and inactive. The judicial machinery seemed as if it had been designed not to sustain the Government but to embarrass and betray it.

Foreign intervention openly invited and industriously instigated by the abettors of the insurrection became imminent and has only been prevented by the practice of strict and impartial justice with the most perfect moderation in our intercourse with nations.

The public mind was alarmed and apprehensive though fortunately not distracted or disheartened. It seemed to be doubtful whether the Federal Government which one year before had been thought a model worthy of universal acceptance had indeed the ability to defend and maintain itself.

Some reverses which perhaps were unavoidable, suffered by newly levied and inefficient forces, discouraged the loyal and gave new hopes to the insurgents. Voluntary enlistments seemed about to cease and desertions commenced. Parties speculated upon the question whether conscription had not become necessary to fill up the armies of the United States.

In this emergency the President felt it his duty to employ with energy the extraordinary powers which the Constitution confides to him in cases of insurrection. He called into the field such military and naval forces unauthorized by the existing laws as seemed necessary. He directed measures to prevent the use of the post-office for treasonable correspondence. He subjected passengers to and from foreign countries to new passport regulations and he instituted a blockade, suspended the writ of habeas corpus in various places and caused persons who were represented to him as being or about to engage in disloyal and treasonable practices to be arrested by special civil as well as military agencies and detained in military custody when necessary to prevent them and deter others from such practices. Examinations

of such cases were instituted and some of the persons so arrested have been discharged from time to time under circumstances or upon conditions compatible as was thought with the public safety.

Meantime a favorable change of public opinion has occurred. The line between loyalty and disloyalty is plainly defined. The whole structure of the Government is firm and stable. Apprehension of public danger and facilities for treasonable practices have diminished with the passions which prompted heedless persons to adopt them. The insurrection is believed to have culminated and to be declining.

The President in view of these facts and anxious to favor a return to the normal course of the administration as far as regard for the public welfare will allow directs that all political prisoners or state prisoners now held in military custody be released on their subscribing to a parole engaging them to render no aid or comfort to the enemies in hostility to the United States.

The Secretary of War will, however, in his discretion except from the effect of this order any persons detained as spies in the service of the insurgents or others whose release at the present moment may be deemed incompatible with the public safety.

To all persons who shall be so released and who shall keep their parole the President grants an amnesty for any past offenses of treason or disloyalty which they may have committed.

Extraordinary arrests will hereafter be made under the direction of the military authorities alone.

By order of the President:

EDWIN M. STANTON,
Secretary of War.

NEWPORT BARRACKS, KY., *February 14, 1862.*

Capt. J. B. FRY,
Assistant Adjutant-General and Chief of Staff.

SIR: I have the honor to report that to-day five more prisoners were sent here by Colonel Warner, Eighteenth Kentucky Volunteers, and are now confined here for safe-keeping, viz:

Benjamin Hayden, charged "with aiding and abetting Jenkins and the Adamses in their efforts to raise a company of men to burn the bridges on the Kentucky Central Railroad; also harboring and organizing recruits for the rebel army, concealing arms and supplying them therewith," &c. John Hayden, son of the said Benjamin, charged with same offenses as the father. Nelson Yarber, charged with being the "secretary and treasurer of the organization of the Knights of the Golden Circle;" also with "procuring arms, powder, &c., and distributing them to persons pledged to resist the action of the State and aid the present rebellion;" and also with "encouraging persons to enlist in companies for the accomplishment of these purposes and to intimidate by every possible means the loyal men of his neighborhood." Richard Hull, charged with being "a very desperate character," who has been "carrying a U. S. musket for some months," and "proclaimed publicly a purpose to use it for the destruction of Union men;" also that "he has been making himself a terror to all loyal men of his neighborhood." Alexander Webster, charged with having "once started to join the rebel army," but "was captured and brought back and subsequently released after which he committed a rape on the wife of a soldier, and fled to Owen County for protection."

I also report that David Kinman, sent here a few days since and reported by me as confined here, it now appears from a letter from

Colonel Warner addressed to me was sent here by mistake, he being "a deserter from Captain Johnson's company." He has accordingly been released and returned to Colonel Warner in charge of one of his officers sent here for him.

I am, sir, very respectfully,

J. P. SANDERSON,
Lieutenant-Colonel Fifteenth Infantry, Commanding.

DEPARTMENT OF STATE, *Washington, February 15, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: Permit me to introduce Mr. L. C. Baker, who has been employed by the State Department in the detective service and who so far as known has discharged his duties in a manner highly acceptable. In consequence of Executive Order, No. 1, dated February 14, this Department has no further need of his services. He is commended to your favorable consideration as a capable and efficient officer.

I have the honor to be, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, February 15, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: I have the honor to transmit herewith a letter* from H. Dunn, a special agent of the Government employed at Rouse's Point, in which he reports the seizure and detention of bonds of the insurrectionary States to the nominal value of $7,000 together with other property in transitu for supposed disloyal purposes. Under the order (No. 1) of the War Department dated February 14 the disposition of matters of this nature is transferred to the War Department and the functions of Mr. Dunn as special agent of the State Department are terminated.

He has been instructed to deliver this letter in person, and I have the pleasure in this connection of commending him to the War Department as an efficient, competent and laborious officer, whose discharge of his duties so far as known has been eminently satisfactory to this Department.

I have the honor to be, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

HEADQUARTERS, *Fort Columbus, February 15, 1862.*

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SIR: I have the honor to transmit herewith a list of all the persons received and held in confinement at this post other than prisoners of war since March 4, 1861, agreeably to your request of the 13th instant received this morning. There are neither political prisoners nor prisoners of war now at this post. The last detachment (sixteen left behind sick) were sent to Fort Warren January 28 ultimo.

Very respectfully, your obedient servant,

G. LOOMIS,
Colonel Fifth Infantry, Commanding.

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*Not inclosed.

[Inclosure.]

List of political prisoners received at Fort Columbus, New York Harbor.

Names.	When received.	When discharged.	Transferred.		Remarks.
			When.	Where.	
Thomas Shields	1861. Sept. 13	1861.	1861. Oct. 30	Fort Warren, Mass	Citizen of Baltimore, Md.
William McKewen	do	Oct. 5			Do.
Benjamin F. McCawley	do	do			Do.
George Thompson	do		Oct. 30	Fort Warren, Mass	Do.
John Wilkins	do	Oct. 5			Do.
A. Williamson	do		Oct. 30	Fort Warren, Mass	Do.
Patrick Crohan	do	Sept. 24			Do.
James Campbell	do	Oct. 5			Do.
David H. Lucchesi	do			Fort Warren, Mass	Do.
Alexander Conner	do	Oct. 5			Do.
Frederick Tollenback	do	do			Do.
Patrick Conway	do	do			Do.
George A. Appleton	do		Oct. 30	Fort Warren, Mass	Do.
David Summers	do		do	do	Do.
Michael J. Grady	do		do	do	Do.
Jehu L. Bouldin	do		do	do	Do.
George Summers	do	Oct. 5			Do.
Samuel Davidson	do	do			Do.
George Gosswell	do	do			Do.
Dennis Kelly	do	Sept. 24			Do.
Philip Cassidy	do	Oct. 5			Do.
Ex-Police Marshal Kane	Oct. 11		Oct. 30	Fort Warren, Mass	Do.
R. H. Bigger	Oct. 27		do	do	Do.
W. F. McKewen	do		do	do	Do.
Robert Renwick	do		do	do	Do.
Robert Rae	do		do	do	Do.
Charles D. French	do		do	do	Do.
Thomas B. Giles	do		do	do	Citizen of Delaware.
Joseph Bacon	do		do	do	Do.
S. B. Frost	do		do	do	Do.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, February 16, 1862. (Received 19th.)

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: In reply to your communication of the 13th instant in relation to "persons received and held in confinement at Fortress Monroe other than prisoners of war since the 4th of March, 1861," I have the honor to report that there are no records at these headquarters whereby such information can be obtained previous to my assuming command on the 17th of August, 1861.

On the 14th of September, 1861, I received from Major-General Dix by direction of the Secretary of War the following-named prisoners arrested in Baltimore: S. T. Wallis, George W. Brown, Henry M. Warfield, William G. Harrison, Charles H. Pitts, Leonard G. Quinlan, T. Parkin Scott, Robert M. Denison, Lawrence Sangston, Henry May, Ross Winans, F. Key Howard, John Hanson Thomas, Andrew A. Lynch and Thomas W. Hall, jr.*

On the 23d of September, 1861, Mr. Ross Winans was released by the direction of the Secretary of War on his renewing the parole which he had given on a previous arrest. On the 24th of September the remainder of these prisoners were forwarded by direction of Lieutenant-General Scott to Fort Lafayette.

* See Vol. I, this series, p. 667, *et seq.*, for the arrest of the members of the Maryland legislature.

In addition to the above-named prisoners Charles K. Gallagher, of North Carolina, taken on board the brig H. C. Brooks August 29, 1861, off Hatteras by Commodore Stringham's forces was retained as a prisoner at Fort Monroe from August 30 until January 25, 1862, when he was released and permitted to proceed to Norfolk on his parole.

The above list comprises all the prisoners indicated in your communication.

I have the honor to be, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS, *Baltimore, February 17, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: In accordance with the request contained in your letter of the 13th instant I have the honor to inclose a list of prisoners other than prisoners of war received at Fort McHenry since the 4th of March last. A large number of these prisoners were discharged subsequently to their transfer from Fort McHenry to other places of detention, and I have not deemed it necessary to designate them as I suppose the evidence of all such discharges is in the State Department. Mr. Malcolm Ives is regarded as a prisoner of war and is not included in the list.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

[Inclosure.]

Report of political prisoners taken, released and remaining since March 4, 1861, at Fort McHenry, Md.

Name.	Date of confinement.	Residence.	How disposed of.
John Merryman	May 25, 1861	Baltimore County.	Transferred to civil authority.
Richard F. Moran	June 25, 1861	Baltimore, Md.	Released on oath of allegiance July 16, 1861.
Geo. P. Kane	June 27, 1861	do	Sent to Fort Lafayette Sept. 11, 1861.
Timothy Corbett	June 19, 1861	Pikesville, Md.	Released on parole of honor July 9, 1861.
Fred'k Ellenbrook	June 29, 1861	Baltimore, Md.	Released on oath of allegiance July 11, 1861.
Nathaniel Stephens	do	Pikesville, Md.	Released on parole of honor June 29, 1861.
R. H. Alvey	do	Baltimore, Md.	Sent to Fort Lafayette July 29, 1861.
William H. Gatchell	July 1, 1861	do	Do.
John W. Davis	do	do	Do.
Charles Howard	do	do	Do.
Charles D. Hinks	do	do	Released on parole of honor July 6, 1861.
Alonzo Welch	do	do	Released July 9, 1861.
James T. Caulk	do	do	Do.
Samuel Ogle Tilghman	July 3, 1861	do	Released on parole of honor July 6, 1861.
Dr. Edward Johnson	July 8, 1861	do	Sent to Fort Lafayette July 29, 1861.
Thomas C. Fitzpatrick	do	do	Do.
James Clayton	do	do	Released on oath of allegiance July 16, 1861.
John L. Hebb	do	Great Mills, Saint Mary's County, Md.	Released on parole of honor July 13, 1861.
Richard Thomas Zarvona	do		Sent to Fort Lafayette Dec. 2, 1861.
Eugene Higgins	do	Baltimore, Md.	Released on parole of honor July 26, 1861.
G. W. Alexander	July 12, 1861		Escaped Sept. 7, 1861.
John H. Cusick	do	Woodville, Md.	Sent to Fort Lafayette July 29, 1861.
James E. Murphy	do	Baltimore, Md.	Do.
Samuel H. Lyon	do	do	Do.
Chas. M. Hagelin	July 21, 1861	do	Do.
Harry Welmore	July 30, 1861	do	Released on parole Aug. 6, 1861.
Clinton James	Aug. 3, 1861	do	Released on oath of allegiance Aug. 6, 1861.
Alexander W. Ward	Aug. 5, 1861	First officer of steamer George Weems.	Released on oath of allegiance Aug. 6, 1861.
J. C. Deaver	do		Released on oath of allegiance Aug. 14, 1861.
Fred. H. Russell	Aug. 6, 1861		Released Aug. 17, 1861.

Political prisoners taken, released and remaining since March 4, 1861, &c.—Continued.

Name.	Date of confinement.	Residence.	How disposed of.
Jonah Orrison	Aug. 13, 1861	Loudoun County, Va.	Sent to Fort Lafayette Sept. 11, 1861.
James G. Davidson	....do	....do	Do.
Robert Drane	....do	Fairfax County, Va.	Do.
Arthur Dawson	....do	Loudoun County, Va.	Do.
Mahlon Myers	....do	....do	Do.
James W. Daniel	....do	....do	Do.
John W. Selby	....do	Baltimore, Md.	Released on oath of allegiance Aug. 16, 1861.
John Charles Norris	....do	....do	Do.
Albert Brummel	Aug. 20, 1861	....do	Released on oath of allegiance Sept. 13, 1861.
John R. Gwynn	Aug. 21, 1861	....do	Released Aug. 30, 1861.
Benj. Egglestone		Washington, D. C.	Sent to Fort Lafayette Sept. 11, 1861.
Dennis Kelly		Baltimore, Md.	Do.
Frank Key Howard	Sept. 13, 1861	....do	Sent to Fort Monroe, Va., Sept. 14, 1861.
T. Parkin Scott	....do	....do	Do.
William G. Harrison	....do	....do	Do.
Andrew A. Lynch	....do	....do	Do.
Charles H. Pitts	....do	....do	Do.
L. G. Quinlan	....do	....do	Do.
Henry May	....do	....do	Do.
Thomas W. Hall, jr.	....do	....do	Do.
H. M. Warfield	....do	....do	Do.
J. Hanson Thomas	....do	....do	Do.
S. T. Wallis	....do	....do	Do.
Lawrence Sangston	....do	....do	Do.
Ross Winans	....do	....do	Do.
George W. Brown	....do	....do	Do.
Robert M. Denison	....do	....do	Sent to Fort Monroe, Va., Sept. 14, 1861.
William W. Glenn	Sept. 15, 1861	....do	(Editor of Exchange.) Released Dec. 2, 1861.
J. J. Heckart	Sept. 17, 1861	Port Deposit, Md.	Sent to Annapolis Sept. 18, 1861.
J. W. Maxwell	....do	Elkton, Md	Do.
J. U. Dennis	....do	Somerset County, Md.	Do.
P. F. Rasin	....do	Kent County, Md.	Do.
G. W. Landing	....do	Worcester County, Md.	Do.
Henry E. Johnson	Sept. 25, 1861	Baltimore, Md.	Released Oct. 9, 1861, on parole of honor.
William F. McKewen	Oct. 16, 1861	....do	Sent to Fort Columbus, N. Y., Oct. 25, 1861.
R. H. Bigger	....do	....do	Do.
Robert Renwick	....do	....do	Do.
J. C. Stovin	....do	Cumberland, Md.	Released Nov. 14, 1861.
George Julius	....do	Hagerstown, Md.	Sent to Fort Lafayette Dec. 2, 1861.
Isaac G. Mask	....do	Baltimore, Md	Sent to Fort Lafayette Oct. 18, 1861.
Charles D. French	....do	....do	Sent to Fort Columbus, N. Y., Oct. 25, 1861.
Samuel J. Sharpe	Oct. 5, 1861	....do	Released Oct. 6, 1861.
Frederick T. Sharpe	....do	....do	Do.
Thomas J. McKaig	Oct. 18, 1861	Cumberland, Md.	Released Oct. 22, 1861.
Dr. Charles Macgill	Oct. 1, 1861	Hagerstown, Md.	Transferred to Fort Lafayette Oct. 6, 1861.
Thomas B. Giles	Oct. 23, 1861	Delaware	Sent to Fort Columbus, N. Y., Oct. 25, 1861.
Joseph Bacon	....do	....do	Do.
John S. Bacon	....do	....do	Released on oath of allegiance Oct. 29, 1861.
S. B. Frost	....do	....do	Sent to Fort Columbus, N. Y., Oct. 25, 1861.
Robert Rae	Oct. 17, 1861	Baltimore, Md.	Do.
Robert W. Rasin	Oct. 26, 1861	....do	Sent to Fort Lafayette Dec. 2, 1861.
John Leavy	Sept. 6, 1861	....do	Released on oath of allegiance Sept. 7, 1861.
William O'Keefe		....do	Released Sept. 7, 1861.
Michael Fitzgerald	Sept. 6, 1861	....do	Released on oath of allegiance Sept. 7, 1861.
John Cremen		....do	Released Sept. 7, 1861.
Martin Bruggy	Sept. 6, 1861	....do	Released on oath of allegiance Sept. 7, 1861.
William J. Ellis	Sept. 10, 1861	....do	Released on oath of allegiance Sept. 17, 1861.
Thomas Dailey		....do	Released Sept. 17, 1861.
James Harker		....do	Released on oath of allegiance Sept. 17, 1861.
Robert Ware		....do	Do.
John G. Grove	Nov. 4, 1861		Released on oath of allegiance Nov. 26, 1861.
R. C. Holland	....do	Dorchester, Md.	Sent to Fort Lafayette Dec. 2, 1861.
S. J. M. P. Broadwater	....do	Snow Hill, Worcester County, Md.	Sent to General Dix on his parole of honor Nov. 16, 1861.
Emanuel C. Wade	Nov. 6, 1861	Baltimore County, Md.	Released on parole Nov. 8, 1861.
Thomas Parlett	Nov. 5, 1861		Released on oath of allegiance Nov. 14, 1861.
Thomas Mortimer	Nov. 8, 1861	Baltimore, Md.	Sent to Fort Lafayette Dec. 2, 1861.
James Martin	....do	....do	Do.
Samuel V. Leech	Nov. 13, 1861	Sandy Spring, Va.	Released on oath of allegiance Nov. 14, 1861.
William F. Engle	....do		Released on oath of allegiance Nov. 29, 1861.
Jonah Potterfield	....do	Harper's Ferry, Va	Sent to Fort Lafayette Dec. 2, 1861.
Edward C. Cottrell	Nov. 14, 1861	Princess Anne, Somerset County, Md.	Do.

Political prisoners taken, released and remaining since March 4, 1861, &c.—Continued.

Name.	Date of confinement.	Residence.	How disposed of.
Charles R. Coleman	Nov. 16, 1861	Baltimore, Md.	Released on oath of allegiance Nov. 19, 1861.
Charles H. P. Coe	Nov. 26, 1861	----------	Sent to Fort Lafayette Dec. 2, 1861.
Isaac B. Gibson	Nov. 28, 1861	----------	Released on oath of allegiance Jan. 2, 1862.
A. W. Habersham	Dec. 3, 1861	Annapolis, Md.	In confinement at the post.
John W. Davis	Dec. 4, 1861	Baltimore, Md	Released on oath of allegiance Jan. 2, 1862.
Richard Hardesty	do	----------	Released Dec. 20, 1861.
Benj. T. Gunter	Dec. 12, 1861	Northampton County, Va.	In confinement at the post.
Charles Hanner, or Krengle.	Dec. 21, 1861	----------	Released on oath of allegiance.
William T. Wilson	do	----------	Sent to Fort Lafayette Jan. 2, 1862.
Lawrence T. Johnson	Dec. 23, 1861	Northampton County, Va.	Released on oath of allegiance Jan. 29, 1862.
Dr. S. Brown	Dec. 30, 1861	----------	In confinement at the post.
J. P. Swain	Jan. 20, 1862	Baltimore, Md.	Sent to Fort Lafayette Jan. 31, 1862.
E. H. McCubbin	do	do	Do.
Wm. Gross	do	do	Do.
J. L. Coleman	do	do	Do.
I. H. Weaver	do	do	Do.
T. C. Fitzpatrick	do	do	Do.
J. R. Russell	do	do	Do.
H. Steering	do	do	Do.
P. O'Brien	do	do	Do.
J. Smith	do	do	Do.
A. Thompson	do	do	Do.
W. Perry	do	do	Do.
Robert Hull	Jan. 31, 1862	do	Do.

W. W. MORRIS,
Colonel Second Artillery, Commanding Post.

FORT MCHENRY, MD., *February 16, 1862.*

FORT HAMILTON, *New York Harbor, February 17, 1862.*

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SIR: Inclosed you will receive papers containing information ordered by you in your letter of the 13th instant. I had but little else to guide me except my own judgment in designating those prisoners who were not prisoners of war. The lists may therefore want more or less correction at the Department of State. There are now (assumed by me) at Fort Lafayette 112 prisoners of war and 51 prisoners other than prisoners of war; total, 163. It will be seen that there were no prisoners at Fort Lafayette until the 22d of July, 1861. There have been no prisoners of war or state kept at Fort Hamilton.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

[Inclosure No. 1.]

List of prisoners other than prisoners of war discharged from Fort Lafayette, New York Harbor, between July 22, 1861, and February 17, 1862.

Name.	Confined.		Discharged.	
	When.	By whom.	When.	By whom.
Purcell M. Quillen	July 22, 1861	General Scott	Aug. 7, 1861	General Scott.
Dr. Edward Johnson	Aug. 1, 1861	General Dix	Sept. 17, 1861	Secretary of State.
T. C. Fitzpatrick	do	do	Aug. 19, 1861	General Scott.
Charles M. Hagelin	do	do	Oct. 24, 1861	Secretary of State.

List of prisoners other than prisoners of war discharged, &c.—Continued.

Name	Confined.		Discharged.	
	When.	By whom.	When.	By whom.
Robert Mure	Aug. 11, 1861	Secretary of State	Oct. 17, 1861	Secretary of State.
Thomas S. Serrill	Aug. 18, 1861	do	Sept. 5, 1861	Do.
Pierce Butler	Aug. 20, 1861	Secretary of War	Sept. 24, 1861	Do.
Louis de Bebian	do	do	Oct. 4, 1861	Do.
George Miles	Aug. 22, 1861	Secretary of State	Oct. 3, 1861	Do.
John Garnett Guthrey	Aug. 23, 1861	do	do	Do
James G. Berret	Aug. 25, 1861	do	Sept. 14, 1861	Do.
David Cenas	Aug. 26, 1861	do	Sept. 4, 1861	Secretary of War.
Samuel J. Anderson	Aug. 27, 1861	do	Oct. 11, 1861	Do.
William Patrick	Aug. 28, 1861	Secretary of War	Sept. 13, 1861	Do.
Ellis B. Schnabel	Aug. 29, 1861	Secretary of State	Oct. 24, 1861	Do.
Uriah Harrold	Aug. 30, 1861	do	Sept. 18, 1861	Secretary of State.
H. L. Reynolds	Sept. 1, 1861	do	Sept. 13, 1861	Do.
Frank E. Williams	do	do	Sept. 7, 1861	Do.
Benjamin F. Grove	do	do	Oct. 8, 1861	Do.
J. C. Rahming	Sept. 3, 1861	do	Sept. 18, 1861	Do.
Henry A. Reeve	Sept. 2, 1861	do	Oct. 5, 1861	Do.
James Chapin	Sept. 5, 1861	do	Oct. 17, 1861	Do.
Edward B. Wilder	Sept. 7, 1861	do	Oct. 14, 1861	Do.
Algernon S. Sullivan	Sept. 8, 1861	do	Oct. 21, 1861	Do.
G. L. Bowne	Sept. 10, 1861	do	Sept. 24, 1861	Do.
James W. Wall	Sept. 11, 1861	Secretary of War	do	Do.
R. R. Walker	Sept. 12, 1861	Secretary of State	Oct. 19, 1861	Do.
Marcus C. Stanley	do	do	Sept. 21, 1861	Do.
B. F. Corlies	Sept. 13, 1861	do	Sept. 18, 1861	Do.
Benjamin Egglestone	do	do	Sept. 17, 1861	Do.
James McMaster	Sept. 16, 1861	do	Oct. 23, 1861	Do.
Moses Stannard	do	do	Oct. 14, 1861	Do.
Daniel Cory	do	do	Oct. 21, 1861	Do.
Leonard Sturtevant	Sept. 19, 1861	do	Sept. 27, 1861	Do.
George A. Hubbell	Sept. 20, 1861	Secretary of War	Sept. 26, 1861	Do.
John Bateman	Sept. 21, 1861	Secretary of State	Oct. 2, 1861	Do.
James M. Haig	Sept. 23, 1861	do	Oct. 26, 1861	Do.
Thomas Maddox	Sept. 24, 1861	General Scott	Oct. 3, 1861	Do.
Henry May	Sept. 26, 1861	do	Oct. 11, 1861	Do.
E. Payne	Oct. 5, 1861	Secretary of State	Oct. 14, 1861	Do.
J. W. Packard	Oct. 13, 1861	do	Oct. 21, 1861	Do.
Barriller Morsley	Oct. 28, 1861	do	Oct. 29, 1861	Do.
John F. Parr	Oct. 31, 1861	do	Feb. 16, 1862	Do.
R. H. Stanton	Nov. 5, 1861	Brig. Gen. Charles W. Hill, Comdg. Ohio Vols., Camp Chase.	Dec. 26, 1861	Do.
George Forrester	do	do	Dec. 7, 1861	Do.
James H. Hall	do	do	do	Do.
Isaac Nelson	do	do	do	Do.
William Hunt	do	do	do	Do.
Benjamin [F.] Thomas	do	do	do	Do.
William M. Gwin	Nov. 18, 1861	Secretary of State	Dec. 2, 1861	Do.
Calhoun Benham	do	do	do	Do.
J. L. Brent	do	do	do	Do.
Maurice Mayer	Nov. 19, 1861	do	Nov. 22, 1861	Do.
P. C. W. Hipp	Nov. 22, 1861	do	Dec. 17, 1861	Do.
W. H. Suydam	Nov. 23, 1861	do	Dec. 16, 1861	Do.
W. P. Converse	do	do	Dec. 2, 1861	Do.
B. L. Hayden	Nov. 26, 1861	do	Jan. 2, 1862	Do.
W. M. Abell	do	do	do	Do.
J. W. Pinckney	Nov. 29, 1861	do	Dec. 17, 1861	Do.
Jacob A. Appley	do	do	do	Do.
Thomas Mortimer	Dec. 3, 1861	General Dix	Jan. 22, 1862	Do.
James Martin	do	do	do	Do.
Thomas Newman	Dec. 7, 1861	Secretary of State	Jan. 19, 1862	Do.
C. C. Rogers	Dec. 20, 1861	do	Feb. 15, 1862	Do.
T. S. Rogers	Dec. 26, 1861	do	Jan. 1, 1862	Do.
J. R. Hawley	Dec. 28, 1861	do	do	Do.
William T. Wilson	Jan. 3, 1862	do	Jan. 25, 1862	Do.
Timothy Conovan	Jan. 21, 1862	Colonel Brown, U. S. Army.	Jan. 26, 1862	Do.
Edward English	do	do	do	Do.
Joseph Parker	do	do	do	Do.
Francis Collohan	do	do	do	Do.
James Smith	do	do	do	Do.
Alfred Johansen	do	do	do	Do.
Daniel B. Harrington	do	do	Feb. 6, 1862	Do.
George J. Mahé	do	do	Jan. 25, 1862	Do.

[Inclosure No. 2.]

List of prisoners other than prisoners of war transferred from Fort Lafayette to Fort Columbus and Fort Warren.

Name.	Confined.		Transferred.	
	When.	By whom.	When.	Where.
Edward Seymour Ruggles	July 22, 1861	General Scott	Oct. 30, 1861	Fort Warren, Boston Harbor.
R. H. Alvey	Aug. 1, 1861*	General Dix	do	Do.
John H. Cusick	do*	do	do	Do.
John W. Davis	do*	do	do	Do.
William H. Gatchell	do*	do	do	Do.
Charles Howard	do*	do	do	Do.
Samuel H. Lyon	do*	do	do	Do.
James E. Humphrey or Murphy.	do*	do	do	Do.
Austin E. Smith	Aug. 2, 1861	do	do	Do.
John Williams	Aug. 11, 1861	Secretary of State	do	Do.
Charles Kopperl	Aug. 18, 1861	do	do	Do.
Jerome R. Barber	Aug. 24, 1861	Secretary of War	do	Do.
D. C. Lowber	Aug. 25, 1861	Secretary of State	do	Do.
Samuel H. Eakins	Aug. 26, 1861	do	do	Do.
Capt. Robert Tansill	Aug. 28, 1861	Secretary of the Navy	do	Do.
Lieut. T. S. Wilson	do	do	do	Do.
Midshipman H. B. Claiborne.	do	do	do	Do.
Hilary B. Cenas	do	do	do	Do.
Richard S. Freeman	Aug. 31, 1861	Secretary of State	do	Do.
J. A. de Lagnel	Aug. 30, 1861	Secretary of War	do	Fort Columbus, New York Harbor.
Lieut. W. H. Ward	Aug. 31, 1861	Secretary of the Navy	do	Fort Warren, Boston Harbor.
Robert Elliot	Sept. 7, 1861	Secretary of War	do	Do.
Midshipman A. D. Wharton.	Sept. 8, 1861	Secretary of the Navy	do	Do.
C. J. Faulkner	Sept. 9, 1861	Secretary of War	do	Do.
John K. Millner	Sept. 12, 1861	Secretary of State	do	Do.
George P. Kane	Sept. 13, 1861	General Scott	Oct. 11, 1861	Fort Columbus, New York Harbor.
Bethel Burton	do	do	Oct. 30, 1861	Fort Warren, Boston Harbor.
William H. Winder	Sept. 14, 1861	Secretary of War	do	Do.
Benjamin F. Longley	Sept. 15, 1861	Secretary of State	do	Do.
F. Wyatt	Sept. 23, 1861	do	do	Do.
William Gilchrist	do	do	do	Do.
Cyrus F. Sargent	Sept. 24, 1861	General Scott	do	Do.
W. E. Salmon	do	Major-General Dix	do	Do.
J. H. Gordon	do	do	do	Do.
C. J. Durant	do	do	do	Do.
Andrew Kessler	do	do	do	Do.
W. R. Miller	do	do	do	Do.
Thomas J. Claggett	do	do	do	Do.
Bernard Mills	do	do	do	Do.
J. Lawrence Jones	do	do	do	Do.
J. M. Brewer	do	do	do	Do.
John J. Heckart	do	do	do	Do.
James W. Maxwell	do	do	do	Do.
George W. Landing	do	do	do	Do.
Philip F. Rasin	do	do	do	Do.
E. G. Kilbourn	do	do	do	Do.
James Maddox	do	do	do	Do.
C. S. Morehead	Sept. 25, 1861	do	do	Do.
R. T. Durrett	do	do	do	Do.
M. W. Barr	do	do	do	Do.
George W. Brown	Sept. 26, 1861	General Scott	do	Do.
S. Teackle Wallis	do	do	do	Do.
Henry M. Warfield	do	do	do	Do.
Charles H. Pitts	do	do	do	Do.
T. Parkin Scott	do	do	do	Do.
Lawrence Sangston	do	do	do	Do.
J. Hanson Thomas	do	do	do	Do.
William G. Harrison	do	do	do	Do.
Leonard G. Quinlan	do	do	do	Do.
Robert M. Denison	do	do	do	Do.
F. Key Howard	do	do	do	Do.
Andrew A. Lynch	do	do	do	Do.
Thomas W. Hall, jr	do	do	do	Do.
Henry K. Stevens	Oct. 2, 1861	Secretary of the Navy	do	Do.
Benjamin P. Loyall	do	do	do	Do.
Walter R. Butt	do	do	do	Do.
Dr. Chas. Macgill	Oct. 5, 1861	Major-General Banks	do	Do.

*About.

List of prisoners other than prisoners of war transferred, &c.—Continued.

Name.	Confined.		Transferred.	
	When.	By whom.	When.	Where.
W. E. Wright	Oct. 5, 1861	Secretary of State	Oct. 30, 1861	Fort Warren, Boston Harbor.
W. E. Kearney	do	do	do	Do.
J. T. McFeal	do	do	do	Do.
J. W. Griffith	do	do	do	Do.
Anderson McDowell	do	do	do	Do.
William Grubbs	do	do	do	Do.
J. W. Robards	do	do	do	Do.
F. M. Crow	do	do	do	Do.
H. G. Thurber	do	do	do	Do.
S. H. Wooldridge	do	do	do	Do.
G. P. Pressy	do	do	do	Do.
L. S. Holsclaw	do	do	do	Do.
Joseph Back	do	do	do	Do.
Alfred Da Costa	Oct. 11, 1861	do	do	Do.
Capt. Michael Berry	Oct. 10, 1861	do	do	Do.
A. R. Carter	Oct. 12, 1861	General Dix	do	Do.
C. H. Tyler	Oct. 14, 1861	General Scott	do	Do.
Isaac G. Mask	Oct. 18, 1861	General Dix	do	Do.
Lieut. H. H. Dalton	do	Secretary of the Navy	do	Do.
William M. Page, surgeon.	do	do	do	Do.
James E. Lindsay, assistant surgeon.	do	do	do	Do.
John G. Shaver	Oct. 21, 1861	Secretary of State	do	Do.
William Peirce	Oct. 22, 1861	do	do	Do.
Francis D. Flanders	Oct. 23, 1861	do	do	Do.
Richard Jeffries	Oct. 24, 1861	Secretary of the Navy	do	Do.
Joseph R. Flanders	Oct. 23, 1861	Secretary of State	do	Do.
Lieut. H. L. Shields	Oct. 25, 1861	do	do	Do.
Matthew F. Maury	Nov. 10, 1861	do	Nov. 17, 1861	Do.
Appleton Oaksmith	Nov. 19, 1861	do	Dec. 19, 1861	Do.

MARTIN BURKE,
Lieutenant-Colonel Commanding.

FORT WARREN, *Boston Harbor, February 18, 1862.*

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

SIR: I have the honor to acknowledge the receipt of yours of the 13th instant, and in compliance with your instructions I herewith inclose a list of prisoners confined in this fort on the 17th of February; also a list of those released prior to the 17th instant.

I am, sir, very respectfully, your obedient servant,

J. DIMICK,
Colonel First Artillery and Brevet Colonel, Commanding Post.

[Inclosure.]

List of prisoners of state held in custody at Fort Warren, Boston Harbor, Mass., February 17, 1862.

Name.	Residence.	When arrested.	Remarks.
R. H. Bigger	Baltimore, Md	Oct. 16, 1861	Transferred from Fort Lafayette Nov. 1, 1861.
George Wm. Brown	do	Sept. 13, 1861	Do.
J. R. Barber	Lake Providence, La.	Aug. 17, 1861	Do.
M. W. Barr	Louisville, Ky	Sept. 19, 1861	Do.
M. Berry		Oct. 8, 1861	Do.
James Brown	New Orleans, La	Nov. 14, 1861	Do.
B. Burton	Brooklyn, N. Y	Sept. 12, 1861	Do.
Thomas J. Claggett	Petersville, Md	Sept. 16, 1861	Do.
R. M. Denison	Pikesville, Md	Sept. 13, 1861	Do.
A. Da Costa	New Orleans, La	Oct. 7, 1861	Do.
C. J. Durant	Leonardtown, Md	Sept. 17, 1861	Do.
Parker H. French	Kentucky	Nov. 6, 1861	Do.
F. D. Flanders	Malone, N. Y	Oct. 22, 1861	Do.
J. R. Flanders	do	do	Do.
R. S. Freeman	Macon, Ga	Aug. 9, 1861	Do.
W. H. Gatchell	Baltimore, Md	July 1, 1861	Do.
J. H. Gordon	Cumberland, Md	Sept. 17, 1861	Do.
Charles Green	Savannah, Ga	Nov. 9, 1861	Do.
Charles Howard	Baltimore, Md	July 1, 1861	Do.
William G. Harrison	do	Sept. 12, 1861	Do.
Thomas W. Hall, jr	do	do	Do.
J. L. Jones	do		Do.
George P. Kane	do	June 27, 1861	Do.
E. G. Kilbourn	Pierceland, Md	Sept. 19, 1861	Do.
J. K. Millner	Danville, Va	Sept. 10, 1861	Do.
B. Mills	Freedom, Md	Sept. 17, 1861	Do.
Charles Macgill	Hagerstown, Md	Oct. 1, 1861	Do.
William F. McKewen	Baltimore, Md	Oct. 15, 1861	Do.
P. F. Rasin	Kennedyville, Md	Sept. 16, 1861	Do.
A. E. Smith	San Francisco, Cal	Aug. 2, 1861	Do.
T. P. Scott	Baltimore, Md	Sept. 13, 1861	Do.
Thomas Shields	do	Sept. 7, 1861	Do.
J. H. Thomas	do	Sept. 13, 1861	Do.
William H. Winder	Philadelphia, Pa	Sept. 10, 1861	Do.
F. Wyatt	do	Sept. 20, 1861	Do.
S. T. Wallis	Baltimore, Md	Nov. 13, 1861	Do.
H. M. Warfield	do	do	Do.
F. K. Howard	do	do	Do.
Samuel H. Lyon	do	July 13, 1861	Do.
William T. Glassell	Alabama	Dec. 4, 1861	Do.
A. M. De Bree	Norfolk, Va	Dec. 4, 1861	Do.
John D. Sudendorf		Oct. 8, 1861	Transferred from Fort Lafayette. Has not common sense; it is recommended that he be discharged.

PERSONS TAKEN FROM MERCHANT VESSELS FOR VIOLATING THE BLOCKADE.

Edward Baum	Currituck, N. C	Sept. 9, 1861	Taken at Hatteras, N. C., by order Secretary of the Navy.
J. A. Douglass	Edenton, N. C	do	Do.
R. S. Grissons	New Hanover Co., N. C.	Aug. 16, 1861	Do.
E. C. Myatt	Charleston, S. C	Sept. 4, 1861	Do.
J. F. Newton	New Hanover Co., N. C.	Aug. 16, 1861	Do.
S. F. Newton	do	do	Do.
Ed. O'Neil	Currituck, N. C	Sept. 9, 1861	Do.
G. A. Shackleford	Beaufort, N. C	Sept. 10, 1861	Do.
E. Sibern	Currituck, N. C	Sept. 9, 1861	Do.
George Van Amringe	Wilmington, N. C	Oct. 9, 1861	Do.
William St. George	do	do	Do.
Charles Keene	New York	Nov. 14, 1861	Seaman on board frigate Roanoke; declared he would no longer serve under the flag of the United States. Recommend that he be tried by Navy court-martial or be exchanged.
José English	Ship Island		Arrested at Ship Island, Miss. (a suspected spy). He appears to be a common fisherman.

List of prisoners of state confined at Fort Warren and released prior to February 17, 1862.

Name.	Residence.	When arrested.	Remarks.
George A. Appleton	Baltimore, Md	Sept. 7, 1861	Released Jan. 16, 1862, to report to General Dix.
R. H. Alvey	Hagerstown, Md	June 18, 1861	Released Jan. 6, 1862.
John L. Bouldin			Released Nov. 26, 1861; took oath of allegiance.
James Bacon	Laurel, Del		Released Nov. 3, 1861; took oath of allegiance.
J. Back	Marion County, Ky	Sept. 23, 1861	Released Nov. 28, 1861; took oath of allegiance.
George W. Barnard	New Berne, N. C	Sept. 8, 1861	Released Nov. 30, 1861; took oath of allegiance.
J. C. Brain	Nashville, Tenn	Aug. 18, 1861	Released Feb. 10, 1862; took oath not to enter States in insurrection.
J. M. Brower	Cumberland, Md	Sept. 17, 1861	Released Dec. 22, 1861; paroled for thirty days.
Charles Barkley	Charleston, S. C	Aug. 2, 1861	Turned over to Marshal Murray, of New York, Jan. 20, 1862.
R. S. Bunker			Released Nov. 11, 1861; took oath of allegiance.
F. M. Crow	Floydsburg, Ky	Sept. 24, 1861	Released Nov. 28, 1861; took oath of allegiance.
A. R. Carter	Baltimore, Md	Oct. 10, 1861	Do.
John W. Davis	do	July 1, 1861	Released Dec. 23, 1861, thirty days' parole.
R. T. Durrett	Louisville, Ky	Sept. 19, 1861	Released Dec. 9, 1861; took oath of allegiance.
George Eustis	New Orleans, La	Nov. 8, 1861	Released Jan. 1, 1862, by order Secretary of State.
Samuel H. Eakins			Released Nov. 6, 1861; took oath of allegiance.
Robert Elliot			Released Nov. 7, 1861; took oath of allegiance.
C. J. Faulkner	Virginia	Aug. 12, 1861	Released Dec. 9, 1861; thirty days parole.
M. J. Grady	Baltimore, Md	Sept. 7, 1861	Released Dec. 4, 1861; took oath of allegiance.
J. W. Griffith	Oldham, Ky	Sept. 24, 1861	Released Nov. 28, 1861; took oath of allegiance.
William Grubbs	Madison County, Ky	do	Do.
Thomas B. Giles	Laurel, Del	Oct. 21, 1861	Released Nov. 4, 1861; took oath of allegiance.
Peter Reilly			Released Nov. 6, 1861; took oath of allegiance.
William Gilchrist	Philadelphia, Pa	Sept. 20, 1861	Released Nov. 26, 1861; took oath not to enter any States in insurrection.
J. J. Heckart		Sept. 24, 1861	Released Nov. 26, 1861; took oath of allegiance.
Charles Kopperl	Carroll County, Miss	Aug. 16, 1861	Released Feb. 4, 1862; to be exchanged for Hugh Watson.
Andrew Kessler	Jefferson, Md	Sept. 16, 1861	Released Dec. 20, 1861; took oath of allegiance.
William E. Kearney	Clarke County, Ky	Sept. 24, 1861	Released Nov. 28, 1861; took oath of allegiance.
Andrew Low	Savannah, Ga	Nov. 3, 1861	Released Feb., 1862; on parole for sixty days, to report to General Dix daily.
D. C. Lowber	New Orleans, La	Aug. 23, 1861	Released Jan. 10, 1862; took oath to leave United States within fifteen days.
B. F. Longley	do	Sept. 11, 1861	Released Nov. 27, 1861; took oath of allegiance.
A. A. Lynch	Baltimore, Md	July 13, 1861	Released Jan. 4, 1862; took oath of allegiance.
W. R. Miller	Elkton, Md	Sept. 18, 1861	Released on parole for thirty days, to report to General Dix.
J. W. Maxwell	do	Sept. 10, 1861	Do.
C. S. Morehead	Kentucky	Sept. 19, 1861	Released on parole Jan. 6, 1862, until further orders.
Isaac G. Mask	Baltimore, Md	Oct. 17, 1861	Released Jan. 10, 1862; took oath of allegiance.
M. F. Maury	New Orleans, La	Nov. 7, 1861	Released Feb. 15, 1862; took oath not to enter any States in insurrection.
J. T. McFeal	Harrodsburg, Ky	Sept. 23, 1861	Released Nov. 28, 1861; took oath of allegiance.
A. McDowell	Floydsburg, Ky	Sept. 24, 1861	Do.
J. M. Mason*	Virginia	Nov. 8, 1861	Released Jan. 1, 1862.

*See p. 1076 *et seq.*, for case of Mason and Slidell.

Prisoners of state confined at Fort Warren and released, &c.—Continued.

Name.	Residence.	When arrested.	Remarks.
J. E. Macfarland	Petersburg, Va	Nov. 8, 1861	Released Jan. 1, 1862.
C. H. Pitts	Baltimore, Md	Sept. 13, 1861	Released Dec. 18, 1861, on parole.
George P. Pressey	Saint Louis, Mo	Sept. 20, 1861	Released Feb. 10, 1862; took oath of allegiance.
Robert Renwick	Baltimore, Md	Oct. 6, 1861	Released on parole for thirty days.
Robert Rae	do	Sept. 7, 1861	Released Nov. 23, 1861; took oath of allegiance.
J. W. Robards	Harrodsburg, Ky	Sept. 13, 1861	Released Nov. 26, 1861; took oath of allegiance.
William E. Salmon	New Market, Md	Sept. 16, 1861	Released Dec. 27, 1861; took oath of allegiance.
C. F. Sargent	Maine		Released Nov. 9, 1861; took oath of allegiance.
John G. Shaver	Belleville, Canada West.	Oct. 14, 1861	Released Jan. 6, 1862; took oath not to enter any States in insurrection.
H. L. Shields	Bennington, Vt	Oct. 17, 1861	Released Nov. 6, 1861; took oath of allegiance.
D. Summers	Baltimore, Md	Sept. 17, 1861	Released Dec. 12, 1861; took oath of allegiance.
John Slidell*	Louisiana	Nov. 8, 1861	Released Jan. 1, 1862.
H. G. Thurber	Oldham, Ky	Sept. 23, 1861	Released Nov. 28, 1861; took oath of allegiance.
George Thompson	Baltimore, Md	Sept. 1, 1861	Released Nov. 26, 1861; took oath of allegiance.
A. Williamson	do	Nov. 20, 1861	Released Nov. 25, 1861; took oath not to enter any States in insurrection.
John Williams, jr	Norfolk, Va	Aug. 9, 1861	Released Nov. 23, 1861; took oath of allegiance and $10,000 bond.
W. E. Wright	Lebanon, Ky	Sept. 21, 1861	Released Jan. 11, 1862; took oath of allegiance.
S. H. Wooldridge	Harrodsburg, Ky	Sept. 23, 1861	Released Nov. 28, 1861; took oath of allegiance.
H. G. Fuller	Lexington, Ky	Nov. 17, 1861	Released Dec. 17, 1861; took oath of allegiance.
George W. Landing	Worcester County, Md.		Released Nov. 26, 1861; took oath of allegiance.
D. H. Lucchesi	Baltimore, Md	Sept. 18, 1861	Do.
J. H. Maddox			Released Nov. 26, 1861; took oath of allegiance and $10,000 bond.
William Peirce	New Orleans, La	Oct. 20, 1861	Released Nov. 11, 1861; took oath of allegiance.
C. D. French	Baltimore, Md	Oct. 16, 1861	Released Nov. 26, 1861; took oath of allegiance.
S. B. Frost	Laurel, Del	Oct. 21, 1861	Do.
Joseph Shaney	Baltimore, Md	Nov. 12, 1861	Released Dec. 12, 1861; took oath of allegiance.
L. G. Quinlan	do	Sept. 13, 1861	Released Nov. 26, 1861; took oath of allegiance.
John Shaney	do	Nov. 12, 1861	Released Dec. 12, 1861; took oath of allegiance.
Daniel Gardner	do	do	Do.
Nicholas Dunn	Waterford, Ireland	do	Released Jan. 29, 1862; took oath of allegiance.
A. Oaksmith	New York	Nov. 19, 1861	Released Dec. 27, 1861.
E. S. Ruggles	Fredericksburg, Va	July 20, 1861	Released Jan. 20, 1862; to be exchanged for Edward Taylor.

J. DIMICK,
Colonel First Artillery and Brevet Colonel, Commanding Post.

HDQRS. CITY GUARD, PROVOST-MARSHAL'S OFFICE,
Washington, D. C., February 18, 1862.

Brig Gen. A. PORTER, *Provost-Marshal.*

GENERAL: I have had the honor to have laid before me by yourself a correspondence in which Lord Lyons requests of the honorable Secretary of State to be informed in regard to the case of Thomas Craggs, a prisoner confined in the Old Capitol Building who claims to be a Brit-

*See p. 1076 *et seq.*, for case of Mason and Slidell.

ish subject, and in which the matter is referred to yourself for a report as to his citizenship, &c. I have the honor to report in this case that Craggs claims to be a British subject, and in fact there is no doubt but that he has lived nearly eight years securely and prosperously under the protection of the United States Government without ever troubling himself to assume allegiance thereto. Of course this is all right, as the Government claims to be a free asylum for the emigration of all lands and to have enough native citizens ever ready to defend its flag and its proteges from assault at home or abroad.

But just before the arrest of Craggs several Federal pickets had been foully murdered in the immediate vicinity of his home near Accotink, Fairfax County, Va. Although the act was generally attributed to a guerrilla band of independent Texas rangers who frequented the neighborhood and it seems claimed the glory of the ignominious achievement, still the citizens were considered too indifferent to say the least to the perpetration of such acts among them, and several of them including Craggs were arrested by order of Brigadier-General Heintzelman, who regarded it as a military necessity that such citizens should be removed from daily intercourse with the rebel pickets. Craggs' own brother-in-law, Matthew Plaskett, also a British subject as he claims, who frequently stayed at Craggs' house, is by his own statement a scapegrace of the most disreputable kind, having voluntarily taken up arms against the benign Government which had welcomed him to its hospitable shores and given him a home beneath its liberal flag.

However, Brig. Gen. S. Williams, assistant adjutant-general, being satisfied on an examination of the case that Craggs himself was not a particularly dangerous man, and feeling disposed to ameliorate his situation as much as possible compatible with the public safety ordered that a parole of honor be tendered to him with a view to his release, specifying among other things that he should not leave the District of Columbia without permission of the provost-marshal. Craggs refused to execute this parole for the reason as he said that this condition would not allow him to return to his home.

As our gallant military officers would probably not require a man to be kept from his home and his family without good cause I see no alternative but for the Government to accommodate our English cousin with the best quarters and fare in the range of its republican simplicity until the lines of the Federal Army are sufficiently advanced to allow him to return to his Anglo-Virginian home and household without the possibility of detriment to the cause of the Union.

All of which is respectfully submitted by your obedient servant,

E. J. ALLEN.

HDQRS. CITY GUARD, PROVOST-MARSHAL'S OFFICE,
Washington, D. C., February 18, 1862.

Brig. Gen. A. PORTER, *Provost-Marshal.*

GENERAL: I have had the honor of having laid before me by you a note from the honorable Secretary of State requesting a report in the case of J. Barrett Cohen, a prisoner confined in the Old Capitol Building. I beg leave to state that J. Barrett Cohen, together with M. Francis McKee, Moses P. Donaldson and Francis X. Lacross were arrested by the military authorities and committed to the Old Capitol Prison by order of General McClellan, to whom I have already made a report* in their cases

* Not found.

after a thorough examination thereof, recommending that as an important military necessity they be held in close confinement until the end of the war for the Union. If this fact were intimated to the honorable Secretary of State I have no doubt but that it would be entirely satisfactory to him without our troubling him with a prolix duplicate report for his own consideration.

Respectfully, your obedient servant,

E. J. ALLEN.

DEPARTMENT OF STATE, *Washington, February 19, 1862.*

S. W. MORTON, Esq., *Alexandria, Va.*

SIR: I have to inform you that this Department has no further need of an agent at Alexandria, Va. You will therefore please send your account for services to the date hereof addressed to George E. Baker, esq., agent of this Department.

I am, &c.,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, February 19, 1862.*

HOLLIS WHITE, Esq., *Suspension Bridge, N. Y.*

SIR: I have to inform you that this Department has no further need of an agent at Suspension Bridge. You will therefore please send your account for services to the date hereof addressed to George E. Baker, esq., agent of this Department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HDQRS. CITY GUARD, OFFICE OF THE PROVOST-MARSHAL,
Washington, D. C., February 19, 1862.

Brig. Gen. A. PORTER, *Provost-Marshal.*

GENERAL: In accordance with the request of the Hon. William H. Seward, Secretary of State * * * I have the honor to submit to you the following report.

The request of the honorable Secretary of State inquires only in relation to prisoners "confined in the Old Capitol Prison." In preparing the following report I have, however, given a list of all prisoners arrested by your command or sent to you for safe-keeping. The prisoners arrested by command of General Mansfield I have no record of except the few found in custody at the time you assumed the duties of provost-marshal. Those are embodied in this report.

Very respectfully, your obedient servant,

E. J. ALLEN.

[Indorsement.]

FEBRUARY 20, 1862.

The following report is respectfully forwarded to Hon. William H. Seward, Secretary of State.

A. PORTER,
Brig. Gen., Provost-Marshal-General, Army of the Potomac.

[Inclosure.]

List of persons received at the Old Capitol Prison other than prisoners of war since the 1st of March, 1861.

[Names with the asterisk (*) remaining in Old Capitol.]

Name.	Date of arrest.
John S. Emerson	June 23, 1861
Thomas Hitchcock	July 3, 1861
James Connor*	Aug. —, 1861
James A. Donnelly*	Aug. 22, 1861
James A. Goldsmith	Do.
Joseph T. Ellicott	Do.
Sergeant McDermott, guard, Old Capitol.	Do.
Rose O'N. Greenhow*	Aug. 23, 1861
W. J. Walker	Do.
Frank Rennehan	Do.
Mrs. P. Phillips and two daughters.	Do.
Miss Levy	Do.
Mrs. Bettie H. Hassler	Do.
James G. Berret	Aug. 24, 1861
Madam Tochman	Sept. 3, 1861
Samuel P. Wilson	Sept. 10, 1861
George A. Sheahan	Do.
B. W. Marriott	Do.
Alfred Nettleton*	Sept. 11, 1861
John W. Burson*	Do.
James A. Nelson	Sept. 18, 1861
George F. Harbin	Sept. 23, 1861
Charles A. Worthington	Do.
Rudolph Watkins*	Sept. 24, 1861
George S. Watkins*	Do.
William Frank Getty*	Oct. 1, 1861
Samuel G. Acton*	Oct. 4, 1861
Thomas A. Jones*	Do.
E. B. Grayson*	Oct. 7, 1861
George Minor	Do.
Summerfield Ball*	Oct. 9, 1861
B. Jackson Cross*	Oct. 11, 1861
W. F. Moore*	Oct. 13, 1861
James W. Offutt	Oct. 15, 1861
Mrs. M. E. Onderdonk	Do.
Hugh Adams*	Oct. 19, 1861
George W. Gunnell*	Do.
A. B. Williams*	Do.
Joseph McCann	Oct. 23, 1861
R. B. Posey	Oct. 27, 1861
Mrs. Posey	Do.
Miss Posey	Do.
Julian Lee, alias John Blackwood	Oct. 31, 1861
Alfred Beach	Do.
William Oswald Dundas	Nov. 1, 1861
Withers Smith*	Nov. 2, 1861
Samuel F. Anderson*	Do.
Isaac Ballenger*	Nov. 6, 1861
Philip H. Linton	Do.
John Brown (at hospital)*	Nov. 7, 1861
Dr. James Hunter	Do.
Rutson Maury	Nov. 9, 1861
W. K. N. Breckinridge	Do.
Mrs. Eliza [John] Low	Nov. 10, 1861
John McDaniel*	Nov. 11, 1861
Miss Ellie M. Poole	Do.
Riley Nash	Nov. 13, 1861
John T. Day*	Nov. 27, 1861
R. H. Gunnell*	Do.
John T. De Bell*	Do.
C. W. Coleman*	Do.
William B. Day*	Do.
John B. Farr*	Do.
O. Allen Scanland*	Nov. 29, 1861
William Eaton*	Dec. 3, 1861
Hosea H. H. Williams*	Dec. 4, 1861
George [G.] Coleman*	Dec. 6, 1861
Richard Coleman*	Do.
Thomas E. Poole*	Do.
James H. Poole*	Do.
Bernard B. Poole*	Do.
William Fields	Dec. 9, 1861
Charles Digges	Dec. 12, 1861
James T. Monroe	Dec. 14, 1861
Henry A. Stewart*	Dec. 15, 1861
Tench Schley*	Do.
Charles Follen*	Dec. 19, 1861
Jeremiah Moore*	Do.
Richard Walzl	Dec. 20, 1861
F. M. Ellis*	Do.
Michael Thompson*	Dec. 21, 1861
Lewis L. McArthur*	Do.
Dr. Aaron Van Camp*	Do.
James B. Loker (out on parole till 11th March).*	Do.
Capt. William Cox (schooner Lucretia).*	Dec. 23, 1861
A. J. Holtzman	Do.
Jacob M. Bollman	Do.
James W. Farr*	Dec. 24, 1861
Samuel Hunter	Dec. 25, 1861
William H. Simmons	Dec. 29, 1861
Albert McCune	Dec. 30, 1861
Mrs. Catharine Virginia Baxley*	Do.
Henry J. Carroll	Dec. 31, 1861
James W. McCurdy*	Do.
A. J. Michael*	Jan. 1, 1862
William J. Fleece*	Do.
George H. Johnson*	Do.
George D. McGlincey*	Do.
Jesse B. Wharton*	Do.
Lemuel Van Arsdale*	Do.
Richard Nevitt	Jan. 2, 1862
James McGraw	Do.
Richard R. Lee	Jan. 3, 1862
William L. Lee*	Do.
D. C. Lee*	Do.
John Harrover*	Do.
George R. H. Hughes	Do.
Patrick McCafferty	Do.
Ben. Jackson, alias Judson Pinney.	Do.
Capt. W. L. Fisher (schooner Blooming Youth).*	Do.
John L. Langster (colored)	Do.
Thomas B. Hewitt*	Do.
Clarence Mills*	Do.
J. Ignatius Ford*	Jan. 4, 1862
Richard Hurst*	Do.
Robert N. Read	Do.
James A. Johnson	Do.
Alexander Watt	Do.
Richard McMullen	Do.
William Isaacs	Do.
James C. Phillips	Do.
Moses P. Donaldson*	Jan. 6, 1862
Francis X. Lacross*	Do.
James W. Savage*	Jan. 7, 1862
John Regan	Do.
Benjamin F. Gwynn	Do.
Judah Barrett Cohen*	Jan. 8, 1862
M. Francis McKee*	Do.
William T. Smithson, alias Charles R. Cables.	Do.
Thomas P. Fowler*	Jan. 10, 1862
William Butcher (colored)	Jan. 13, 1862
George W. Hutchins*	Do.
Henry C. Brown*	Do.
Rev. Bennett Smedes	Do.
John E. Rea*	Do.
George M. Gormley*	Do.
G. L. Dulaney	Do.
John W. Crawford*	Jan. 14, 1862
Henry Simpson*	Do.
Richard H. Bayliss*	Do.
Bushrod W. Bayliss*	Do.
Thomas Craggs*	Do.
Matthew Plaskett*	Do.

List of prisoners received at Old Capitol Prison, &c.—Continued.

Name.	Date of arrest	Name.	Date of arrest.
A. C. Landstreet*	Jan. 15, 1862	Francis A. Dickens*	Jan. 14, 1862
John Haislip*	Do.	William P. Griffith	Feb. 4, 1862
M. J. Farrington	Do.	Arthur Gunnell*	Do.
William Ward	Do	Elisha C. Ostrander*	Do.
Forrest Olden*	Do.	John M. Shorb, alias James Shaw	Do.
James Haislip*	Do.	B. H. Jenkins*	Feb. 5, 1862
William Hick*	Do.	Calvert Beach*	Do.
Thomas H. Haislip*	Do.	Vance L. Trumble*	Do.
John Digney*	Jan. 17, 1862	Mansfield Tracy Walworth*	Feb. 7, 1862
N. N. Clabaugh	Jan. 18, 1862	Miss Ada M. Hewitt, alias Mrs. Dr. Morris, alias Mrs. Mason.*	Do.
O. F. Potter*	Jan. 20, 1862	John Moriarty	Do.
John F. C. Offutt*	Do.	Abraham Hornbeck*	Do.
John A. Marshall*	Jan. 21, 1862	Mahlon H. Janney*	Feb. 8, 1862
P. C. Arundell	Jan. 23, 1862	Malcolm Ives	Feb. 9, 1862
Jackson Benman*	Jan. 24, 1862	M. J. Woodward*	Feb. 10, 1862
Albert G. Gunnell*	Do.	Samuel T. Crim*	Do.
N. Burnham	Do.	James Cockrill	Feb. 11, 1862
Walter Swan (colored)	Do.	Francis L. Harrison	Do.
George Swan (colored)	Do.	Thomas J. Magruder*	Do.
John Penny (colored)	Do.	Tom Haycock*	Feb. 13, 1862
Dr. Francis C. Neale	Jan. 28, 1862	Warren Curtis*	Do.
Alexander L. McKenzie*	Jan. 29, 1862	John Young*	Feb. 17, 1862
James Potter*	Jan. 30, 1862	Lewis Young*	Do.
James Clark*	Do.	Dennis Farrell*	Do.
John Pinn (colored)	Do.	William Joy*	Do.
Oliver N. Bryan*	Jan. 31, 1862	William Ogden*	Feb. 19, 1862
Josiah E. Bailey*	Feb. 1, 1862	R. D. Shepard, jr*	Jan. 1, 1862
George Talbot*	Feb. 3, 1862	A. Shepard*	Do.
W. I. Rasin*	Do.		

WAR DEPARTMENT, *Washington, February 21, 1862.*

Brig. Gen. ANDREW PORTER, *Provost-Marshal.*

GENERAL: You will please release from confinement on Saturday, the 22d instant, the following-named prisoners upon their engaging upon honor that they will render no aid or comfort to the enemies in hostility to the Government of the United States: James Connor, James A. Donnelly, E. B. Grayson, Hugh Adams, George W. Gunnell, A. B. Williams, Withers Smith, Samuel F. Anderson, Isaac Ballenger, John McDaniel, Lewis L. McArthur, James B. Loker, Richard R. Lee, William L. Lee, D. C. Lee, Thomas B. Hewitt, Clarence Mills, J. Ignatius Ford, Richard Hurst, James W. Savage, John Regan, Thomas P. Fowler, John E. Rea, O. F. Potter, Jackson Benman, John Penny (colored), Elisha C. Ostrander, Calvert Beach, Vance L. Trumble, Abraham Hornbeck, John Young, Lewis Young, Dennis Farrell, M. J. Farrington, William Ward, Forrest Olden and William Joy.

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

WAR DEPARTMENT, *Washington, February 21, 1862.*

Brig. Gen. ANDREW PORTER, *Provost-Marshal.*

GENERAL: You will please release from confinement on Saturday, the 22d instant, the following-named prisoners upon their engaging upon honor that they will render no aid or comfort to the enemies in hostility to the Government of the United States, and that they will not leave the District of Columbia without permission from the provost-marshal-general: Summerfield Ball, Jeremiah Moore, John Harrover, Henry Simpson, Richard H. Bayliss, Thomas Craggs, Matthew Plaskett,

John Haislip, James Haislip, William Hick, Alexander L. McKenzie, Thomas H. Haislip, Bushrod W. Bayliss, Mahlon H. Janney.

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

WAR DEPARTMENT, *Washington, February 21, 1862.*

Col. JUSTIN DIMICK, *Fort Warren, Boston Harbor.*

COLONEL: You may release on the 22d day of February instant the following prisoners confined in Fort Warren upon their engaging upon honor that they will render no aid or comfort to the enemies in hostility to the Government of the United States: J. R. Barber, B. Burton, R. S. Freeman, J. A. Douglass, J. F. Newton, G. A. Shackleford, F. D. Flanders, José English, M. W. Barr, A. Da Costa, William H. Winder, R. S. Grissons, S. F. Newton, E. Sibern, J. R. Flanders, Charles Keene, James Brown, Parker H. French, Edward Baum, E. C. Myatt, Ed. O'Neill, George Van Amringe, William St. George, William H. Gatchell, J. Hanson Thomas, P. F. Rasin, William G. Harrison, Robert M. Denison, William F. McKewen.

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

WAR DEPARTMENT, *Washington, February 21, 1862.*

Lieut. Col. MARTIN BURKE,
Fort Lafayette, New York Harbor.

COLONEL: You may release on the 22d day of February instant the following prisoners confined in Fort Lafayette upon their engaging upon their honor that they will render no aid or comfort to the enemies in hostility to the Government of the United States: W. T. Casto, Guy S. Hopkins, David C. Wattles, George W. Jones, N. S. Reneau, J. M. Ogden, Thomas O'Leary, R. W. Buckles, Thomas A. Brookbanks, Rutson Maury, E. H. Jones, George Julius, J. Garnett Guthrey, Christopher Ledwidge, J. M. Perkins, Thomas Mathews, C. H. Marriott, Thomas Quigley, David C. Hall, Isaiah Butler, John Hagins, of Kentucky; S. R. Burnett, Patrick Brady, William M. Smith, Richard Lewis, A. N. Baker, Robert W. Rasin, Edward C. Cottrell, E. H. McCubbin, J. L. Coleman, J. R. Russell, P. O'Brien, A. Thompson, R. C. Holland, J. P. Swain, William Gross, I. H. Weaver, H. P. Stunz, J. Smith, William Perry.

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

GENERAL ORDERS, No. 60. HDQRS. ARMY OF THE POTOMAC, *Washington, February 21, 1862.*

* * * * * * *

8. All deserters from the enemy and other persons coming within our lines will be at once taken to the provost-marshal of the nearest division, who will examine them in the presence of the division commander or an officer of his staff designated for the purpose and communicate the

result and the information obtained to the provost-marshal-general. In important cases the deserter or other person will be sent to the provost-marshal-general with the report.

* * * * * * *

By command of Major-General McClellan:

S. WILLIAMS,
Assistant Adjutant-General.

FORT HAMILTON, *New York Harbor, February 22, 1862.*

Brig. Gen. L. THOMAS,
Adjutant-General of the Army, Washington, D. C.

SIR: Inclosed please find the parole of thirty-six prisoners at Fort Lafayette released in obedience to your telegraphic dispatch of the 21st instant. George Julius was paroled for thirty days on the 6th of February. Messrs. Guthrey and Marriott had been released already, and D. C. Wattles declined to sign the parole and was consequently retained in custody.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

[Inclosure.]

FORT LAFAYETTE, *New York Harbor, February 22, 1862.*

We the undersigned do solemnly promise upon our word of honor that we will render no aid or comfort to the enemies in hostility to the Government of the United States:

W. T. Casto, Guy S. Hopkins, George W. Jones, N. S. Reneau, Thomas O'Leary, R. W. Buckles, Thomas A. Brookbanks, David C. Hall, John Hagins, William M. Smith, A. N. Baker, C. Ledwidge, Thomas Mathews, Isaiah Butler, Thomas Quigley, Patrick Brady, Richard Lewis, R. C. Holland, J. P. Swain, William (his x mark) Gross, Herman P. Stunz, Rutson Maury, jr., E. H. Jones, James M. Perkins, R. W. Rasin, E. C. Cottrell, E. H. McCubbin, John L. Coleman, James R. Russell, Patrick O'Brien, Jacob Smith, William Perry, Amos Thompson, Isaac H. Weaver, S. R. Burnett, J. M. Ogden.

Witness present:

HARRY C. EGBERT,
First Lieutenant, Twelfth Infantry.

U. S. MARSHAL'S OFFICE,
SOUTHERN DISTRICT OF ILLINOIS,
Springfield, February 23, 1862.

Hon. F. W. SEWARD,
Assistant Secretary of State, Washington, D. C.

SIR: I inclose herewith a report made by A. J. Davis, esq., and handed me on the 20th instant, of his doings in Southern Illinois. I have given it careful and thoughtful examination and fully concur in

the conclusions reached by him touching the parties named as connected with those in arms against the Government. If the late order* from the War Department does not preclude the arrest of persons I would suggest that James D. Pully, A. P. Corder and Dr. John M. Clemerson, of Marion, Williamson County, be arrested at once. There can be no peace in that county while these men remain at large. I also think that it would be well to seize C. C. Carpenter at McLeansborough, Hamilton County, and Dr. D. Green at Mount Vernon, Jefferson County. The others although dangerous and noisy men may on account of our late brilliant victories on the Cumberland and Tennessee Rivers keep quiet. The persons whose arrest I recommend will not.

I have by your kindness in furnishing me the necessary assistance been able at last to completely hold in check the treasonable elements in Southern Illinois, and now hope that no more "aid and comfort" may be extended to traitors in that quarter. It is feared, however, that the order of the Secretary of War already referred to releasing all political prisoners and confining arrests to the military authorities exclusively will again embolden the bad men of Illinois to renewed acts of disloyalty. Already boasts are freely indulged that the order is a confession of the illegality of the arrests made and a guarantee against such in future and a perfect immunity against any interruption by the marshal.

It is well understood that I know almost every disloyal man in my district and such persons have been compelled to be quiet hitherto. As to what they may do hereafter I cannot say. If the Department intends that I shall as heretofore exercise an espionage over all plots of treason please inform me. If the order from the War Department transfers this duty to other hands I shall be greatly relieved; but it will take a great deal of time for any one man to become as thoroughly conversant with all the elements of disloyalty in Southern Illinois as I am. I have spent almost the entire past year in possessing myself of all sources of information likely to reach the schemes of our Illinois traitors, and I think that the disloyal in our State feel that they are completely at my mercy unless they are secured by an order from the Government at Washington. Hence the disposition to exult over the late order referred to. Will you please advise me as to my movements in the future and if my services are any longer needed in the direction mentioned?

I have discharged Mr. Frank, the detective employed in conformity to the order of your letter† to me dated December 5, 1861, and ordered him to submit his account to you for adjustment. Please refer to Mr. Bradley's letter to me from Chicago, left with you December 5, for the terms on which Mr. Frank was employed. I have paid him $150. I have also paid Mr. Davis $115. He was out of money, and I assumed that as he was here and under my charge you would approve the advance. Please inform me if Mr. Davis may remain in Illinois and how long. I can employ him to advantage but desire to use the best economy. The services of Mr. Frank and Mr. Davis have been of incalculable importance and I have no doubt they have been instrumental in preserving the public peace of Southern Illinois, as it is now well understood that nothing but the restraining fear of the marshal's office has kept from deeds of violence a great many men in the Ohio and Wabash River counties of Illinois.

* Order of February 14, 1862, p. 221. † See p. 170.

Please to communicate with me at an early day, and as fully as convenient advise me as to the future.

I am, most respectfully, your obedient servant,

D. L. PHILLIPS,
U. S. Marshal.

[Inclosure.]

Report of A. J. Davis to U. S. Marshal D. L. Phillips, concerning certain disloyal persons in Southern Illinois.

Mr. J. P. Haynes [of Ashley, Washington County], formerly a merchant, is a violently noisy, fault-finding secessionist and does all he can to discourage enlisting for the U. S. Army, and is a member of the K. G. C. He is a North Carolinian; has considerable influence and takes great care (pains) to find fault with the administration. He told me when I first saw him that if I wanted to go South he would show me the way.

Robert and William Palmore [of Mount Vernon, Jefferson County] have the mail contract from McLeansborough to Ashley. Any person wishing to go South can get all help from them. They give all the names of men on the route and where to cross the river. I got the route from Robert, and he gave me the full particulars and said he had sent numerous persons, among whom were two Englishmen of great wealth and bearers of dispatches for the South; altogether twenty-seven persons. I got the route with the understanding that I was going South with another man named King. We started and went far enough to find the route as represented by Palmore. I then arrested King and gave him in charge of the military at Shawneetown. Palmore has a son in the Southern army; he says he gets and sends letters to him. I saw one letter written from Knoxville, Tenn. The arrangement is for any one to see William Palmore at Ashley, give him the signs and grips of the order of K. G. C.; he will bring them to the old man at Mount Vernon and give the necessary instructions for the rest of the route. The old man is about forty years old and William twenty-two or twenty-three; both very noisy secesh. They are from Tennessee.

There is a Mr. William Dodds [of Mount Vernon], clerk of the county court and the most violent of all the party at Mount Vernon. He is always talking against the administration and he has said repeatedly in my hearing he wished Jeff. Davis had Illinois and if he had not a family he would go and join the army South. He is forever cursing the heads of this Government. He says he don't try to hide his feelings as there is no Black Republican that dare arrest him. He says the K. G. C. elected him knowing his principles. He is a very influential and dangerous man. He is the main man who initiated me into the order of the K. G. C. whose whole intention is treason.

Dr. Duff Green is a very intelligent and most influential man in Mount Vernon; native of Kentucky and relative of J. C. Breckinridge and boasts of his correspondence with him. He showed me a letter on Sunday, the 16th, that he said came from Mr. Breckinridge. He is always commenting on the policy of what he calls the Black Republican Government and he always objects to all its measures and he convinces all his listeners that the Government is wrong. He has more influence than any other man in Mount Vernon. The people refer all their disputes to him and believe him implicitly as their oracle. He always concludes his remarks that he is opposed to Lincoln and his

Cabinet and their policy; that his sympathies are with the South and as soon as he can get his property into money he is going South. As long as he lives under this Government he is too honorable a man to do anything against this Government, but as soon as he gets away he will come out boldly and help the South with all his powers, physically and financially. He does all he can to prevent recruiting. All these charges can be proved by Mr. Barret, postmaster, and C. D. Ham, esq. His influence is very dangerous. There are numerous other things connected with him all tending the same way. I was very careful to get well acquainted with him and to know him well before saying anything against him on account of his standing. He is surrounded by a class of men principally from the South and strongly prejudiced against the Government and generally not well educated or intelligent. He would have to be heard to fully understand him or understand the idea I try to convey.

Mr. Thompson Anglen [of Mount Vernon], a native of Tennessee, keeps a hotel; is a strong friend of the South but very cautious. He corresponds with a Mr. John Saterfield, former editor of the Mount Vernon Star, who is now in the rebel army. He has charge of the property of Colonel Bagwell, who is also in the Southern army at Bowling Green. I saw a letter from Colonel Bagwell giving a description of the fight at Green River under Colonel Terry, Texas rangers, where Colonel Terry was killed; also several letters from John Saterfield, whose paper was discontinued because of its secession proclivities. Mr. Anglen is also a merchant and magistrate and a man of considerable influence.

James M. Pace [of Mount Vernon], merchant and the principal of the express from Mount Vernon. He is a great politician and reported to be the proprietor of the underground mail route to the South. I was told so by members of the K. G. C. who have a good right to know, and I believe it is so, but of my own knowledge I cannot say. He is violent in his talk against the Government and has a good deal of influence with the people. A native of North Carolina I think, and very wealthy.

——— Williams [of Spring Garden] is a dangerous man to the Government; a native of Tennessee; a merchant and keeps a hotel; is the leader of that country and of the K. G. C.; violently opposed to the administration. I saw him on the 17th instant and heard him say in speaking of the battle at Forts Henry and Donelson and the killed that he wished it had been Lincoln and his cursed abolition administration; that the North could not whip the South for the South had better men and were fighting for their homes and the G—d d—d abolitionists were fighting for the negro. He has a brother a surgeon in the rebel army, and says he hears from him whenever he wants to. He controls the people in that place and is a dangerous man every way.

Mr. Doyle, of Spring Garden, has been traveling to the South and back three times since the battle of Bull Run. He brought letters with him for several persons in and around Spring Garden. He is carrying the underground mail regularly I think.

Mr. Henry Williams, two miles from Spring Garden, brother of ——— Williams at Spring Garden, a leading member of the K. G. C. and a leading politician, a large land owner and has in charge a large lot of land of his brother who lives in Tennessee. He has just got home from a town in the South. He says they cannot be whipped. He is violently opposed to this Government. Says he can go South when he pleases and no thanks to the Federal authorities. Says he is opposed to the

war and he will oppose it in every way he can. He and his brother commenced to get up a company for the rebel army but failed. A dangerous man to the interests of the Government.

Mr. C. C. Carpenter and Mr. McIlvain [of McLeansborough, Hamilton County] are the agents of the route for passengers for Jeff. Davis' empire, the regular agents given to me by Mr. Palmore of Mount Vernon. I saw them and they gave me the necessary directions for the rest of the route. Carpenter is secretary of the K. G. C.; he showed me the minutes of all their meetings in that place. Is a lawyer and has great influence in that place, which he is using to the utmost against the Government. McIlvain is also a lawyer and the most influential in that county and is doing all he can to obstruct the Government. They are both violent, noisy and dangerous.

Doctor Clemerson [of Marion, Williamson County, Ill.], prosecuting attorney and M. D., a native of Georgia. The most wicked, malicious secessionist I ever met. He says if the postmaster at Marion and Mr. George Owens of Bainbridge and two others were killed that the K. G. C. would have Williamson County all their own way and he hopes to kill Owens and Lang (the postmaster) and he will be satisfied. He says it is no harm to kill a Black Republican; says if U. S. Marshal Phillips ever comes there he will be killed. He is a desperately vicious character and has a great influence with the people by whom he is surrounded. They are nearly all from the Southern States, are very illiterate, and Clemerson's influence is very considerable over them. He does all he can in opposition to the Government. He also keeps a grocery and gambling house and that helps him to control the frequenters of his place. He has a sister in the South whom he says he corresponds with at pleasure. He makes no secret of his sentiments, and the friends of the Government are so afraid of him they dare not say a word or they are shot at with impunity by him and his colleagues in secession. He is associated with one notorious James D. Pully, who was arrested once but released. He is so mean and desperate that I cannot command language to describe him. He hurrahs for Jeff. Davis publicly and dares any one to say a word for the Union. He and Clemerson have made the postmaster leave the place on account of being a Union man. They have shot at him and stoned his house and threatened to kill him anyhow. He has relatives at the South and a brother in the rebel army. He has been at the South several times since the war commenced and there is nothing that deters him from his mischief. He is the right kind of man to influence such people. One cannot imagine such a set of God-forsaken creatures. They are a true type of the ignorant class of Southern people.

Associated with Clemerson and Pully is one Capt. A. P. Corder, a native of Tennessee; a lawyer; has a son a captain in the rebel army, and also a great many relatives in the army of the South. He showed me several letters from his son and said he had sent him money and a pair of boots and when they were gone he should have more. He said he should send him all he wanted and if that was treason Lincoln could make the most of it; that he liked his son and if he himself was young enough he would be with him. His whole soul was with the South and his only regret was that he was not able to be with them. There are not on earth three more malicious, devilish enemies of this Government than Clemerson, Pully and Corder, and their arrest at this time would do a world of good.

All of this is respectfully submitted.

ALBERT J. DAVIS.

HEADQUARTERS PROVOST-MARSHAL-GENERAL,
ARMY OF THE POTOMAC,
Washington, D. C., February 23, 1862.

Brig. Gen. A. PORTER,
Provost-Marshal-General, Army of the Potomac.

GENERAL: I have the honor to report that in compliance with the order of the Hon. E. M. Stanton, Secretary of War, to you directed under date of February 21, 1862, I released from confinement in the Old Capitol Prison on Saturday, the 22d of February instant, the hereinafter-named prisoners on their severally subscribing to a parole of which the following is a copy, to wit:

——— ———, *1862.*

DISTRICT OF COLUMBIA, *County of Washington:*

I, ——— ———, of ———, hereby give my parole of honor that I will render no aid or comfort to the enemies in hostility to the Government of the United States.

James A. Donnelly, E. B. Grayson, Richard Hurst, James W. Savage, Thomas P. Fowler, John E. Rea, O. F. Potter, Jackson Benman, Lewis [L.] McArthur, Abraham Hornbeck, Thomas B. Hewitt, Clarence Mills, J. Ignatius Ford, Hugh Adams, George W. Gunnell, A. B. Williams, Withers Smith, Samuel F. Anderson, Isaac Ballenger, Elisha C. Ostrander, Calvert Beach, Vance L. Trumble, William L. Lee, D. C. Lee, Dennis Farrell, William Joy, John Young, Lewis Young, Forrest Olden.

That James Connor and John McDaniel, two of the prisoners named in the order above referred to, refused to subscribe to said parole and are accordingly still retained in custody in the Old Capitol Prison.

I have also the honor to report that in compliance with the order of the Hon. E. M. Stanton, Secretary of War, to you directed under date of February 21, 1862, I released from confinement in the Old Capitol Prison on Saturday, the 22d of February instant, the hereinafter-named prisoners on their severally subscribing to a parole of which the following is a copy, to wit:

——— ———, *1862.*

DISTRICT OF COLUMBIA, *County of Washington:*

I, ——— ———, of ———, hereby give my parole of honor that I will render no aid or comfort to the enemies in hostility to the Government of the United States, and that I will not leave the District of Columbia without permission from the provost-marshal.

Jeremiah Moore, John Harrover, John Haislip, William Hick, Mahlon H. Janney, Henry Simpson, Richard H. Bayliss, Thomas Craggs, Alexander L. McKenzie, Thomas H. Haislip.

That the following prisoners named in the order above referred to refused to subscribe to said last-mentioned parole and are accordingly still retained in custody in the Old Capitol Prison, to wit: Summerfield Ball, Bushrod W. Bayliss, Matthew Plaskett, James Haislip.

I have also the honor to report that in compliance with the order of the Hon. E. M. Stanton, Secretary of War, to you directed under date of February 21, 1862, I released from confinement in the Old Capitol Prison on Saturday, the 22d of February instant, George W. Hutchins upon his taking the oath of allegiance to the Government of the United States. That Henry C. Brown, the other prisoner named in said last-mentioned order, refused to take the oath of allegiance to the Government of the United States and is accordingly still retained in custody in the Old Capitol Prison.

All of which is respectfully submitted by your obedient servant,

E. J. ALLEN.

WAR DEPARTMENT, *Washington, February 25, 1862.*

Major-General DIX, *Baltimore, Md.:*

All newspaper editors and publishers have been forbidden to publish any intelligence received by telegraph or otherwise respecting military operations by the U. S. forces. Please see this night that this order is observed. If violated by any paper issued to-morrow seize the whole edition and give notice to this Department that arrests may be ordered. Order this to be delivered to-night.

EDWIN M. STANTON,
Secretary of War.

(Same to chief of police, New York, and all other cities of importance.)

HEADQUARTERS, *Baltimore, February 25, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: The inclosed papers* indicate the intention of the Government to allow certain persons released from arrest to return to the South. One or two discharged from custody at Fort Warren under your late order have applied to me for the requisite papers. This is a new class of cases and I ask your direction in regard to them.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

COMMONWEALTH OF VIRGINIA, EXECUTIVE DEPARTMENT,
Wheeling, Va., February 25, 1862.

Hon. E. M. STANTON,
Secretary of War, Washington, D. C.

SIR: Samuel Clark, of Harrison County, Va., was engaged in assisting the quartermaster of General Morris in getting forage and as a guide in Randolph County, and on the 31st day of July, 1861, was taken prisoner by the Confederates at Big Springs and taken to Huntersville, thence to Richmond and afterward as is reported to New Orleans. I doubt, however, his removal to the latter city. Mr. Clark was not regularly enrolled in any company. He is a heavy-built man, dark complexion, arching eyebrows, black whiskers and a true and valuable man.

I inclose you resolutions passed by the General Assembly of Virginia in regard to the persons therein named. I hope in the exchange of prisoners these men will be remembered. They are worthy non-combatants and ought to be reclaimed if possible.

I have the honor to be, very respectfully, your obedient servant,

F. H. PEIRPOINT.

[Inclosure.]

Whereas Matthew P. Wyatt and Charles Levans, old, venerable and respected citizens of Kanawha County holding responsible positions therein, were on the 24th of October last while in the discharge of the legitimate civil duties imposed upon them by the offices and appointments they held under commissions and by the appointment of the governor of this Commonwealth violently and cruelly seized by a

* No inclosures found.

band of armed men claiming and professing to be acting under the authority of the so-called Confederate States of America and carried into the limits or jurisdiction of the said Confederate States so called, and (as this legislature has been informed) compelled to undergo hardships and perform duties entirely unsuited to their age and former habits of life; and

Whereas many ineffectual appeals have been made in various ways for their release: Therefore, be it

Resolved by the General Assembly of Virginia, That the Secretary of War be and is hereby requested to select from among the prisoners now held by the Government of the United States or that may hereafter be taken for that purpose two or more of like standing and condition and holding like or similar relations to the Government of the so-called Confederate States as hostages for the release of the persons above named, and to make an unconditional demand for the immediate release of those persons accompanied with the assurance that whatever inflictions, punishments or penalties have been or may be imposed upon the persons thus demanded will be inflicted upon the persons so held; or to take such other measures as may be necessary and effectual for the purpose of securing the object desired.

Resolved, That the governor of this Commonwealth be respectfully requested forthwith to transmit to the Secretary of War a copy of this resolution.

I, Gibson L. Cranmer, clerk of the house of delegates, do certify the above to be a correct copy of the joint resolution which was passed by the General Assembly on the 29th day of January, A. D. 1862.

GIBSON L. CRANMER,
Clerk of the House of Delegates of Virginia.

ATTORNEY-GENERAL'S OFFICE, *February 26, 1862.*

Hon. E. M. STANTON, *Secretary of War.*

SIR: Calling at your Department this morning I was disappointed in finding that you were out as I desired to consult your good judgment and get a word of advice in regard to the inclosed telegram* from the marshal of the western district of Virginia. I am not aware that I have anything to do with the matter of transferring military prisoners to judicial custody for trial, but I can readily foresee that cases of this sort may frequently happen and may lead to some embarrassment in the absence of any fixed rule for the treatment of those who are at once prisoners of war and subjects of judicial prosecution. Will you do me the favor to bestow some thought upon the subject so that I may have the benefit of your views when next we meet?

I have the honor to be, most respectfully, your obedient servant,

EDWARD BATES,
Attorney-General.

DEPARTMENT OF STATE, *Washington, February 26, 1862.*

DAVID L. PHILLIPS, Esq.,
U. S. Marshal, Southern District of Illinois, Springfield.

SIR: Your letter and its inclosure of the 23d instant has been duly received. In reply I have to inform you that the several questions to

*Not found.

which it relates shall be brought before the War Department immediately.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

GENERAL ORDERS, No. 72. HDQRS. ARMY OF THE POTOMAC, *Washington, February 26, 1862.*

* * * * * * *

All deserters from the enemy, prisoners and other persons coming within our lines will be taken at once to the provost-marshal of the nearest division who will examine them in presence of the division commander or an officer of his staff designated for the purpose. This examination will only refer to such information as may affect the division and those near it, especially those remote from general headquarters.

As soon as this examination is completed—and it must be made as rapidly as possible—the person will be sent under proper guard to the provost-marshal-general with a statement of his replies to the questions asked. Upon receiving him the provost-marshal-general will at once send him with his statement to the chief of staff of the Army of the Potomac who will cause the necessary examination to be made. The provost-marshal-general will have the custody of all such persons. Division commanders will at once communicate to other division commanders all information thus obtained which affects them.

* * * * * * *

By command of Major-General McClellan:

S. WILLIAMS,
Assistant Adjutant-General.

GENERAL ORDERS, No. 13 *a*. HDQRS. DEPARTMENT OF THE OHIO, *Nashville, Tenn., February 26, 1862.*

* * * * * * *

Peaceable citizens are not to be molested in their persons or property. Any wrongs to either are to be promptly corrected and the offenders brought to punishment. To this end all persons are desired to make complaint to the immediate commander of officers or soldiers so offending, and if justice be not done promptly then to the next commander, and so on until the wrong is redressed. If the necessities of the public service should require the use of private property for public purposes fair compensation is to be allowed. No such appropriation of private property is to be made except by the authority of the highest commander present, and any other officer or soldier who shall presume to exercise such privilege shall be brought to trial. Soldiers are forbidden to enter the residences or grounds of citizens on any plea without authority.

No arrests are to be made without the authority of the commanding general except in case of actual offense against the authority of the Government, and in all such cases the fact and circumstances will immediately be reported in writing to headquarters through the intermediate commanders.

The general reminds his officers that the most frequent depredations are those which are committed by worthless characters who straggle

from the ranks on the plea of being unable to march, and where the inability really exists it will be found in most instances that the soldier has overloaded himself with useless and unauthorized articles. The orders already published on this subject must be enforced.

* * * * * * *

By command of General Buell:

JAMES B. FRY,
Assistant Adjutant-General and Chief of Staff.

Executive Order, No. 2, Relating to Political Prisoners.

WAR DEPARTMENT, *Washington, February 27, 1862.*

IT IS ORDERED:

First. That a special commission of two persons, one of military rank and the other in civil life, be appointed to examine the cases of the state prisoners remaining in the military custody of the United States and to determine whether in view of the public safety and the existing rebellion they should be discharged or remain in military custody or be remitted to the civil tribunals for trial.

Second. That Maj. Gen. John A. Dix, commanding in Baltimore, and the Hon. Edwards Pierrepont, of New York, be and they are hereby appointed commissioners for the purposes above mentioned, and they are authorized to examine, hear and determine the cases aforesaid *ex parte* and in a summary manner at such times and places as in their discretion they may appoint and make full report to the War Department.

By order of the President:

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT, *February 27, 1862.*

DAVID L. PHILLIPS, Esq.,
U. S. Marshal, Southern District of Illinois, Springfield.

SIR: You will please arrest James D. Pully, A. P. Corder and Doctor Clemerson, of Marion, Williamson County, Ill.; C. C. Carpenter, of McLeansborough, Hamilton County, and Dr. D. Green, of Mount Vernon, Jefferson County, and convey them to Fort Lafayette, New York Harbor. You will search the persons and premises of each, and send all treasonable letters or papers found in their possession with your report thereon to this Department.

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

OFFICE OF PROVOST-MARSHAL,
Saint Louis, Mo., March 3, 1862.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SIR: I have the honor to inclose herewith a report of "all persons received and held in confinement at Saint Louis and Alton other than prisoners of war since the 4th of March, 1861, showing when and on whose order they were arrested, when and on whose order any of them were discharged and especially designating such as now remain in custody."

In connection with this report I desire to say that they have all been confined in the Saint Louis Military Prison, the prison at Alton being exclusively devoted to prisoners of war. All the arrests were made at Saint Louis except where otherwise designated. No arrests were made previous to the declaration of martial law August 4, 1861. The recapitulation exhibits a list of those persons now in confinement exclusive of prisoners of war.

I beg leave to apologize for the delay in transmitting this record, but the confusion in which the records of the office were kept during the first two months after martial law was declared has rendered it as to cases occurring within that period unavoidable.

I have the honor to be, very respectfully, your obedient servant,

GEO. E. LEIGHTON,
Provost-Marshal, District of Saint Louis.

[Inclosure.]

List of prisoners other than prisoners of war confined in the military prisons at Saint Louis and Alton, March 3, 1862.

Name.	Charge.	Date of arrest.	Date of discharge.
Jeremiah Ahearn	Giving information to enemy	Sept. 18, 1861	Sept. 20, 1861
Lambert P. Ayres	Aiding and abetting enemy	Nov. 1, 1861	Dec. 11, 1861
R. M. Armstrong	do	Nov. 9, 1861	Nov. 12, 1861
John A. Brownlee	do	Aug. 14, 1861	Aug. 21, 1861
J. Bennett	do	Sept. 28, 1861	Sept. 29, 1861
John C. Brown	do	Oct. 26, 1861	Nov. 18, 1861
Henry C. Belles	do	Oct. 28, 1861	Nov. 7, 1861
Henry Barron	Disloyalty	Oct. 29, 1861	Oct. 31, 1861
W. W. Byrne	Aiding and abetting the enemy	Nov. 6, 1861	Nov. 16, 1861
Harding Benjamin	do	Nov. 9, 1861	Nov. 11, 1861
Joseph W. Burton	do	Nov. 11, 1861	Do.
M. M. Burton	do	Nov. 9, 1861	Do.
W. B. Beasley	do	Nov. 16, 1861	Dec. 4, 1861
Robert Clark	Spy	Aug. 26, 1861	Sept. 10, 1861
J. C. Clark	Aiding and abetting enemy	Sept. 9, 1861	Sept. 13, 1861
John Crofton	Spy	Sept. 8, 1861	Sept. 16, 1861
John C. Conran	Aiding and abetting enemy	Sept. 19, 1861	Sept. 30, 1861
Sidney Chamberlain	do	Sept. 25, 1861	Sept. 27, 1861
Samuel B. Churchill	do	Oct. 19, 1861	Nov. 4, 1861
James Cummins	do	Oct. 22, 1861	Nov. 16, 1861
Hugh Collins	do	Nov. 9, 1861	Dec. 11, 1861
H. O. Cross	do	do	Do.
James F. Crawford	do	do	Do.
J. M. Crowder	do	Nov. 16, 1861	Dec. 4, 1861
John Carroll	Taking measurement of Fort No. 7	Dec. 27, 1861	Dec. 28, 1861
Robert B. Clark	Leaving Saint Louis without pass	Oct. 31, 1861	Nov. 27, 1861
Frank J. Chase	Treasonable language	Jan. 28, 1862	Feb. 3, 1862
H. T. Calvert	Disloyal sentiments	Feb. 3, 1862	Feb. 12, 1862
William Clark	do	Feb. 9, 1862	Feb. 28, 1862
Frederick Dohr	do	Sept. 9, 1861	Sept. 27, 1861
J. M. Donnelly	Helping rebel recruits, &c	Sept. 5, 1861	Sept. 16, 1861
Edward G. Day	Using treasonable language	Sept. 25, 1861	Sept. 27, 1861
Thomas A. Dryden	General disloyalty	Oct. 3, 1861	Oct. 4, 1861
William Dill	Corresponding with rebels	Jan. 1, 1862	Jan. 2, 1862
James O. Edwards	Aiding rebellion	Sept. 5, 1861	Sept. 12, 1861
H. K. Eaton	Concealing Government arms	Oct. 18, 1861	Oct. 22, 1861
Charles Elliott	Attempting smuggling to Memphis	Oct. 26, 1861	Nov. 12, 1861
W. M. Easton	Incendiary language	Dec. 17, 1861	Dec. 19, 1861
Samuel Engler	Attempting to prevent execution of military order.	Jan. 23, 1862	Jan. 25, 1862
Isaac Fields	Aiding and abetting the enemy	Sept. 10, 1861	Sept. 16, 1861
Dr. Felix Ferriere	General disloyalty	Sept. 11, 1861	Sept. 15, 1861
J. M. Ferguson	Design to join rebel army	Sept. 12, 1861	Sept. 18, 1861
L. E. Forsyth	General disloyalty	Sept. 14, 1861	Sept. 15, 1861
C. D. Fabre	Treasonable remarks, &c	Oct. 2, 1861	Oct. 3, 1861
D. R. Grace	General disloyalty	Sept. 1, 1861	Sept. 5, 1861
John W. Gunn	Aiding and abetting the enemy	Nov. 9, 1861	Nov. 12, 1861
Dr. W. S. Golding	Treasonable language	Jan. 4, 1862	Jan. 21, 1862
Samuel Gilfillan	Spy	Jan. 6, 1862	Jan. 8, 1862
Henry N. Hart	Aiding and abetting the enemy	Sept. 10, 1861	Sept. 16, 1861
Zebulon Hollingsworth	Treasonable language	Sept. 20, 1861	Sept. 21, 1861
Michael Hansey	do	do	Do.
D. O. Hughes	Spy	Sept. 25, 1861	Nov. 6, 1861

Prisoners other than prisoners of war confined in the military prisons, &c.—Continued.

Name.	Charge.	Date of arrest.	Date of discharge.
Charles H. Harrison	Aiding and abetting the enemy	Oct. 4, 1861	Oct. 10, 1861
John Haines	do	Nov. 6, 1861	Nov. 19, 1861
Joseph Hardee	do	do	Nov. 18, 1861
J. S. Harrington	do	Nov. 16, 1861	Jan. 2, 1862
C. Gregory Hyde	Design to go to New Orleans	Nov. 18, 1861	Dec. 22, 1861
Daniel Hudson	Spy	Nov. 21, 1861	Dec. 27, 1861
Dominick Hilbert	Treasonable language	Jan. 15, 1862	Jan. 23, 1862
William Healey	do	Jan. 18, 1862	Jan. 24, 1862
Wellington Hoffman	General disloyalty	Feb. 8, 1862	Feb. 14, 1862
Robert Jarrott	Treasonable language	Aug. 23, 1861	Aug. 24, 1861
P. H. Johnson	do	Aug. 15, 1861	Aug. 16, 1861
William Jackson	Aiding and abetting the enemy	Oct. 4, 1861	Oct. 9, 1861
Eugene Jaccard	General disloyalty	Oct. 29, 1861	Oct. 31, 1861
Joseph Jackson	Aiding and abetting enemy	Nov. 9, 1861	Nov. 12, 1861
William C. Jameson	Conveying correspondence to rebel States	Jan. 1, 1862	Still held.
William Jordan	Spy	Jan. 13, 1862	Jan. 25, 1862
James Keelan	Carrying dispatches to rebel army	Aug. 19, 1861	Aug. 25, 1861
Thomas Kearney	Treasonable language	Sept. 1, 1861	Sept. 15, 1861
James Kennedy	Enlisting troops for rebel army	Sept. 2, 1861	Sept. 10, 1861
John S. Kelly	Treasonable language	Oct. 12, 1861	Oct. 14, 1861
George Kingsland	Concealing munitions of war	Dec. 10, 1861	Dec. 10, 1861
Leroy Kingsland	do	do	Do.
C. M. Neet, alias Leet	Giving information to enemy	Oct. 13, 1861	Oct. 24, 1861
Joseph Lancaster	Incendiary	Nov. 9, 1861	Nov. 13, 1861
J. W. McDonald	General disloyalty	Aug. 19, 1861	Sept. 5, 1861
Maxwell McDowell	Enlisting recruits for rebel army	Sept. 2, 1861	No date.
Peter Markey	do	Sept. 8, 1861	Sept. 9, 1861
J. C. Moody (druggist)	Treasonable language	do	Sept. 10, 1861
Abraham Morton	Aiding enemy	Oct. 2, 1861	Oct. 3, 1861
Matthew McHogan	do	do	Do.
Auguste Munger	General disloyalty	Oct. 14, 1861	Oct. 21, 1861
John Morrill	Aiding and abetting the enemy	Nov. 9, 1861	Nov. 12, 1861
John K. Miles	do	do	Do.
Julius C. Minor	do	do	Do.
John Motherhead	Burning bridge	Nov. 4, 1861	Dec. 6, 1861
Willis Motherhead	do	do	Do.
Lawrence Mooney	Spy	Nov. 15, 1861	Do.
John Morrow	Aiding and abetting enemy	Nov. 16, 1861	Dec. 4, 1861
Edward McBride	Spy	do	Nov. 29, 1861
E. M. Mabie	Carrying correspondence South	Nov. 20, 1861	Still held.
B. Mango	Treasonable language	Dec. 25, 1861	Dec. 26, 1861
Moritz Neidner	Publishing treasonable articles	Aug. 14, 1861	Aug. 15, 1861
William H. Nelson	Spy	Sept. 3, 1861	Sept. 16, 1861
Julius Neisman	General disloyalty	Sept. 13, 1861	Sept. 21, 1861
Minor Neal	Aiding and abetting enemy	Oct. 1, 1861	Oct. 4, 1861
James M. P. Nolan	Writing treasonable letters	Oct. 18, 1861	Still held.
Michael Nolan	Leaving for New Orleans without pass	Oct. 22, 1861	Oct. 28, 1861
A. K. Nisbet	Treasonable language	Jan. 28, 1862	Still held.
Gustavus Ortell	do	Oct. 2, 1861	Oct. 4, 1861
David O'Shea	do	Jan. 30, 1862	Feb. 7, 1862
William Thomas Pittard	General disloyalty	Aug. 22, 1861	Aug. 23, 1861
Horace Petrie	Sketching fortifications for treasonable purposes.	Oct. 24, 1861	Oct. 29, 1861
Risdon H. Price	Conveying recruits to rebel army	Nov. 1, 1861	Nov. 2, 1861
William Perkins	Aiding and abetting enemy	Nov. 9, 1861	Nov. 11, 1861
John Phelan	Treasonable language	Dec. 2, 1861	Dec. 12, 1861
Conrad Peiper	Aiding enemy	Dec. 15, 1861	Dec. 18, 1861
A. F. Pack	General disloyalty	Oct. 29, 1861	Dec. 27, 1861
Thomas Pendergrast	Treasonable language	Jan. 30, 1862	Feb. 7, 1862
Charles Prentice	do	Feb. 8, 1862	Feb. 28, 1862
Jackson Quigg	Spy	Sept. 27, 1861	Sept. 30, 1861
William Quinn	Treasonable language	Dec. 7, 1861	Dec. 8, 1861
Thomas Roach	Recruiting for rebel army	Sept. 1, 1861	Oct. 1, 1861
William Rose	do	do	Sept. 5, 1861
William B. Redfield	Carrying dispatches to enemy	Sept. 6, 1861	Sept. 7, 1861
Joseph Rickoy	Charged with disloyalty	Nov. 30, 1861	Dec. 7, 1861
T. Reynolds	Having Government arms in his possession.	Dec. 3, 1861	Dec. 11, 1861
John Rodenberger	Treasonable language	do	Do.
William H. Roberts	do	Jan. 7, 1862	Still held.
William Ray	Assaulting U. S. soldier	Feb. 8, 1862	Feb. 13, 1862
J. Schoverell	Spy	Sept. 1, 1861	Sept. 16, 1861
A. Seeton	do	do	Do.
Sol. Skeen	do	Sept. 3, 1861	Sept. 25, 1861
John Shea	Aiding and abetting enemy	Sept. 9, 1861	Sept. 18, 1861
John Sexton, jr.	General disloyalty	Sept. 13, 1861	Do.
Michael Sullivan	Treasonable language	Sept. 19, 1861	Sept. 23, 1861
D. H. Silver	General disloyalty	Oct. 1, 1861	Oct. 1, 1861
Martin Shea	do	Nov. 30, 1861	Dec. 17, 1861
		Oct. 1, 1861	Oct. 2, 1861

Prisoners other than prisoners of war confined in the military prisons, &c.—Continued.

Name.	Charge.	Date of arrest.	Date of discharge.
Sylvester Simpson	Treasonable language	Oct. 6, 1861	Oct. 8, 1861
John Spencer	Designing to burn Laclede bridge	Nov. 9, 1861	Nov. 12, 1861
Preston Sweeney	Aiding and abetting the enemy	....do	Dec. 16, 1861
R. Shepherd	Spy	Dec. 9, 1861	Do.
Theodore Smith	Destroying bridges on Pacific Railroad	Dec. 14, 1861	Dec. 18, 1861
J. H. Schenck	Passing lines of army without permission	Jan. 10, 1862	Jan. 20, 1862
J. D. Stewart	Treasonable language	Jan. 28, 1862	Jan. 29, 1862
James M. Stine	.....do	Feb. 3, 1862	Feb. 14, 1862
Stephen Stott	Bridge burning	Feb. 7, 1862	Feb. 9, 1862
Michael Smith	Assaulting U. S. soldier	Feb. 8, 1862	Feb. 14, 1862
J. S. Triplett	Treasonable language	Aug. 23, 1861	Sept. 11, 1861
Dr. J. F. Tallant	Spy	Sept. 14, 1861	Sept. 18, 1861
John Todebush	General disloyalty	Oct. 18, 1861	Dec. 4, 1861
John Tirrer	Aiding and abetting the enemy	Nov. 12, 1861	Feb. 7, 1862
Henry Vincent	Spy	Jan. 4, 1862	Feb. 1, 1862
Philip White	Furnishing arms to enemy	Sept. 9, 1861	Sept. 16, 1861
William Woods	Spy	Sept. 16, 1861	Do.
George Wilson	Aiding and abetting the enemy	Sept. 25, 1861	Sept 27, 1861
Levi J. Wardlaw	Spy	Oct. 18, 1861	Oct 30, 1861
Uriel Wright		Oct. 19, 1861	Oct. 28, 1861
Moses F. White	Burning bridge	Nov. 4, 1861	Nov. 12, 1861
William F. Whittinghoff	Spy	Nov. 23, 1861	Nov. 29, 1861
D. M. C. Wells	Aiding and abetting enemy	Nov. 27, 1861	Dec. 3, 1861
Thomas Walsh	General disloyalty	Feb. 8, 1862	Feb. 14, 1862
John S. Zeigler	Treasonable language	Sept. 12, 1861	Sept. 13, 1861
W. J. Stratton	Expressing treasonable sentiments	Feb. 20, 1862	Still held.
W. F. Wells	Bearer of dispatches to General Price	Dec. 17, 1861	Do.
Ambrose McFaul	Treasonable language	Feb. 28, 1862	Do.
George J. Jones	Publishing treasonable articles from English journals.	Feb. 20, 1862	Do.
Dr. Robert Barclay	General disloyalty	Feb. 18, 1862	Do.
J. B. Burnett	.....do	....do	Do.

HEADQUARTERS ARMY OF THE POTOMAC,
Washington, March 3, 1862.

Brig. Gen. A. PORTER, *Provost-Marshal-General.*

GENERAL: * * * Concerning Joseph Widmeyer, arrested in Morgan County, Va., by order of General Banks on February 17, 1862, the commanding general directs that he be held in custody until the lines of our forces are so far advanced as to render it impossible for him to do harm in any way.

Very respectfully, your obedient servant,

S. WILLIAMS,
Assistant Adjutant-General.

HEADQUARTERS, *Baltimore, March 4, 1862.*

Hon. GEORGE H. PENDLETON, *Member of Congress.*

SIR: I have the honor to acknowledge the receipt of your letter of the 3d instant, with one from Mrs. Broadstreet, &c. I am very sorry to inform you that her case is not within the rules I have adopted. She desires to go and return, whereas passes are given to women and children whose husbands, parents or means are in the South and who intend to remain there. A more extended indulgence would lead to continual crossing and recrossing our military lines and would be entirely incompatible with the public interests.

While on the subject allow me to mention that Mrs. Semmes, the wife of the commander of the privateer Sumter, is in Cincinnati with her children. Her position is a very unpleasant one in many respects and she is anxious to go South. Should she not be allowed to go?

Indeed should she not be sent whether she wishes to go or not? Should we retain within our limits the families of those who are in arms against the Government? Should they not be sent into the insurgent States to share the privations, the social disquietude and the desolation they have brought and are bringing upon themselves? I believe their presence there in the midst of all this social derangement would be a much more effectual cure for secessionism than a residence among us where no such disturbance exists.

I am, respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

FORT HAMILTON, N. Y., *March 5, 1862.*

Hon. W. H. SEWARD:

A writ was sent here from New York this morning for the person of Arthur Brown,* a state prisoner confined in Fort Lafayette. I refused to let him go without your order. The person who served the writ stated that the said Arthur Brown was a witness in a law suit but his testimony was not material, and he would not probably be wanted. In case he should be shall I allow him to go?

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

DEPARTMENT OF STATE, *Washington, March 6, 1862.*

Lieut. Col. MARTIN BURKE,
Fort Lafayette, New York Harbor:

Send me a description of the character of the writ and the names of the attorneys and judge by whom issued.

F. W. SEWARD,
Assistant Secretary.

WASHINGTON, *March 6, 1862.*

Hon. WILLIAM H. SEWARD, &c.

SIR: Her Majesty's Government have considered with attention the correspondence which I had the honor to hold with you in the months of October, November and December last concerning the treatment experienced by the crews of two British schooners, Revere and Louisa Agnes, which had been captured on the charge of breach of blockade.

Her Majesty's Government cannot but regard the putting of seamen belonging to these vessels in irons under the circumstances in which and for the period for which this was avowedly done as wholly unjustifiable. I am, however, instructed to express to you the satisfaction with which Her Majesty's Government have seen that upon the matters being brought by me to your notice you informed me that an instruction would be addressed by the Secretary of the Navy to the flag officers of the blockading squadrons to use irons only when and so long as necessary, and in all cases to pursue the utmost kindness consistent with the safety of captures and prizes toward seamen captured in attempting to break the blockade.

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*See case of Arthur Brown, p. 1345.

I am desired to add that Her Majesty's Government trust that this instruction will be so carried into effect as to prevent the recurrence of any cases similar to those of the Louisa Agnes and the Revere.

I have the honor to be, with high consideration, sir, your most obedient, humble servant,

LYONS.

WAR DEPARTMENT, *Washington, March 6, 1862.*

ROBERT MURRAY, Esq., *U. S. Marshal, New York.*

SIR: Herewith I send you a copy of a letter* from Otis Gibson, esq., relative to Samuel L. Gouverneur, esq., late U. S. consul at Foo Choo, China, who is expected to return to the United States soon. You will please be on the lookout for him, and if he should land at New York you will arrest and convey him to Fort Lafayette and report to this Department.

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

(Same to Charles Ogden, Toronto, Canada; J. R. Giddings, esq., Montreal, Canada; John S. Keyes, esq., U. S. marshal, Boston.)

FORT HAMILTON, *New York Harbor, March 6, 1862.*

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SIR: In answer to your telegram just now received I have to state that the writ was a very informal one, commanding me to appear before Justice J. S. Bosworth, of the U. S. superior court, at 11 a. m. on the 5th of March. The writ was brought down between 10.30 and 11 o'clock of that day and had no attorneys' names mentioned.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

P. S.—This is the recollection of the officer of the day, Lieutenant Noble, Eighth Infantry, who saw the writ.

M. B.

FORT HAMILTON, *New York Harbor, March 6, 1862.*

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SIR: In connection with my letter of this date I have to say that a person sent me in word that he was from the marshal's office, &c. I received him and found out that it was a falsehood. I turned him over to the officer of the day, Lieutenant Noble.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

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* Not found.

ROUSE'S POINT, *March 6, 1862.*

Hon. E. M. STANTON, *Secretary of War.*

DEAR SIR: I inclose a letter from "C. M.," but in truth from John C. Brune, a rebel member of the Maryland legislature, and since he has been in Montreal has shown himself as unscrupulous in his secessionism as any there. If it be a fact as he represents that the order for his arrest has been recalled I am confident misrepresentations have been made to the Department, for knowing as much as I do of him I am certain his entire sympathies are with the rebels.

Most respectfully, your obedient servant,

H. DUNN.

P. S.—I think Mr. Underwood has some evidence of his disloyalty.

[Inclosure.]

No. 9.] MONTREAL, *March 2, 1862.*

DEAR WILLIAM: Since my last of 20th ultimo we have a complete interruption of travel and mails in consequence of heavy and continued falls of snow, but I previously received yours of 17th (No. 13) and now those of 22d and 24th (15 and 16), consequently No. 14 of 20th to which you refer has failed to reach me.

First, in reference to the sugar, I have nothing more to say than to repeat my "startling cry"—the longer they are held the worse it will be for all concerned, and if others can sell 800 and 900 barrels per day why cannot we dispose of ours? I tell you once more that in my opinion fair refining will soon fall to 6 cents.

Next, as regards my return home, unless I can have some assurance that not only the order for my arrest is withdrawn but that I can go back without any parole and my future as free and open as I feel my past political career to have been innocent, and my poor wardrobe said to be held* at Rouse's Point restored to me, I am not disposed to sneak back somewhat in the position of a felon against whom, at any convenient time, an old or new offense may be trumped up by those holding and reveling in power and utterly unscrupulous in its exercise. At the same time you may readily imagine how happy I would be to see and be with you all—to take my share of the little labor (unfortunately) you have to perform. As to my advice or counsel, that I have given and will continue so to do from here, and so soon trust to learn that the sad and painful topic open between us has been obliterated at however great a sacrifice.

Not having anything to say on the subject to any of the family who I sincerely trust may all understand my position I must leave the matter to be arranged as best they may, taking only my share of pecuniary responsibility and meeting it as soon and fully as I can. Meanwhile let me hope that you may be able to obtain some new commission business, especially from our friends J. C. B. & Co., but I would again beg to impress upon you that the refinery is our best and surest dependence and that if we can retain that agency we should only be too thankful till brighter and better days dawn. Our commissions from that source should meet my expenses, which will be smaller hereafter as I shall have settled by my next draft for $250 probably all my bills except a small one to the tailor and doctor. Apropos I am glad to say I think my boils have nearly run out. They have been very painful and annoying. In regard to my remaining household effects, silver, glass, books and plate, sell them as well as you can and whenever it may be necessary.

* See Dunn to Seward, October 17, Vol. I, this Series, p. 602, for allusion to Brune's detained trunk.

I don't suppose I shall ever keep house again if I ever do return to my dear native city.

Remember me to all kind friends and give much love to every member of the family. Tell E. B. H. that I have his of 19th, most welcome, and will answer it in a few days.

Ever yours, dear William,

C. M.

No. 10.] MARCH 3, [1862].

No mail went out yesterday, and on re-perusing the inclosed I find I have omitted to give my best thanks to George for his kind interference in my behalf. Let them withdraw the order if they please, and maybe he could obtain an order for the release of my trunk and then I could be guided and governed by events as well as my feelings.

Yours, ever,

C. M.

All (of course) confidential.

WAR DEPARTMENT, *Washington, March 6, 1862.*

ROBERT MURRAY, Esq., *U. S. Marshal, New York:*

Be on the lookout for Peter Herman, who is expected by every steamer, bearer of treasonable dispatches from Europe. He is about forty-seven or forty-eight years old and has a passport, No. 959, dated May 4, 1857, signed Lewis Cass, Secretary of State, and viséed by Samuel Ricker, late U. S. consul at Frankfort-on-the-Main. Arrest and send him to Fort Lafayette; secure his papers and send them to the State Department.

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

(Same to John S. Keyes, U. S. marshal, Boston; C. P. Bradley, esq., chief of police, Chicago; A. C. Sands, esq., U. S. marshal, Cincinnati; Hiram Dunn, esq., Rouse's Point, N. Y.; chief of police, Detroit, Mich.; Delos T. Bligh, esq., Louisville, Ky.)

DEPARTMENT OF STATE, *Washington, March 7, 1862.*

Lieut. Col. MARTIN BURKE,
Fort Lafayette, New York Harbor.

COLONEL: I have to acknowledge the receipt of your letter of the 6th instant and to inform you that your proceedings in the matter of the writ of habeas corpus are entirely approved.

I am, &c.,

F. W. SEWARD,
Assistant Secretary.

FORT HAMILTON, *New York Harbor, March 7, 1862.*

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SIR: There has been a falsehood perpetrated on me with regard to a prisoner at Fort Lafayette yesterday, and I have requested Marshal Murray to have the matter investigated.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

WAR DEPARTMENT, *Washington, March 8, 1862.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

COLONEL: I have to acknowledge the receipt of your two letters of the 6th instant addressed to the Secretary of State and to inform you that your proceedings in the matter of the writ of habeas corpus are entirely approved.

I am, &c.,

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT, *Washington, March 8, 1862.*

Maj. Gen. JOHN A. DIX, *Baltimore.*

GENERAL: You may release John A. Hibbs, John Wild, John Lemon, Thomas W. Hollis, George Seeley, John G. Goodin and John Ferris, prisoners confined in Fort Delaware, upon their giving their written parole of honor that they will render no aid or comfort to the enemies in hostility to the Government of the United States.

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

DEPARTMENT OF STATE, *Washington, March 8, 1862.*

Maj. Gen. JOHN A. DIX, *Baltimore, Md.*

GENERAL: I have been directed by the Secretary of War to report to yourself and Mr. Pierrepont for duty as clerk of the commission created by Executive Order, No. 2, of the War Department in relation to political prisoners. Will you have the kindness to inform me when and where the commission will meet to organize and in what manner I can serve you? It seems to me that it is desirable to dispose of all these cases as soon as possible. There are now a large number of prisoners confined in the Old Capitol Prison in this city and their cases are familiar to Mr. E. J. Allen, a detective in the employ of the provost-marshal, who I am informed intends to leave the city in a short time. I would suggest therefore that those cases here had better be disposed of first.

I have the honor to be, general, very respectfully, your obedient servant,

E. D. WEBSTER.

HEADQUARTERS, *Baltimore, March 9, 1862.*

E. D. WEBSTER, Esq., *Department of State, Washington.*

DEAR SIR: Major-General Dix has received your letter of yesterday and instructed me to say that he will communicate at once with Judge Pierrepont, his associate, and inform you what arrangements the commissioners will make. The general would be glad to receive from the State Department as early as practicable a list of the prisoners at Forts Lafayette and Warren.

Very respectfully, your obedient servant,

JOHN A. BOLLES,
Captain and Aide-de-Camp.

DEPARTMENT OF STATE, *Washington, March 10, 1862.*

Right Hon. Lord LYONS, &c.

MY LORD: I have had the honor to receive your note of the 6th instant in which after reverting to the correspondence which has passed between us concerning the treatment experienced by the crews of the British schooners Revere and Louisa Agnes you state that Her Majesty's Government cannot but regard the putting of seamen belonging to those vessels in irons under the circumstances in which and for the period for which this was avowedly done as wholly unjustifiable.

In reply I have the honor to observe that it is believed that except in the cases of the Revere and Louisa Agnes and one other case which has just been brought to my notice no complaints whatever have reached this Government during the existing rebellion of harsh treatment of persons on board of vessels captured by our naval forces. And when in the first two of those cases a complaint was preferred by you the Secretary of the Navy, though perfectly convinced in his own mind of their humanity, lost no time in enjoining upon the flag officers of our blockading squadrons kindness in all cases toward captured prisoners and that irons be used only when and as long as may be necessary for the safety of the captors and the prizes. If, however, our naval officers are in any case justly chargeable with rigorous treatment of persons taken by them from on board prize vessels such persons have their judicial remedies in our courts of law.

I have the honor to be, with high consideration, your lordship's obedient servant.

WILLIAM H. SEWARD.

WAR DEPARTMENT, *Washington, March 10, 1862.*

His Excellency F. H. PEIRPOINT,
Governor of Virginia, Wheeling, Va.

SIR: The Secretary of War directs me to acknowledge your letter of the 25th ultimo with the accompanying resolution of the General Assembly of Virginia, and to inform you that it will receive careful attention.

Very respectfully, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

WAR DEPARTMENT, *Washington, March 10, 1862.*

Maj. Gen. JOHN A. DIX, *Baltimore:*

The Secretary of War directs me to inquire how many political prisoners and spies you can receive and take care of at Fort McHenry.

P. H. WATSON,
Assistant Secretary of War.

WAR DEPARTMENT, *Washington, March 10, 1862.*

Col. JUSTIN DIMICK, *Fort Warren, Mass.*

COLONEL: The Secretary of War directs me to inform you that if Rev. A. L. Hitzelberger be a loyal and proper person he may be admitted to Fort Warren to visit the prisoners if in your judgment it can be done without detriment to the public service.

Very respectfully, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

BALTIMORE, MD., *March 10, 1862.*

P. H. WATSON, *Assistant Secretary of War:*

There is not room at Fort McHenry for any more political prisoners. There are only two rooms of moderate size and both are occupied.

JOHN A. DIX,
Major-General.

HEADQUARTERS, *Baltimore, March 11, 1862.*

P. H. WATSON, Esq., *Assistant Secretary of War.*

SIR: The whole number of political prisoners ever confined within the walls of Fort McHenry is seventeen. This was only for a few days, when a room now occupied by the garrison was used for their custody. Twelve prisoners can be conveniently accommodated, but six of these must use officers' quarters. Whenever the number of political prisoners has risen to twelve or fourteen I have always asked for their removal. It is still more necessary now, as we have been compelled to take one of the rooms usually occupied for the close custody of particular prisoners for ordnance stores. At present there are eight political prisoners in custody, all that can now be conveniently accommodated, and this number may be increased any day by arrests here as there is no place within the city for the confinement of political prisoners.

I inclose an extract from a letter written by me* on the 5th of September last to Major-General McClellan on this subject. Since then our facilities for the custody of prisoners have been diminished by the necessities of the garrison.

I am, very respectfully, yours,

JOHN A. DIX,
Major-General.

WAR DEPARTMENT, *Washington, D. C., March 11, 1862.*

Judge EDWARDS PIERREPONT, *New York.*

SIR: The Secretary of War directs me to inquire how soon the commission consisting of General Dix and yourself, appointed under the President's Executive Order, No. 2, in relation to state prisoners will be ready to hear and determine cases and at what place it is proposed to sit first? This inquiry is made to enable this Department to satisfy the numerous applicants for information on these points. For a while they were quieted by receiving a copy of the circular inclosed, but that no longer satisfies them.

Very respectfully, your obedient servant,

P. H. WATSON,
Assistant Secretary of War

HEADQUARTERS PROVOST-MARSHAL-GENERAL,
ARMY OF THE POTOMAC,
Washington, D. C., March 11, 1862.

Brig. Gen. A. PORTER, *Provost-Marshal-General.*

DEAR SIR: In the case of John F. C. Offutt, a prisoner confined in the Old Capitol Building, whose application to the honorable Secretary

* Omitted here. See Vol. I, this Series, p. 592.

of War to be released from custody on his parole of honor, &c., has been referred to yourself for a report I have the honor to report as follows:

Said Offutt was sent to this office from General Banks' division on the 20th of January last, he having crossed the river from Virginia near Harper's Ferry and having gone into Virginia by the way of the Eastern Shore about the middle of October last, being then from Baltimore. My operatives inform me that Offutt was one of the notorious Marshal Kane's policemen in Baltimore, who from their leader down took such an active part against the Government in that city at the commencement of our national troubles, said Kane being now confined in Fort Warren as one of the most dangerous traitors in the country. Offutt stated to one of my operatives in Virginia that he had had a hand in the murderous assault on the Federal troops in Baltimore on the 19th of April last, and he exhibited portions of Federal military equipments as corroborative evidence of his participation in that ignominious affair. He also stated that he had come into Virginia for the purpose of aiding the rebels all he could against the Federal Government.

My operative thinks there is no doubt but that Offutt has come from Virginia as a spy for the rebel Government, and that from his extensive acquaintance on this side of the lines and his avowed hostility to the Government and sympathy with the rebels he is a spy of the most dangerous stamp. While on examination at this office Offutt also recognized one of my operatives who had seen him in Virginia and who happened to be present here at the time. Being misled as to the character of this operative here he (Offutt) stated to him privately that the statement he (Offutt) had made at the office in regard to military affairs in the South was not true. The fact of his having seen this operative at these headquarters from which he might also infer the character of an associate operative now in Virginia renders it even more unsafe for him to be set at liberty, as in case of his return to Virginia he would not only carry all the military information he could get to the enemy but might seriously interfere there with the secret service of this office and endanger the lives of my operatives on duty there. In consideration of this double dangerousness of this man therefore I have to recommend that as a most imperative military necessity he be kept in secure confinement until the close of the war for the Union.

All of which is respectfully submitted by your obedient servant,

E. J. ALLEN.

WAR DEPARTMENT, *Washington, March 11, 1862.*

JOSEPH DARR, Jr., *Provost-Marshal, Wheeling, Va.*

SIR: I am directed by the Secretary of War to acknowledge the receipt of your report* of the 7th instant in relation to the cases of Samuel Shippard, James H. Nay and Dr. J. Devies. I am also directed by him to request you to report to me the names of all political prisoners at present in confinement at that post, together with the proofs upon which they are held.

I am, sir, &c.,

E. D. WEBSTER.

HEADQUARTERS, *Baltimore, March 12, 1862.*

P. H. WATSON, *Assistant Secretary of War.*

SIR: I wrote yesterday to Judge Pierrepont suggesting to him to come here immediately with a view to a meeting at an early day at

* Not found.

Washington to consider the cases of the political prisoners in that city. The subject has not received an earlier consideration for want of papers not yet furnished, which it was understood were to be prepared at the State Department. The moment I hear from Judge Pierrepont I will advise you.

I am, very respectfully, yours,

JOHN A. DIX,
Major-General.

WAR DEPARTMENT, *Washington, March 12, 1862.*

A. C. SANDS, Esq., *U. S. Marshal, Cincinnati.*

SIR: Herewith I transmit a copy of a letter* relative to the wife of Captain Semmes, of the pirate Sumter. If that lady is residing in Cincinnati you will place her correspondence under a strict but secret surveillance, and at the proper time after arrival of the next European mail you will make a thorough examination of her premises and baggage, secure all letters and papers found in her possession and transmit them with your report thereon to this Department.

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

Alphabetical list† of prisoners ordered released since February 10, 1862.

Name.	Where confined	Date of release.
Adams, Hugh	Old Capitol Prison	Feb. 21, 1862
Anderson, Samuel F	do	Do.
Barber, J. R	Fort Warren	Do.
Burton, B	do	Do.
Barr, M. W	do	Do.
Brown, James	do	Do.
Baum, Edward	do	Do.
Buckles, Robert W	Fort Lafayette	Do.
Brookbanks, Thomas A	do	Do.
Butler, Isaiah	do	Do.
Burnett, S. R	do	Do.
Brady, Patrick	do	Do.
Baker, A. N	do	Do.
Ballenger, Isaac	Old Capitol Prison	Do.
Benman, Jackson	do	Do.
Beach, Calvert	do	Do.
Ball, Summerfield	do	Do.
Bayliss, Richard H	do	Do.
Bayliss, Bushrod W	do	Do.
Brown, Henry C	do	Do.
Claggett, Thomas J	Fort Warren	Feb. 10, 1862
Coe, Charles H. P. (exchange)	Fort Lafayette	Feb. 14, 1862
Casto, W. T	do	Feb. 21, 1862
Cottrell, Edward C	do	Do.
Coleman, J. L	do	Do.
Connor, James	Old Capitol Prison	Do.
Craggs, Thomas	do	Do.
Douglass, J. A	Fort Warren	Do.
Da Costa, Alfred	do	Do.
Denison, Robert M	do	Do.
Donnelly, James A	Old Capitol Prison	Do.
Digney, John	do	Mar. 3, 1862
English, José	Fort Warren	Feb. 21, 1862
Freeman, R. S	do	Do.
Flanders, F. D	do	Do.
Flanders, J. R	do	Do.
French, Parker H	do	Do.

* See Dix to Pendleton, March 4, p. 252.

† Found among the records of prisoners in Department of State. It is unsigned and bears no date, but was probably made soon after March 3, 1862.

Alphabetical list of prisoners ordered released since February 10, 1862—Continued.

Name.	Where confined.	Date of release
Ford, J. Ignatius	Old Capitol Prison	Feb. 21, 1862
Fowler, Thomas P	do	Do.
Farrell, Dennis	do	Do
Farrington, M. J	do	Do.
Gleason, William H	do	Feb. 12, 1862
Green, Charles	Fort Warren	Feb. 17, 1862
Guthrey, J. Garnett	Fort Lafayette	Feb. 17 and 21, 1862.
Grissons, R. S	Fort Warren	Feb. 21, 1862
Gatchell, William H	do	Do.
Grosse, William	do	Do.
Grayson, E. B	Old Capitol Prison	Do.
Gunnell, George W	do	Do.
Holland, R. C	Fort Lafayette	Feb. 14, 1862
Harrison, William G	Fort Warren	Feb. 21, 1862
Hopkins, Guy S	Fort Lafayette	Do.
Hall, David C	do	Do.
Hagins, John, or Higgins, of Kentucky	do	Do.
Holland, R. C	do	Do.
Howitt, Thomas B	Old Capitol Prison	Do.
Hurst, Richard	do	Do.
Hornbeck, Abraham	do	Do.
Harrover, John	do	Do.
Haislip, John	do	Do.
Haislip, James	do	Do.
Hick, William	do	Do.
Haislip, Thomas H	do	Do.
Hutchins, George W	do	Do.
Jones, J. Lawrence	Fort Warren	Feb. 14, 1862
Jones, George W	Fort Lafayette	Feb. 21, 1862
Jones, E. M	do	Do.
Julius, George	do	Do.
Joy, William	Old Capitol Prison	Do.
Janney, Mahlon H	do	Do.
Keene, Charles	Fort Warren	Do.
Loker, James B	Old Capitol Prison	Feb. 10 and 21, 1862.
Ledwidge, Christopher	Fort Lafayette	Feb. 21, 1862
Lewis, Richard	do	Do.
Lee, Richard R	Old Capitol Prison	Do.
Lee, William L	do	Do.
Lee, D. C	do	Do.
Martin, N	do	Feb. 12, 1862
Marriott, C. H	Fort Lafayette	Feb. 18 and 21, 1862.
Myatt, E. C	Fort Warren	Feb. 21, 1862
Maury, Rutson	Fort Lafayette	Do.
Mathews, Thomas	do	Do.
McDaniel, John	Old Capitol Prison	Do.
McArthur, Lewis L	do	Do.
McKenzie, Alexander L	do	Do.
Mills, Clarence	do	Do.
Moore, Jeremiah	do	Do.
McKewen, William F	Fort Warren	Do.
McCubbin, E. H	Fort Lafayette	Do.
Newton, S. F	Fort Warren	Do.
O'Neil, Ed	do	Do.
Ogden, J. M	Fort Lafayette	Do.
O'Leary, Thomas	do	Do.
O'Brien, P	do	Do.
Ostrander, Elisha C	Old Capitol Prison	Do.
Olden, Forrest	do	Do.
Peak, Mr	do	Feb. 12, 1862
Parr, John F	Fort Lafayette	Feb. 13, 1862
Perkins, J. M	do	Feb. 21, 1862
Perry, William	do	Do.
Potter, O. F	Old Capitol Prison	Do.
Pinn, John (colored)	do	Do.
Plaskett, Matthew	do	Do.
Trumble, Vance L	do	Do.
Quigley, Thomas	Fort Lafayette	Do.
Rogers, C. C	do	Feb. 13, 1862
Rasin, P. F	Fort Warren	Feb. 21, 1862
Rasin, Robert W	Fort Lafayette	Do.
Reneau, N. S	do	Do.
Russell, J. R	do	Do.
Regan, John	Old Capitol Prison	Do.
Rea, John E	do	Do.
Rigal, John	Fort Lafayette	Mar. 3, 1862
Ruggles, Edward S	Fort Warren	Do.

Alphabetical list of prisoners ordered released since February 10, 1862—Continued.

Name.	Where confined.	Date of release.
Smedes, Bennett	Old Capitol Prison	Feb. 18, 1862
Shackleford, G. A.	Fort Warren	Feb. 21, 1862
Sibern, E.	do	Do.
St. George, William	do	Do.
Smith, William	Fort Lafayette	Do.
Swain, J. P.	do	Do.
Stunz, H. P.	do	Do.
Smith, J.	do	Do.
Smith, Withers	Old Capitol Prison	Do.
Savage, James W.	do	Do.
Simpson, Henry	do	Do.
Thomas, J. Hanson	Fort Warren	Do.
Thompson, A.	Fort Lafayette	Do.
Van Amringe, George	Fort Warren	Do.
Winder, William H.	do	Do.
Wattles, David C.	Fort Lafayette	Do.
Weaver, I. H.	do	Do.
Williams, A. B.	do	Do.
Ward, William	Old Capitol Prison	Do.
Young, John	do	Do.
Young, Lewis	do	Do.

GENERAL DIX'S HEADQUARTERS, *March 15, 1862.*

Hon. E. M. STANTON, *Secretary of War:*

I propose to be in Washington on Monday to meet Judge Pierrepont and take up the cases of political prisoners there.

JOHN A. DIX,
Brigadier-General.

WAR DEPARTMENT, *Washington, March 15, 1862.*

WILLIAM P. WOOD,
Superintendent of Old Capitol Prison, Washington, D. C.

SIR: The Secretary of War directs that upon their respectively taking the oath of allegiance to the United States you will release from custody the following prisoners now held in the Old Capitol Prison, viz: J. B. Angel, P. Hanety, L. Van Arsdale, James Riley, B. W. Wine, John M. Brooke, James Haislip, A. Gunnell, A. G. Gunnell, J. Rockford, James Poole, Noah Hunt, M. Rourke, F. X. Lacross, and J. L. Smith.

By order of the Secretary of War:

P. H. WATSON,
Assistant Secretary of War.

OFFICE OF COMMISSARY-GENERAL OF PRISONERS,
Sandusky, March 15, 1862.

General M. C. MEIGS,
Quartermaster-General U. S. Army, Washington, D. C.

GENERAL: I have the honor to inclose herewith two letters* addressed to me by two state prisoners at Columbus who desire to be released on their taking the oath of allegiance. I know nothing of the charges against them except what they state, but I believe there are among the prisoners a number who have been taken up without any very specific charges against them, and we encumber ourselves with the care of men who are of very little account. They were captured in the early part

*Not found.

of the war by scouting parties who were not very particular so that they brought in a prisoner. Heretofore it has been well to keep them to exchange for better men, but now that they are no longer required for that purpose I would suggest that all against whom there are not grave charges be released on their taking the oath of allegiance.

Very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

[First indorsement.]

Respectfully referred to the Secretary of War.

It appears to the Quartermaster-General that on taking the oath of allegiance these prisoners could be properly released.

M. C. MEIGS,
Major-General.

[Second indorsement.]

MARCH 28, 1862.

Approved.

EDWIN M. STANTON,
Secretary of War.

Disposition made of citizen prisoners at Camp Chase and Wheeling.*

Name.	Residence.	Condition of discharge.
Arnold, James	Gilmer County, Va.	Released on oath and bond.
Allen, William H., sr.	Kanawha County, Va.	Released on oath.
Allen, William, jr.	do	Do.
Adams, J. D.	Hampshire County, Va.	Do.
Adams, Jacob	do	Do.
Amick, Henry	Wirt County, Va.	Do.
Anderson, John	do	Do.
Ayers, Jeff	do	Do.
Bright, Matthew	Harrison County, Va.	Released on oath and bond.
Boggs, Wesley	Webster County, Va.	Do.
Barnett, N. D.	Braxton County, Va.	Do.
Barnett, J. D.	do	Do.
Baumgardner, Jacob	Guyandotte, Va.	Do.
Bowman, A. C.	Barbour County, Va.	Do.
Burner, L.	Pocahontas County, Va.	Do.
Byard, Benj	Wetzel County, Va.	Do.
Bennett, Hezekiah	Pendleton County, Va.	Do.
Butcher, Harvey B.	Roane County, Va.	Do.
Coffman, J. W.	Harrison County, Va.	Do.
Cooper, Dr. F. W.	Roane County, Va.	Released on oath and to live in Ohio.
Cool, Jesse	Webster County, Va.	Released on oath.
Cool, Archibald	do	Do.
Collins, Lewis	Upshur County, Va.	Do.
Carte, George	Clay County, Va.	Do.
Cogar, Tunis	Webster County, Va.	Released on oath and bond
Cavendish, John	Fayette County, Va.	Do.
Crawford, W. S.	Hampshire County, Va.	Do.
Cain, Michael	do	Released on oath.
Coffman, George	Taylor County, Va.	Do.
Conway, G. S.	Harrison County, Va.	Do.
Channel, Samuel	Virginia	Released on oath and bond.
Coteral, B. H.	Roane County, Va.	Released on oath.
Collins, A. L.	Wirt County, Va.	Do.
Conrad, Marion	do	Do.
Cone, Gamaliel	do	Do.
Cummins, John S.	Roane County, Va.	Do.
Coon, C. C.	Virginia	Do.
Davis, George A.	Harrison County, Va.	Released on oath and bond.
Dillon, R. H.	Kanawha County, Va.	Released on oath.
Dulin, Francis	Wirt County, Va.	Do.
Dent, Cornelius	do	Do.
Dunn, John	Hampshire County, Va.	Released on oath and to live in Ohio.

* The date of arrest and discharge of these prisoners is not stated in the return. The return was made March 13, 1862.

Disposition made of citizen prisoners at Camp Chase and Wheeling—Continued.

Name.	Residence.	Condition of discharge.
Davis, Samuel	Hampshire County, Va	Released on oath.
Duffy, Peter	Fayette County, Va	Do.
Deaver, David	Virginia	Do.
Evert, P. R	Cabell County, Va	Do.
Enlow, John	Randolph County, Va	Do.
Eaton, Jonah B	Hampshire County, Va	Do.
Evans, Peter	Harrison County, Va	Do.
Enoch, David, jr	Wirt County, Va	Do.
Esholman, Abraham	Cabell County, Va	Do.
Frampton, David	do	Do.
Farley, J. W	Kanawha County, Va	Do.
Flanagan, Jacob	Tucker County, Va	Do.
Fall, Reuben	Wirt County, Va	Do.
Flint, William	Charleston County, Va	Released on oath and bond.
Grove, George S	Upshur County, Va	Do.
Gwin, John	Cabell County, Va	Released on oath.
George, Henry	Roane County, Va	Do.
Hite, J. W	Cabell County, Va	Released on oath and bond.
Harwood, John A	Wood County, Va	Released on oath.
Hansford, Charles S	Randolph County, Va	Released on oath and bond.
Heater, Hanson	Gilmer County, Va	Released on oath.
Heater, Harvey	do	Do.
Hoover, Frederic	Braxton County, Va	Do.
Houchin, Ellis	Pocahontas County, Va	Do.
Hall, A. E	Harrison County, Va	Do.
Hickman, William	Wirt County, Va	Do.
Hall, Samuel	Roane County, Va	Do.
Jones, Samuel	Braxton County, Va	Released on oath and bond.
Jones, A. W	Virginia	Released on oath.
Jacoby, Miles	do	Released on oath, governor's pardon.
Keith, J. J	Lewis County, Va	Released on oath.
Kious, J. C	Gauley Mount, Va	Do.
Kesler, Alex	Wirt County, Va	Do.
Lowther, Harrison	Lewis County, Va	Released on oath and bond.
Lockwood, John	Wood County, Va	Released on oath.
Louck, G. W	Randolph County, Va	Released on oath and bond.
Limbers, Isaac	Braxton County, Va	Released on oath.
Lowther, Camillus	Wood County, Va	Do.
Lemmon, Jacob	Ritchie County, Va	Do.
Lemmon, Fredk	do	Do.
Long, S. D	Hampshire County, Va	Do.
Lynch, William	Lewis County, Va	Do.
Long, Henry	Virginia	Do.
Manie, A. J	Fayette County, Va	Released on oath and bond.
Martin, H. T	Lewis County, Va	Released on oath and to live in Ohio.
Morris, W. B	Nicholas County, Va	Released on oath and bond.
McCutcheon, Jones	Fayette County, Va	Do.
Malcomb, J. M	Braxton County, Va	Do.
Morrow, Thomas	Wirt County, Va	Do.
McCartney, G. D	Clarksburg, Va	Do.
Moss, James A	Braxton County, Va	Do.
McCrea, Robert	Webster County, Va	Released on oath.
McNamar, John	Gilmer County, Va	Do.
Meeks, William	Lewis County, Va	Do.
Monroe, Sylvester	Virginia	Do.
Myers, J	do	Do.
Miller, H. H	do	Do.
McVicker, Steenrod	do	Do.
McIntyre, Richard	do	Released on oath and to live in Indiana.
Meeks, F. A	do	Released on oath.
Miller, Thomas W	do	Released on oath and to live in Ohio.
Moss, G. W	Braxton County, Va	Released on oath and bond.
Malcolm, F. M	do	Do.
Martin, David	Gauley Mount, Va	Released on oath.
Nichols, G. W	Fayette County, Va	Released on oath and bond.
Norton, Timothy	Hampshire County, Va	Released on oath.
Nutter, Thomas	Marion County, Va	Do.
Nelson, W. H	Tucker County, Va	Do.
Neal, Jonathan	Gauley Bridge, Va	Released on oath and bond.
Neal, Anderson	do	Do.
Parsons, Abraham	Tucker County, Va	Released on oath and bond.
Parsons, C. C	Kanawha County, Va	Released on oath.
Parrish, James	Cabell County, Va	Do.
Parsons, Cornelius	Tucker County, Va	Do.
Parsons, Joseph	do	Do.
Parsons, William L	Roane County, Va	Do.
Russell, St. Mark	Cabell County, Va	Do.
Ricketts, Elijah	do	Do.
Rogers, William A	Fayette County, Va	Released on oath and bond.
Reynolds, Archibald	Cabell County, Va	Released on oath.
Rowsey, Kilburn	Fayette County, Va	Do.
Roach, Charles	Roane County, Va	Do.

Disposition made of citizen prisoners at Camp Chase and Wheeling—Continued.

Name.	Residence.	Condition of discharge.
Rogers, Lem	Fayette County, Va	Released on oath and bond.
Ruckman, M. D	Randolph County, Va	Do.
Rudolph, Hezekiah	Hampshire County, Va	Released on oath.
Robinson, J. H	Wirt County, Va	Do.
Rhea, J. L	Braxton County, Va	Do.
Ryan, G. M	Virginia	Do.
Rose, Solomon	do	Do.
Rafferty, Patrick	Calhoun County, Va	Do.
Roach, John	Roane County, Va	Do.
Rinehart, Elijah	Hampshire County, Va	Do.
Ruby John	Putnam County, Va	Released on oath and bond.
Smith, Chris. H	Harrison County, Va	Do.
Stalnaker, Absolom	Randolph County, Va	Do.
Schackelford, Cobb	Nicholas County, Va	Released on oath.
Smith, E. A	Cabell County, Va	Do.
Stewart, James	do	Do.
Snyder, Lewis	Lewis County, Va	Do.
Smoot, N. C	Hampshire County, Va	Do.
Stackhouse, M	Roane County, Va	Do.
Siebert, Adam	Hampshire County, Va	Do.
Siebert, William	do	Do.
Stockslager, Daniel	do	Do.
Strickland, Joseph	Virginia	Do.
Sheppard, Martin	Wirt County, Va	Do.
Staats, William	Roane County, Va	
Somerville, David	Wirt County, Va	Do.
Stewart, William P	Roane County, Va	Do.
Stewart, John W	do	Do.
Sharp, Bryerly	Wirt County, Va	Released on oath and to live in Ohio.
Sheppard, R. M. J	Virginia	Released on oath.
Stallman, G. W	Gilmer County, Va	Released on oath and bond.
Starcher, Philip	Virginia	Do.
Starcher, A. J	do	Do.
Tanner, Joshua	Clay County, Va	Released on oath and to live in Ohio.
Tanner, Elijah	do	Do.
Tanner, John A	Calhoun County, Va	Do.
Tillman, Thomas W	Near Buckhannon, Va	Released on oath.
Torney, Michael	Putnam County, Va	Do.
Tanner, William	Roane County, Va	Do.
Van Bibber, D. C	Nicholas County, Va	Released on oath and bond.
Van Bibber, J. C	do	Do.
Vance, George W	do	Do.
Vandevender, Cain	Braxton County, Va	Do.
Varner, Jacob	Jackson County, Va	Do.
Ware, John N	Randolph County, Va	Do.
Wilson, Wash. M	Clay County, Va	Released on oath.
Warner, E. C	Braxton County, Va	Released on oath and bond.
Windsor, Anderson	Fayette County, Va	Do.
Walton, E. H	Cabell County, Va	Do.
Wise, W. H	Harrison County, Va	Released on oath.
Ward, McKinsey	Barbour County, Va	Do.
Wyatt, Addison	Lewis County, Va	Do.
Wagoner, Michael	Virginia	Do.
Youst, F. H	Marion County, Va	Do.

The following prisoners under indictment for treason have been turned over to the U. S. marshal for the western district of Virginia:

Milton J. Ferguson, Robert S. Holderby, A. C. Kennedy, John Newcomb, James M. Gray, James H. Nay, William Bennett, W. C. Rodgers William Hamilton, David H. Gilmer, George Bastable, Nathan Liggett. John R. Hodges, John D. Mayo, Jeff. Bowen, sr., James E. Bowen, Mott. Jewell, William Curry, Benjamin France, Lewis Ekuss, Joseph Harbour, Greenwood Childers, Lewis Childers, George W. Savage, Samuel Smith, John L. Bowen, Perry Peyton, Thomas Scales, M. W. Hughes, P. H. Thomasson, Daniel Dusky, Kellis Argobright, Jesse J. Ingraham, Hurston Spurlock, James E. Smith, Stephen Strather, sr.

JOSEPH DARR,
Major First Virginia Cavalry, Provost-Marshal.

List of citizen prisoners in custody March 15, 1862, in the Department of Western Virginia.

Name.	Residence.	Charge.
Alderton, William	Morgan County, Va	Rebel aider.
Apperson, William	Randolph County, Va	Rebel mail carrier.
Amick, Eli	Nicholas County, Va	Bushwhacker.
Arbough, Harry	Putnam County, Va	Do.
Butler, Oliver	Clay County, Va	Thief and a bad man.
Boney, Reuben	Hampshire County, Va	Forcing Union men into rebel army.
Burdett, John J	Greenbrier County, Va	Sending Union men into rebel custody.
Ball, Henry	Cabell County, Va	Violent secessionist.
Burner, George	Pocahontas County, Va	Charges unknown.
Bradford, James	Jackson County, Va	Aiding the rebellion.
Bradford, James P	Preston County, Va	Secessionist.
Baker, William R	Residence unknown	Supposed rebel aider.
Burnett, Dennis	do	Do.
Beaton, Jones	do	Do.
Beall, Samuel	do	Do.
Buttallion, Hansborough	do	Do.
Becket, John	do	Do.
Childers, Francis	Roane County, Va	Violent secessionist.
Coberly, Bushrod	Pendleton County, Va	Rebel mail carrier.
Cain, Thomas	Calhoun County, Va	Secessionist.
Cordaw, William	Barbour County, Va	Do.
Cunningham, John	Marion County, Va	Aiding the rebels.
Cooper, Daniel	Lisle County, Va	Do.
Devies, Doctor	Wirt County, Va	Rebel aider in robbing boats.
Daft, George E. (c. c.)	Randolph County, Va	Secessionist.
Dering, George M	Hampshire County, Va	Rebel mail carrier.
Davison, D. D	Wood County, Va	Secessionist.
Daugherty, Joseph	Wirt County, Va	Do.
Everet, E. T	Cabell County, Va	Do.
Fleshman, C. S	Kanawha County, Va	Sympathizing with the South.
Farris, Jacobs	Pendleton County, Va	Giving aid to the enemy.
Falconer, William	Upshur County, Va	Comforting rebels.
Gibson, George	Wirt County, Va	Secessionist.
Green, James	Braxton County, Va	Do.
Heater, Thomas B	Gilmer County, Va	Bushwhacker.
Holmes, N. G	Kanawha County, Va	Aider of rebellion.
Helmick, J. N	Calhoun County, Va	Supposed secessionist.
High, Frederic S	Hampshire County, Va	Giving information to the enemy.
Henson, John	Cabell County, Va	Secessionist.
Hammer, George W	Pendleton County, Va	Rebel scout; violating parole.
Harden, John J	Barbour County, Va	Giving information to rebels.
Hampton, Reuben	Wayne County, Va	Secessionist and rebel aider.
Hensley, William	do	Do.
Hickey, David H	Harrison County, Va	Do.
Holmes, S. G. C		Do.
Hope, S. R	Sumner County, Tenn	Do.
Hopkins, A. S	Boone County, Va	Do.
Jones, Wesley	Marion County, Va	Secessionist.
Kelly, Frank (c. c.)	Roane County, Va	Secessionist and bushwhacker.
Kaddle, John (c. c.)	Marshall County, Va	Do.
Keith, Robert M	Gilmer County, Va	Do.
Kirkpatrick, R. W	Wetzel County, Va	Do.
Lewis, John E	Kanawha County, Va	Aiding rebels.
Lewy, Green	Fayette County, Va	Secessionist.
Leace, George W	Hampshire County, Va	Do.
Leace, John W	do	Do.
Lillard, D. C	Unknown	Unknown.
Lillard, Jeremiah	do	Do.
Lusby, John B	do	Do.
Melot, Rezin	Marion County, Va	Secessionist.
Marks, John	Gilmer County, Va	Destroying Union men's property.
Michael, John E	Marion County, Va	Rank secessionist.
Michael, Jonathan	do	Do.
Musgrave, Moses	do	Do.
McClung, George A. U	Nicholas County, Va	Bushwhacker.
McDonald, Anthony	Pendleton County, Va	Rebel aider and horse-thief.
Myers, Daniel M	Tucker County, Va	Rebel mail carrier and horse-thief.
McColister, Peter	Putnam County, Va	Aiding rebels in arresting Union men.
McColister, Moses	do	Aiding rebels.
Markham, Bart	Wayne County, Va	Secessionist.
Markham, Steven	do	Do.
Norton, Moses	Kanawha County, Va	Secessionist.
Nolan, P. E	Jefferson County, Va	Do.
Nassaeur, Lewis	Giles County, Tenn	Do.
Nelson, J. W	Cabell County, Va	Found in armed rebellion.
Odell, William H	Nicholas County, Va	In arms against Government of the United States.
Parsons, Josiah	Jackson County, Va	Secessionist.
Pierce, Benjamin H	Raleigh County, Va	Do.
Props, Noah W	Nicholas County, Va	Bushwhacker.

List of citizen prisoners in custody March 15, 1862, &c.—Continued.

Name.	Residence.	Charge.
Phillips, Samuel H.	Tucker County, Va.	Rebel mail carrier; horse-thief.
Paul, Thomas	Putnam County, Va.	Bushwhacker.
Paul, James	do	Poisoning Union men.
Riley, John W.	Calhoun County, Va.	Secessionist and rebel aider.
Rooke, E.	Kanawha County, Va.	Do.
Ross, Francis	Calhoun County, Va.	Do.
Rogers, Charles L.	Braxton County, Va.	Do.
Rowsey, K.	Fayette County, Va.	Do.
Stalnaker, John	Roane County, Va.	Secessionist.
Stewart, Owen	Hampshire County, Va.	Violent secessionist.
Sharps, Jesse H.	Upshur County, Va.	Aiding rebels.
Stevenson, Leslie	Wayne County, Va.	Bushwhacking.
Shrivers, H. J.	Hampshire County, Va.	Do.
Sevey, Herman	Fayette County, Va.	Rank bushwhacker.
Swindler, Wilson	Hampshire County, Va.	Giving aid and comfort to rebels.
Sites, William	Pendleton County, Va.	In Captain Lauty's militia company; unorganized.
Smith, Benjamin F.	Hampshire County, Va.	Hostage for Mr. Brabb.
Swain, C. M.	Putnam County, Va.	Horse-stealing; scouting.
Scisson, Luther	Boone County, Va.	Do.
Stewart, J. J.	Cabell County, Va.	Secessionist.
Souther, John M.	Wood County, Va.	Do.
Shannon, George	Putnam County, Va.	Do.
Smith, Allen	Nicholas County, Va.	Aiding rebels.
Stevens, J. J.	Fayette County, Va.	Secessionist.
Simmonds, William	Cabell County, Va.	Do.
Stevens, Lewis W.	Marion County, Va.	Do.
Stevens, Firman	do	Do.
Short, Thomas	Wayne County, Va.	Bushwhacking.
Saloir, Doctor	Unknown	
Shirely, Henry	Morgan County, Va.	Comforting rebels.
Sheppard, J.	Washington County, Va.	Do.
Spencer, J. D.	Unknown	Unknown.
Stollings, Granville	Charleston, Va.	Secessionist.
Temple, Charles	Spottsylvania County, Va.	Rebel spy.
Toothman, Ashbury	Marion County, Va.	Recruiting for rebel militia.
Thompson, George W.	Clay County, Va.	Bushwhacker.
Taylor, Alfred	Randolph County, Va.	Rebel aider and horse-thief.
Thompson, Coplin	Pendleton County, Va.	Rebel aider and intimidating Union citizens.
Taylor, Obed W.	Randolph County, Va.	Supposed rebel informer.
Thompson, Caloway	Wayne County, Va.	Secessionist.
Valentine, George	Ritchie County, Va.	Do.
Wilson, Joseph	Calhoun County, Va.	To be released for Joseph Durkin, of Hampshire County.
Watkins, Charles W.	Randolph County, Va.	Aiding rebels.
Weese, Elias	do	Do.
White, W. T.	Nicholas County, Va.	Secessionist.
Wharton, W. H.	Putnam County, Va.	Do.
Wright, Thomas A.		Held for evidence.
Yost, John	Hampshire County, Va.	Secessionist.
Young, Hume	McCracken, Ky.	

[JOSEPH DARR, JR.,
Major First Virginia Cavalry, Provost-Marshal.]

[Indorsement.]

Respectfully referred to E. D. Webster, esq., Department of State.

E. D. TOWNSEND,
Assistant Adjutant-General.

HEADQUARTERS, *Baltimore, March 15, 1862.*

Brig. Gen. H. H. LOCKWOOD, *Commanding Eastern Shore.*

GENERAL: I had yesterday a letter from the Secretary of War directing me to inquire into the circumstances attending the arrest of Mr. Bayard by Colonel Wallace, and expressing the belief that there was no just ground for such a measure. I have communicated with the colonel and instructed him to release Mr. Bayard on his parole of honor to report to me when required. The colonel advises me that he

has undertaken to disarm a company of militia. This should not have been done without my order. I have never in this State ventured on so rigorous a measure without the approbation of the governor. In my letter to you of the 9th of October I said:

> If you can get any legitimate authority, executive or military, in Delaware to direct the disbandment or disarming of companies in that State it should be done. In that case I think the arms had better be deposited at Fort Delaware.

I supposed you would understand that without such authority the measure should not be attempted unless upon specific directions from me. If any of the members of Mr. Bayard's company make demonstrations in favor of the Confederates they should be arrested and the facts reported to me. On the 27th ultimo I wrote you as follows:

> If any person within the limits of your command shouts for Jeff. Davis or Beauregard as charged in Mr. Fisher's letter, or displays any secession emblem arrest him at once and keep him in custody subject to my order. You will please report to me the circumstances in each case. I will not permit where I have the power any demonstration in favor of a political or military organization which is making war on the United States.

I wish this course to be pursued in regard to every man thus offending against the Government and people of the United States no matter what his private or official position may be. But in a State which has given no evidence of a want of loyalty no step should be taken to break up any military organization but on full consideration and after consultation with the State authorities. Individual members of such organizations may for open acts of disloyalty be summarily dealt with as above directed.

I am, very respectfully, yours,

JOHN A. DIX,
Major-General.

WAR DEPARTMENT, *Washington, D. C., March 17, 1862.*

Brigadier-General WADSWORTH,
Military Governor of the District of Columbia.

GENERAL: The attention of this Department has just been called to a gross violation of its orders by publishing information of military movements in the Sunday Chronicle, a newspaper published in this city, yesterday. You will immediately take military possession of the printing office in which publication is made, arrest the printers and publishers of the paper, take possession of all the papers that can be found and destroy them and hold the parties in custody that they may be dealt with according to the Rules and Articles of War.

Very respectfully, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

FORT WARREN, *Boston Harbor, March 17, 1862.*

Hon. EDWIN M. STANTON,
Secretary of War, Washington, D. C.

SIR: In reply to yours of the 15th* I have the honor to report that the following-named persons have taken their parole and left agreeably to your order of the 21st ultimo: J. R. Barber, R. S. Freeman, F. D. Flanders, J. R. Flanders, José English, James Brown, Robert

* Not found.

Denison, W. F. McKewen, M. W. Barr, A. Da Costa, Parker H. French, George Van Amringe, J. Hanson Thomas, P. F. Rasin and G. A. Shackleford.

The following persons have refused to take their parole, viz: William G. Harrison, W. H. Winder, William H. Gatchell, Henry M. Warfield and Charles Keene. Keene was received from Flag Officer Goldsborough, he having enlisted to get South. Failing to do this refused duty and stated that he would not fight under our flag. Since he has been here he has been kept in close confinement; refuses to give his parole of honor not to aid or comfort the enemies in hostility to the Government. I consider him partially insane, and would respectfully recommend that he be unconditionally released and obliged to labor for his support. Evidently this would be the least desirable thing that could befall him.

Edward Baum, William St. George, R. S. Grissons, J. F. Newton, S. F. Newton, E. Sibern, E. C. Myatt, J. A. Douglass and Edward O'Neil, sailors taken from merchant vessels for running the blockade. They are willing to take their parole if they can get South. I have kept them until I could hear from General Dix relative to their getting to their families South. They are poor men and rather remain as prisoners than be released without any means of support or hope of getting to their families.

I have to report that I have released J. D. Sudendorf in order that he may be placed in the asylum in Boston. He has been crazy ever since he has been here, but of late quite troublesome.

Bethel Burton, ordered to be released on 21st ultimo, had already been released by the Secretary's order of the 19th ultimo.

I am, sir, with highest respect, your obedient servant,

J. DIMICK,

Colonel First Artillery and Brevet Colonel, Commanding Post.

HEADQUARTERS MOUNTAIN DEPARTMENT,
Wheeling, March 17, 1862.

Brig. Gen. L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

GENERAL: I have directed Major Darr, provost-marshal-general of this department, to proceed to Washington taking with him to the War Department, first, a list of citizen prisoners* by orders from these headquarters; second, list of prisoners of war at Camp Chase, Columbus, Ohio; third, copies of the evidence against prisoners on which they were committed or are held; fourth, list of prisoners released on parole November 3, 1861; fifth, list of oaths administered since last return; sixth, report of the disposition of prisoners* heretofore released; seventh, list of prisoners sent to Washington to be exchanged for the Guyandotte prisoners, Ninth Virginia; eighth, a letter† from Governor Peirpoint stating that many loyal citizens of the State have been dragged off to Richmond, and suggesting the arrest of hostages.

The nature of the testimony and many details were such that the provost-marshal-general's explanations could alone make the matter fully understood. There are many prisoners of state held because they are dangerous to the peace and provokers of secession, sedition or treason. These are held without the least record of evidence of active crime. The evidence against the state prisoners ought to be returned

* See *ante*.

† Not found.

to this office because it is only here we can tell when it will be advisable to liberate many of them. Major Darr has therefore been instructed to request that the written evidence records be returned to this office.

Very respectfully, your obedient servant,

W. S. ROSECRANS,
Brigadier-General, U. S. Army, Commanding.

List of prisoners confined in the Old Capitol Prison, Washington, D. C., March 17, 1862.

Name.	Date of arrest.	Nature of offense.
R. O'N. Greenhow	Aug. 23, 1861	Forwarding information to the rebels; dangerous, skillful spy.
Summerfield Ball	Oct. 9, 1861	Communicating with the rebels.
B. J. Cross	Oct. 10, 1861	Giving aid and information to the rebels.
George S. Watkins	Sept. 23, 1861	Furnishing information to the rebels.
Rudolph Watkins	....do	Do.
Thomas A. Jones	Oct. 4, 1861	Do.
W. F. Getty	Oct. 1, 1861	Having communication with the rebels.
Alfred Nettleton	Sept. 11, 1861	Corresponding with the rebels.
John W. Burson	....do	Do.
P. W. Carper	Nov. 27, 1861	Assassination of U. S. pickets.
Dr. William B. Day	....do	Do.
Dr. John T. Day	....do	Do.
R. H. Gunnell	....do	Do.
John B. Farr	....do	Do.
C. W. Coleman	....do	Do.
Thomas E. Poole	Dec. 6, 1861	Communicating with the rebels.
James H. Poole	....do	Do.
Bernard B. Poole	....do	Communicating information to the rebels.
John T. De Bell	Nov. 27, 1861	Assassination of U. S. pickets.
George Coleman	Dec. 6, 1861	Do.
William Eaton	Dec. 2, 1861	Found within our lines with citizen's dress over a rebel uniform.
Hosea H. H. Williams	Dec. 4, 1861	Claims to be a deserter from the rebels, although wearing a uniform like New York volunteers.
James W. McCurdy	Dec. 25, 1861	Carrying men across the Potomac in a boat.
A. J. Michael	About Dec. 31, 1861.	Furnishing provisions and aiding rebellion.
W. J. Fleece	About Oct. 28, 1861.	Opposition to Federal Government.
R. D. Shepard, jr	About Nov. 27, 1861.	Taking up arms against the Government.
A. Shepard	Nov. 27, 1861	Do.
George H. Johnson	....do	Taking up arms and aiding rebels.
Moses P. Donaldson	Jan. 5, 1862	Engaged in transporting cargo of goods to Virginia.
J. Barrett Cohen	....do	Engaged in conveying persons and goods to the rebels.
Henry C. Brown	Jan. 10, 1862	Coming into our lines under suspicious circumstances.
Richard Coleman	Dec. 6, 1861	Assassination of U. S. pickets.
George Dent, sr	Nov. 11, 1861	Furnishing information to the rebels.
George Dent, jr	....do	Do.
W. F. Moore	Oct. 13, 1861	Conveying information to rebel pickets.
O. Allen Scanland	Nov. 11, 1861	Active in notifying Union men that they were drafted into the rebel militia.
John McDaniel	....do	Do.
John Welch	Dec. 3, 1861	Deserted previously from Third U. S. Infantry.
F. M. Ellis	Dec. 20, 1861	Employed in secret service of General McClellan and communicating information to the rebels.
Dr. Aaron Van Camp	Dec. 21, 1861	Communicating with the rebels.
James Farr	Dec. 20, 1861	Assassination of U. S. pickets.
Mrs. C. V. Baxley	Dec. 29, 1861	Carrying information to Richmond.
George M. Gormley	Jan. 10, 1862	Attempting to enter the rebel States.
A. C. Landstreet	Jan. 15, 1862	Evidence not yet received.
John W. Crawford	Jan. 13, 1862	Alleged to be connected with the murder of U. S. troops near Pohick Run, Va.
Bushrod W. Bayliss	....do	Do.
Matthew Plasket	....do	Do.
G. D. McGlincey	Nov. 27, 1861	Taking up arms and aiding rebels.
Jesse B. Wharton	Dec. 22, 1861	Do.
W. L. Fisher	Dec. 13, 1861	Forwarding communications to the rebels.
Henry A. Stewart	Dec. 12, 1861	Employed by J. P. Benjamin, rebel Secretary of War.
Charles Follen	Dec. 19, 1861	Furnishing information to the rebels and oppressing Union men.
John F. C. Offutt	Jan. 20, 1862	Communicating with the rebels and forwarding goods to Virginia.
John A. Marshall	Jan. 21, 1862	Carrying information to rebels.
James Potter	Jan. 30, 1862	Spy and shooting Union pickets.

List of prisoners confined in the Old Capitol Prison, Washington, D. C., &c.—Continued.

Name.	Date of arrest.	Nature of offense.
Oliver N. Bryan	Jan. 31, 1862	Prisoner of state.
Josiah E. Bailey	Feb. 1, 1862	Spy; rebel officer found in Washington in citizen's clothes.
R. W. Rasin	.....	Prisoner of state.
Francis A. Dickens	.....	Spy.
B. H. Jenkins	.....	Recommitted.
M. T. Walworth	.....	Spy; connected with Mrs. Morris and Wm. T. Smithson.
Mrs. Augusta H. Morris	.....	Spy; actively connected with Walworth, Smithson and others. Sent to Washington by General Johnston.
Thomas J. Magruder	Feb. 11, 1862	Spy (discharged).
Thomas Haycock	Feb. 13, 1862	Spy.
Warren Curtis	....do	Spy; prowling about Union camps.
William P. Bryan	Feb. 21, 1862	Spy and unquestionably employed by rebel Government.
E. Pliny Bryan	....do	Spy; belonged to rebel signal corps.
William Ogden	Feb. 19, 1862	No evidence.
Mrs. A. L. McCarty	Feb. 21, 1862	Spy, as shown by the papers found upon her.
Charles W. Adams	Feb. 22, 1862	Spy; a bad and desperate man.
J. J. Jarboe	Feb. 23, 1862	Treason.
Joseph Widmeyer	Feb. 25, 1862	Spy; could not be discharged with safety.
Robert Drane	.....	Prisoner of state.
John H. Cusick	.....	Do.
James E. Murphy	.....	Do.
Jonah Orrison	.....	Do.
Arthur Dawson	.....	Do.
H. O. Claughton	.....	[No data.]
James Green	.....	Do.
W. W. Harper	.....	Do.
W. B. Price	.....	Do.
W. M. Brown	.....	Do.
E. S. Hough	.....	Do.
John W. Burke	.....	Do.
John A. Field	.....	Do.
W. Avery	.....	Do.
J. E. McGraw	.....	Do.
W. H. Marbury	.....	Do.
Stephen A. Green	.....	Do.
W. H. McKnight	.....	Do.
A. J. Fleming	.....	Do.
W. Arthur Taylor	.....	Do.
J. B. Dangerfield	.....	Do.
John L. Smith	.....	Do.
W. Cogan	.....	Do.
James A. English	.....	Do.
Henry Peel	.....	Do.
Edgar J. Snowden	.....	Do.
H. C. Field	.....	Do.
Mrs. William H. Norris	.....	Spy; arrested in Baltimore.
Jackson Benman	.....	Spy; has been arrested three times.
Charles F. Elgin	.....	Spy; might be discharged on taking oath.
Christopher Rochford	.....	[No data.]
T. J. McVeigh	.....	Spy; was chaplain of Second Virginia Volunteers.
Noble B. Means	.....	Correspondence with rebels.
Alfred Lee	.....	Firing into cars containing Union men.
John Ball	.....	[No data.]
Joshua Young	.....	Carrying supplies to rebel camps.
Tench Schley	Dec. 12, 1861	Carrying on contraband trade with the rebels.
James Connor	About Aug. 1, 1861.	Spy; no evidence.

SPRINGFIELD, ILL., *March 18, 1862.*

Major-General HALLECK:

I have under your orders had arrested William Richardson, W. P. Brooks, Nathan T. Brooks, W. G. Nabb and A. C. Gish for aiding one of the Fort Donelson prisoners to escape. They all confess having aided. What shall be done with them?

D. L. PHILLIPS,
U. S. Marshal.

WAR DEPARTMENT, *Washington, March 18, 1862.*

W. P. WOOD, Esq.,
Superintendent of Old Capitol Military Prison.

SIR: You are hereby directed to release from custody Rev. Townsend J. McVeigh, a prisoner confined in the Old Capitol Military Prison, on

his giving his parole of honor that he will within ninety days from the date hereof return and surrender himself to you unless he shall within ninety days procure the release of Rev. David J. Lee from the conditions of a parole given by him at Winchester, Va., in the month of August last and forward the same to the Secretary of War; and that meanwhile he (the said McVeigh) will do no act hostile to the Government of the United States nor give any information calculated to aid the insurgents.

J. A. DIX,
E. PIERREPONT,
Commissioners.

CYNTHIANA, KY., *March 18, 1862.*

Judge SAMUEL BRECKINRIDGE.

RESPECTED SIR: Since the defeat of the rebel troops in Kentucky many of the men who took up arms against us are returning without having renounced their allegiance to the Confederate Government. We are fully persuaded that these men are coming here for the purpose of either recruiting for the rebel army or for the more dangerous purpose of organizing secret military companies to wage a guerrilla war in this part of Kentucky, or by violence and assassination to make the country so uncomfortable that the loyal men cannot stay here in peace. If General Halleck will authorize the military here to arrest these men and hold them as prisoners of war until the war is over or authorize a company to be raised of loyal men here to keep these men in subjection we can do it. We will raise the company and keep it up at our own expense. Something must be done and that immediately or the loyal men will have to surrender to violence and treason. Treason will have to be put down with a strong hand in Kentucky and treated as General Halleck has treated it in Missouri before we can have peace. In this part of the State disloyalty is in the ascendant, and in order to place it at a discount the rabble must see that the Government has the will and the force to deal with it promptly and successfully. They treat with ridicule the administration of the oath of allegiance.

Respectfully,

W. O. SMITH.
R. T. LINDSAY.
JAMES J. TEBBS.
W. W. TRIMBLE.

WAR DEPARTMENT, *Washington, March 19, 1862.*

D. L. PHILLIPS, *U. S. Marshal, Springfield, Ill.*

SIR: By direction of the Secretary of War I have to acknowledge the receipt of your communication asking that the officers in charge of the prisoners taken at Fort Donelson be instructed to furnish the names of all citizens of Illinois found among them in order that they may be tried for treason. In reply you are informed that such matters belong to the civil authorities, and that no fees can be paid or sanctioned by this Department for services rendered by marshals or district attorneys in the prosecution of citizens for treason.

Very respectfully, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

HEADQUARTERS DEPARTMENT OF THE MISSISSIPPI,
Saint Louis, March 19, 1862.

D. L. PHILLIPS, *Springfield:*

Convey the parties arrested for aiding the escape of prisoners of war to Alton Military Prison and have them placed in close confinement.

H. W. HALLECK,
Major-General.

FORT HAMILTON, *New York Harbor, March 19, 1862.*

General L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

SIR: Inclosed you will receive paper to which I have to request the approbation of the honorable the Secretary of War.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

[Inclosure.]

U. S. MARSHAL'S OFFICE,
SOUTHERN DISTRICT OF NEW YORK,
New York, March 19, 1862.

Lieut. Col. MARTIN BURKE, U. S. Army,
Commandant Fort Lafayette.

DEAR COLONEL: In your note of the 15th instant* you tell me that a person made use of my name to introduce himself into the fort and serve on you a writ of habeas corpus which you disregarded. Allow me to assure you that I have never authorized any one to use my name to approach you, and should the like be again attempted I would suggest that you seize the person so introducing himself and hold him in custody until I come down to identify him.

I am, dear colonel, very faithfully yours,

ROBERT MURRAY,
U. S. Marshal.

P. S.—Any individual wishing to see the commanding officer will give his name and business to the officer of the day or the sergeant of the guard during the temporary absence of the officer of the day, and will show his papers if necessary. Should the officer of the day have any doubt on the subject he will indicate to the person above referred to that if he has any purpose of interfering improperly with the state or war prisoners in Fort Lafayette he cannot be received, and that if he makes use of Marshal Murray's name improperly he will be immediately sent to Fort Lafayette.

[NOTE.—This postscript appears to have been the copy of an order issued by Colonel Burke, forwarded for the information of the War Department. It is printed as found.]

OFFICE OF COMMISSION RELATING TO STATE PRISONERS,
Washington, March 19, 1862.

W. P. WOOD, Esq.,
Superintendent of the Old Capitol Prison.

SIR: You will please discharge John A. Field, W. W. Harper, Wesley Avery, James E. McGraw, Stephen A. Green and James Green, pris-

* Not found, but see Burke to Seward, March 7, *ante.*

oners at the Old Capitol Military Prison in this city, upon their engaging upon their honor that they will render no aid or comfort to the enemies in hostility to the Government of the United States.

Respectfully, yours,

JOHN A. DIX,
EDWARDS PIERREPONT,
Commissioners.

HEADQUARTERS DEPARTMENT OF THE MISSISSIPPI,
Saint Louis, March 22, 1862.

Col. W. W. LOWE, *Fort Henry, Tenn.:*

All citizens who come in to avoid imprisonment by the enemy should be allowed to go to Illinois or elsewhere. Prisoners of war should be retained till they are exchanged or can be sent to prison depots.

H. W. HALLECK,
Major-General.

HEADQUARTERS, *Baltimore, March 24, 1862.*

T. F. BAYARD, *Wilmington, Del.*

SIR: I have been absent from this city on business connected with the military service; your letter would otherwise have been sooner answered. My direction to General Lockwood in October last was to disarm companies alleged to be disloyal if he could get any legitimate authority in Delaware, executive or military, to justify his action. The measures adopted by Colonel Wallace were approved by the major-general residing at or near Wilmington and were therefore so far as reported to me sustained. I expect General Lockwood here shortly and will then inquire into the whole proceeding. The parties who gave bonds for the arms cannot certainly be held for the penalty as they have been dispossessed by military force.

I am, very respectfully,

JOHN A. DIX,
Major-General.

OFFICE OF THE DETROIT TRIBUNE,
Detroit, March 28, 1862.

[Hon. WILLIAM H. SEWARD.]

MY DEAR FRIEND: Circumstances have transpired which render it certain to my mind that there exists here and probably through every Northern State an organized treasonable association which is in sympathy and constant communication with similar associations in the rebel States and with the rebels. Since the publication of the Guy Hopkins'* letter, which you may or may not have observed in the Tribune, a certain class of men uniformly known as Democratic sympathizers with the rebels have exhibited a spirit which goes far to prove in the minds of candid men the truth of that letter. Canada seems to be the base of their operations and communication with Europe and the South through sympathizing friends along the borders of this frontier, extending from this city to Lake Huron at least if no farther.

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* See case of Hopkins *et al.*, p. 1244 *et seq.*

I have just been informed of a trunk left here by an emissary and apparently a traveling agent of the secret cabals from Connecticut and who is now in the Southern States. The man with whom this trunk is left at my suggestion examined its contents, and he informs me that there are letters in it of an important character confirmatory of the supposed existence of the treasonable order and criminating some individuals as parties thereto. I am promised an examination of the contents of the trunk, when if the report of it is confirmed, of which I have now little doubt, I will communicate with you again or have the trunk and contents seized and sent to you or their import.

There are other facts and circumstances of a similar character which together have induced me to write you to suggest the propriety of having detectives employed here more than at present. I understand that there is but one person here only partially employed in that service. That person (I mean Mr. Goldman) is all right—good as far as he is authorized to act; but I am well satisfied that some one here should be authorized to employ other aid to him. The person so authorized should act simply as agent for the Government in directing the work to be done and to protect the Government against exorbitant charges and unnecessary expense. One or two and at times three or four persons might be necessary but not more than one probably would be needed in service all the time. I do not think our U. S. marshal is the proper person. He is seldom here, and I am sorry to add he leaves his office with two Democrats whom I would not dare confer with on this subject, Mr. Goldman, a deputy, being the only reliable Union man around in the absence of the marshal, and the marshal is too timid and inefficient for such duty.

I write all this confidentially but it is reliable. With such a detective organization as I suggest I think that in a few weeks the whole thing can be ferreted out. Without it while individuals may do much it will take some months if it can be thus made successful. It is the most extensive treasonable organization that ever menaced any Government. I shall do all I can to root it out but should like to [see] some active Government effort to do it thoroughly.

Very truly, your friend,

H. B. BARNES.

HEADQUARTERS EXPEDITION TO CARTHAGE,
Camp Dietzler, March 30, 1862.

Col. CHARLES DOUBLEDAY,
Acting Brigadier-General, Commanding Post, Fort Scott.

COLONEL: I have in custody at this place twenty prisoners that I have apprehended since my arrival here. They are charged with the murder of Union men, driving them from their homes, stealing and destroying their property, &c. They have been members of independent guerrilla bands and some of them have been a terror to the peaceable citizens of this vicinity—moderate secessionists as well as Union men. If you will pardon me for the suggestion I would recommend that a commission be called to meet at this place for their trial. I do so because the great bulk of the testimony that could be produced to substantiate the charges could not be obtained if they should be tried at Fort Scott or any other distant point.

Referring the subject to your superior deliberation, I remain,

Very respectfully, colonel, your obedient servant,

POWELL CLAYTON,
Lieutenant-Colonel, Commanding Expedition to Carthage.

List of prisoners examined by the commission relating to political prisoners and how disposed of.*

Name.	Date of arrest.	Where arrested.	On what charge.	When discharged.	Condition of discharge.
Norris, Mrs. Mary	Mar. 3, 1862	Baltimore, Md	Correspondence with disloyal persons and with Colonel Zarvona in cipher.	Mar. 18, 1862	Parole of honor.
Cross, Benjamin J	Oct. 10, 1861	Seneca, Md	Procuring the arrest of Doctor Causten by the insurgents		
Jones, Thomas A	Oct. 4, 1861	Pope's Creek, Md	Communicating with the enemy; taking persons across the river to join the rebel army.	Mar. 21, 1862	Oath of allegiance.
Dent, George, sr	Nov. 16, 1861	Virginia	do	do	Do.
Dent, George, jr	do	do	do	do	Do.
Watkins, Rudolph	Sept. 23, 1861	Georgetown, D. C	Furnishing information to the insurgents		
Watkins, George S	do	do	do	Mar. 21, 1862	Do.
Getty, William F	Oct. 1, 1861	Washington, D. C	Charged with being a spy	do	Do.
Price, William B	Feb. 26, 1862	Alexandria, Va	Furnishing aid to the insurgents by contributions to support the families of those absent serving in the rebel army.	Mar. 20, 1862	Parole of honor.
Brown, W. M	do	do	do	Mar. 20, 1862	Do.
Hough, E. S	do	do	do	Mar. 20, 1862	Do.
Burke, John W	do	do	do	do	Do.
Field, John A	do	do	do	Mar. 19, 1862	Do.
Avery, Wesley	do	do	do	do	Do.
McGraw, J. E	do	do	do	do	Do.
Marbury, W. H	do	do	do	Mar. 18, 1862	Do.
Green, Stephen A	do	do	do	Mar. 19, 1862	Do.
McKnight, W. H	do	do	do		
Fleming, A. J	do	do	do	Mar. 20, 1862	Do.
Taylor, Wm. Arthur	do	do	do	do	Do.
Dangerfield, J. B	do	do	do		
Smith, John L	do	do	do		
Cogan, W	do	do	do	Mar. 20, 1862	Do.
English, James A	do	do	do	do	Do.
Peel, Henry	do	do	do		
Snowden, Edgar J	do	do	do	Mar. 20, 1862	Do.
Field, H. C	do	do	do	do	Do.
Green, James	do	do	do	Mar. 19, 1862	Do.
Harper, W. W	do	do	do	do	Do.
Claughton, Hierome O	do	do	do		
Jarboe, J. J	Feb. 20, 1862	Old Fields, Md	Charged with being an enemy to the United States Government and sending recruits to the insurgents.		
Ball, Summerfield	Oct. 9, 1861	Near Camp Advance, Va	Charged with attempting to escape to the insurgents after having taken oath of allegiance.	Mar. 20, 1862	Do.
Welch, John	Not given.	Not given	Said to be a deserter	do	Do.
Day, William B	Nov. 27, 1861	Dranesville, Va	Murdering and robbing Federal soldiers at Lowe's Island, Va		
Dickens, Francis A	Feb. 3, 1862	Fairfax County, Va	Giving information to the insurgents	Mar. 21, 1862	Do.
Potter, James	Jan. 27, 1862	Virginia	No charges on record	Mar. 24, 1862	Do.
Bailey, Josiah E	Feb. 1, 1862	Washington, D. C	Being a spy and holding a commission in the insurgent army	do	Oath of allegiance.

* No date but marked on back, "March 28, 1862."

List of prisoners examined by the commission relating to political prisoners and how disposed of—Continued.

Name.	Date of arrest.	Where arrested.	On what charge.	When discharged.	Condition of discharge.
Farr, James W	Dec. 23, 1861	Dranesville, Va	Murdering and robbing Federal soldiers at Lowe's Island, Va	Mar. 24, 1862	Oath of allegiance.
Farr, John B	Nov. 27, 1861	do	do	do	Do.
Day, John T	do	do	do		
Gunnell, R. H	do	do	do	Mar. 25, 1862	Do.
Coleman, C. W	do	do	do		
Landstreet, A. C	Jan. 19, 1862	Virginia	No charge on record; had been prisoner before and released on military parole.	Mar. 24, 1862	Military parole.
Drane, Robert	Captured Aug. 5, 1861	Point of Rocks, Md		do	Do.
Orrison, Jonah	do	do		do	Do.
Dawson, Arthur	do	do		do	Do.
Murphy, James E	Captured July 13.	Schooner Georgiana		do	Do.
Coleman, George [G.]	Dec. 1, 1861	Dranesville, Va	Secessionist and giving aid and furnishing information to insurgents.	do	Parole of honor.
Poole, Thos. E	do	do	do	do	Do.
Poole, James H	do	do	do	do	Do.
Poole, Bernard B	do	do	do	do	Do.
Coleman, John	do	do	do	do	Do.
Coleman, Richard	Dec. 6, 1861	do	Procuring recruits for insurgent army	Mar. 25, 1862	Oath of allegiance.
De Bell, John T	Nov. 27, 1861	do	Murdering Federal soldiers and persecuting Union men	do	Do.
Curtis, Warren	Feb. 13, 1862	Hall's Hill, Va	Attempting to pass through the Federal lines and go to the insurgents.		
Nettleton, Alfred	Sept. 11, 1861	Washington, D. C	Corresponding with the insurgents	do	Parole of honor.
Schley, Tench	Dec. 12, 1861	Millstone Landing	Being a spy	do	Do.
Burson, John W	Sept. 11, 1861			Mar. 26, 1862	Do.
Follen, Charles	Dec. 18, 1861	Fairfax County, Va	Being a spy and seizing property of Union men for confiscation	do	Oath of allegiance.
Gormley, George M	Jan. 10, 1862	Cedar Creek, Md	For attempting to go South in violation of President's proclamation	do	Parole of honor.
Jenkins, B. H	Feb. 5, 1862	Alexandria, Va	Being a spy and with having recently been a sutler in rebel army		
Benman, Jackson	Not given.	Not given	With attempting to cross Federal lines; supposed to be insane	Mar. 26, 1862	No conditions.
Connor, James	Aug. 1, 1861	Near Alexandria, Va	With attempting to cross Potomac without a pass	do	Parole of honor.
Scanland, O. Allen	Nov. 11, 1861	Fairfax County, Va	With violating oath of allegiance and communicating with insurgents	do	Do.
Ellis, F. M	Dec. 20, 1861	Washington, D. C	Traitor and spy	Mar. 28, 1862	Oath of allegiance and engagement not to leave New York, &c
Bayliss, Bushrod W	Jan. 13, 1862	Fairfax County, Va	With furnishing information which led to murder of Federal pickets	Mar. 27, 1862	Parole of honor.
Plaskett, Matthew	do	do	do		
Fleece, William J	Oct. 28, 1861	Not given	Furnishing material aid to the insurgents	Mar. 27, 1862	Do.
Wharton, J. B	Dec. 22, 1861	Near Dam No. 5, Md	Being a spy; taken with arms in his hands		
Moore, William F	Oct. 13, 1861	Fairfax County, Va	Giving aid and comfort to the insurgents	Mar. 27, 1862	Do.
Donaldson, Moses P	Jan. 5, 1862	Not given	Attempting to convey goods through Federal lines to rebel army	do	Oath of allegiance.
Means, Noble B	Mar. 9, 1862	Point of Rocks, Md	Corresponding with the insurgents	do	Do.
Marshall, J. A	Jan. 21, 1862	Not given	Conveying information to insurgents	do	Parole of honor.
Offutt John F. C	Jan. 20, 1862	do	Being a spy	do	Oath of allegiance.

List of prisoners examined by the commission relating to political prisoners and how disposed of—Continued.

Name.	Date of arrest.	Where arrested.	On what charge.	When discharged.	Condition of discharge.
Fisher, William L	Dec. 13, 1861	Schooner Blooming Youth, off Alexandria.	Conveying information to insurgents	Mar. 27, 1862	Oath of allegiance.
Cohen, J. Barrett	Jan. 5, 1862	Aileus Fresh, Md	Sending merchandise and correspondence to insurgents	Mar. 28, 1862	Parole of honor.
Bryan, O. Norris	Jan. 28, 1862	Pomonkey, Md	Being an active secessionist	do	Do.
Michael, A. J	Dec. 31, 1862	Not given	Affording aid and comfort to the insurgents	do	Do.
Bryan, William P	Feb. 20, 1862	do	Being a spy	do	Do.
Bryan, E. Pliny	do	do	Spy and officer in the Confederate Signal Corps		
Grymes, Thomas J. J	Mar. 19, 1862	do	Giving aid and comfort to the insurgents		
Stewart, Henry A	Dec. 12, 1861	Millstone Landing, Va	Being a spy and conveying goods to insurgents		
Carper, Philip W	Nov. 27, 1861	Dranesville, Va	Murder of Union soldiers		
Rasin, R. W	Feb. 3, 1862	Kent County, Md	Holding commission of major in Confederate Army		
Greenhow, Mrs. Rose O'Neal					
Morris, Mrs. A. H					
McVeigh, T. J					

FORT HAMILTON, *New York Harbor, April 1, 1862.*

Brig. Gen. L. THOMAS,
Adjutant-General of the Army, Washington, D. C.

SIR: I send you inclosed an application made by the chaplain of this post for as I take it a general permit to visit the prisoners at Fort Lafayette and preach to them. I do not approve of this. I think, however, that it would be very well if I were permitted to send him over to the fort in cases of extreme sickness where the patient expressed a desire to that effect.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Third Artillery.

[Indorsement.]

The suggestions of Colonel Burke are approved and he is authorized to exercise his discretion on the subject.

EDWIN M. STANTON.

[Inclosure.]

FORT HAMILTON, N. Y., *April 1, 1862.*

Col. MARTIN BURKE, U. S. Army, *Fort Hamilton.*

COLONEL: Since the period of my appointment to the post chaplaincy at Fort Hamilton I have as a Christian clergyman indebted alike to Jew and Gentile, bond and free, greatly desired to have conceded to me the privilege of visiting the political prisoners now consigned to your care at Fort Lafayette or hereafter to be committed to that fort or to any of the strongholds of the harbor of New York within the sphere of our commanding officer's inspection. Will you, colonel, with your wonted kindness and scrupulously vigilant regard for the public good (provided that you are from my position and character satisfied of my loyalty and gratitude to a Government of the beneficence of which I afford even in my own humble person so impressive an example) forward and indorse my application to the proper Department for permission to me as aforesaid to visit as a Christian clergyman and Government chaplain the political prisoners referred to?

I have the honor to remain, colonel, with great respect, your obliged and faithful servant,

JOHN BURKE,
Chaplain, U. S. Army.

MOUNTAIN DEPARTMENT, *April 1,* [*1862*].

Capt. ALBERT TRACY, *Acting Assistant Adjutant-General.*

SIR: I have the honor to submit to the commanding general—

First. A list of citizen prisoners in custody at Wheeling.

Second. A list of prisoners of war* in custody at Wheeling now ordered to Camp Chase, Ohio.

Third. A list of prisoners of war* in custody at Camp Chase, Ohio.

Fourth. A list of citizen prisoners in custody at Camp Chase, Ohio.

Fifth. A list of hostages† released on parole.

All prisoners taken in arms against the Government of the United States are held as prisoners of war subject to exchange or other dispo-

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* Omitted. † Not found.

ition by order of the commanding general. The release of citizen risoners has been heretofore granted on their furnishing a petition rom their loyal Union neighbors indorsed by the members of legisla- ure and senate from their district on taking the oath of allegiance, nd finally by giving bond in a certain sum as some security for their uture loyalty.

By order of Brigadier-General Rosecrans I lately reported these natters to the honorable Secretary of War at Washington. I was nformed by General Thomas, Adjutant-General, that no further propo- ition to exchange prisoners with the rebels would be made at present, s the Confederate authorities had so often broken faith with us.

The practice of the rebels in arresting and imprisoning citizens loyal o the United States and non-combatants in Eastern Virginia has been much condemned, and a proposition made to the Secretary of War for is sanction to arrest and hold as hostages for these persons such resi- lents here as are known to entertain no sentiments of loyalty to the United States and to be connected by family ties or other close rela- ionship with the leaders and abettors of the rebellion, anticipating by his proceeding to mitigate if not suppress the evil complained of.

* * * * * * *

Very respectfully, your obedient servant,

JOSEPH DARR, JR.,
Major First [West] Virginia Cavalry and Provost-Marshal.

OFFICE OF COMMISSION RELATING TO STATE PRISONERS,
Washington, April 1, 1862.

W. P. WOOD, Esq., *Superintendent, &c.*

SIR: You may release Mr. J. B. Dangerfield and Mr. William H. McKnight upon their giving their written parole of honor that they will render no aid or comfort to enemies in hostility to the Government of the United States.

JOHN A. DIX,
EDWARDS PIERREPONT,
Commissioners.

WASHINGTON, D. C., *April 2, 1862.*

DISTRICT OF COLUMBIA, *County of Washington:*

I, John B. Dangerfield, of Alexandria, Va., hereby give my parole of honor that I will render no aid or comfort to the enemies in hostility to the Government of the United States.

JOHN B. DANGERFIELD.

HDQRS. MIDDLE DEPARTMENT, *Baltimore, April 3, 1862.*

Hon. GILLET F. WATSON, *Senator of Virginia.*

SIR: I have received yours of the 30th ultimo. I have been very much pained to observe that the Union feeling which was manifested in Accomack in November last has not been fully sustained. I attribute it to the want of courage and firmness in a few leading men. I think the course of Judge Pitts has done more to demoralize Accomack and

*Not found.

Northampton than all other causes combined. His last act I regard as disloyal and criminal and my strong inclination was to arrest him. He has engaged in correspondence with a rebel Government at war with his own and labors to show that he has always been faithful to the former. He has lost irretrievably the respect of the friends of both. I say this in sorrow. It was in his power by a manly support of the Government to have carried the Eastern Shore of Virginia with him, and he has not only sacrificed his own influence but compromised the loyalty of both counties and possibly opened a fountain of dissension and disaster. I wish you would show him this letter for I have no concealments, and let him understand as he will from this that your letter contains no allusions to him. I write to you spontaneously what I should have said to him two weeks ago when I read his printed address to the rebel legislature of Virginia if I had not been engrossed by important business in Washington.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

U. S. MARSHAL'S OFFICE,
SOUTHERN DISTRICT OF NEW YORK,
New York, April 7, 1862.

Lieut. Col. MARTIN BURKE, U. S. Army,
Commandant Fort Lafayette, New York Harbor.

COLONEL: The commissioners appointed by the President to investigate the cases of state prisoners in your charge will hold their first session in this city to-morrow (Tuesday, the 8th instant) at 11 o'clock precisely, and require the presence of the under-named ten individuals* whom you will please deliver into the custody of Messrs. De Voe and Sampson, my special deputies, who will show the original requisition.

I am, colonel, your most obedient servant,

ROBT. MURRAY,
U. S. Marshal.

NEW YORK, *April 8, 1862.*

Hon. E. M. STANTON, *Secretary of War:*

We have this day examined the cases of several prisoners who have been long in prison and who are detained without just cause. Shall we order the release of such or do you want their cases with our view to be first referred to the War Department, as the prisoners are now in court? Please reply.

JOHN A. DIX.
EDWARDS PIERREPONT.

WAR DEPARTMENT, *Washington, April 8, 1862.*

Maj. Gen. JOHN A. DIX, *New York:*

Release them and send their names here.

EDWIN M. STANTON,
Secretary of War.

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* Omitted.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, April 8, 1862.

Hon. T. O. HOWE, *U. S. Senate, Washington.*

SIR: In reply to your inquiry of the 4th instant I have respectfully to inform you that John C. Greigg not being in the military service could not be exchanged in regular course for a prisoner taken in arms against the United States. The subject of exchanges has engaged the earnest attention of the War Department, but there does not at present seem to be a corresponding willingness on the part of the rebels to make exchanges.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

WAR DEPARTMENT, *Washington, April 9, 1862.*

JOHN A. KASSON, *First Assistant Postmaster-General.*

SIR: The Secretary of War directs me to acknowledge the receipt of your letter of yesterday inclosing for his consideration and such suggestions as he might think proper a copy of an order which the Postmaster-General proposes to make restoring mail facilities to newspapers which have heretofore been excluded therefrom as a measure of public safety. In reply the Secretary of War respectfully requests the Postmaster-General to postpone the order believing it would be premature, pernicious in its tendency and prejudicial to the public safety if made at this time.

Very respectfully, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, April 9, 1862.

Maj. Gen. J. C. FRÉMONT, U. S. Army,
Commanding Mountain Department, Wheeling, Va.

SIR: The Secretary of War directs me to inclose to you Major-General Halleck's General Order, No. 9,* publishing the proceedings of a military commission for the trial of offenses which cannot properly be brought before a court-martial. The Secretary approves this form of procedure in like cases, especially in regard to guerrillas of which there are several instances in the order.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

GENERAL DIX'S HEADQUARTERS, *Baltimore, April 12, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War:*

I returned to-day to look after things here. I have arranged with Judge Pierrepont to go back on Monday morning and complete the examination of state prisoners at New York. I was at Fort Lafayette yesterday. There are over 100 prisoners, mostly prisoners of war and

* See Vol. I, this series, p. 464, for Halleck's General Order, No. 9.

privateersmen. They are comfortable but rather crowded. I think all the state prisoners at Forts Lafayette and Warren can be examined in ten days.

JOHN A. DIX,
Major-General.

HEADQUARTERS MOUNTAIN DEPARTMENT,
Wheeling, Va., April 13, 1862.

Brig. Gen. L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

SIR: I received to-day your note of the 9th inclosing Major-General Halleck's General Order, No. 9, sent to me by direction of the Secretary of War.

This order does not furnish me with any information which I did not already have. The trial by military commission of offenses not properly the subject of a court-martial was ordered by me and practiced under my administration in Missouri.

The question which I submitted to the decision of the Secretary of War referred rather to the mode of punishment and to the expediency of a public declaration concerning it than to the form of trial. The subject is comprehended in the two following points:

First. What course shall be pursued toward officers and men of the rebel army who formerly citizens of Virginia are now returning into this department, claiming for themselves immunity in person and property upon the ground chiefly that they have thought it now expedient to abandon the Confederacy and consequently desire to resume their old allegiance? The people of the Wheeling government are strongly opposed to the return of these persons among them, and in the opinion of Governor Peirpoint their presence here would involve the most serious difficulties.

Second. What course shall be pursued in relation to guerrillas bearing the commission of Governor Letcher or other Confederate authority? Much excitement has been created among the people here by a knowledge of the fact that numerous bands are being organized in this department under the sanction of the Confederate authorities. It is officially reported to me that many commissions for this purpose have been sent into Western Virginia by Governor Letcher, and such commissions have been recently found upon the persons of guerrillas. Such bands are already making their appearance in different counties and are only waiting the coming of the leaves to go fully into their work. Whether as guerrillas or spies the sense of the country here is that these people should be summarily and severely punished.

Concerning these points there is entire unanimity of opinion between Governor Peirpoint and myself as well as with the public sentiment, but I judged them sufficiently important to require reference to the War Department. I accordingly desired to know if I should act without special instructions. It seems also expedient and would give general satisfaction that the course of proceeding to be adopted should be made known for the information of all parties interested.

I have to ask that you will procure me an early reply from the Secretary of War, and meantime I will so far as possible defer final action in any case.

Respectfully, your obedient servant,

J. C. FRÉMONT,
Major-General, Commanding.

Political prisoners at Fort Warren, April 15, 1862.

Name.	Residence.	Arrested.	Received.	Remarks.
R. H. Bigger	Baltimore	Oct. 16, 1861	Nov. 1, 1861	Released on parole.
Geo. Wm. Brown*	do	Sept. 13, 1861	do	Refused to comply with conditions.
M. Berry		Oct. 8, 1861	do	Parole.
Edward Baum	Currituck, N. C.	Sept. 9, 1861	do	Do.
J. A. Douglass	Edenton, N. C.	do	do	Do.
W. H. Gatchell*	Baltimore	July 1, 1861	do	Refused parole.
J. H. Gordon†	Cumberland, Md.	Sept. 17, 1861	do	Unconditionally released.
R. S. Grissons	New Hanover County, N. C.	Aug. 16, 1861	do	Parole.
Charles Howard*	Baltimore	July 1, 1861	do	Not examined.
F. K. Howard	do	Sept. 13, 1861	do	Do.
Wm. G. Harrison†	do	Sept. 12, 1861	do	Refused parole.
Thomas W. Hall, jr.	do	do	do	Do.
S. H. Lyon	do	July 13, 1861	do	Do.
J. K. Millner	Danville, Va.	Sept. 10, 1861	do	Special parole.
Charles Macgill†	Hagerstown, Md.	Oct. 1, 1861	do	Refused to take parole.
J. F. Newton	New Hanover County, N. C.	Aug. 16, 1861	do	Order left for release whenever he would accept.
S. F. Newton	do	do	do	Do.
Edward O'Neill	Currituck, N. C.	Sept. 9, 1861	do	Parole.
A. E. Smith	San Francisco	Aug. 2, 1861	do	Had been discharged.
T. P. Scott†	Baltimore	Sept. 13, 1861	do	Not examined.
E. Sibern	Currituck, N. C.	Sept. 9, 1861	do	Offered parole.
Thos. Shields	Baltimore	Sept. 7, 1861	do	Parole.
Wm. H. Winder	Philadelphia	Sept. 10, 1861	do	Refused parole.
H. M. Warfield†	Baltimore	Sept. 12, 1861	do	Do.
S. T. Wallis†	do	Sept. 13, 1861	do	Not examined.
Charles Keene	New York	Nov. 14, 1861	Dec. 2, 1861	In close confinement; refused to take parole.
A. M. De Bree	Norfolk, Va.	Dec. 4, 1861	Dec. 6, 1861	Lieutenant in Navy; refused to take oath; remanded.
Wm. T. Glassell	Alabama	do	do	Do.
Robert Hull*a*	Baltimore	do	Feb. 19, 1862	Refused parole.
Geo. P. Kane*	do	June 27, 1861	Nov. 1, 1861	Not examined.

* See Vol. I, this series, p. 619 *et seq.*, for case of Baltimore police commissioners.
† Members of the Maryland legislature. See Vol. I, this series, p. 667 *et seq.*, for correspondence, etc., relating to these arrests.
a From Fort Lafayette.

GENERAL DIX'S HEADQUARTERS, *Baltimore, April 16, 1862.*

E. D. WEBSTER:

It is impossible for me to say at this moment when I shall be able to go to New York to resume the examination of state prisoners.

JOHN A. DIX,
Major-General.

NEW YORK, *April 16, 1862.*

E. D. WEBSTER, *Department of State:*

I have examined all the state prisoners in Fort Lafayette. General Dix is not here yet; he must answer you. I cannot [say] when he will come.

EDWARDS PIERREPONT.

ATTORNEY-GENERAL'S OFFICE, *April 17, 1862.*

WILLIAM MEADE ADDISON, Esq.,
U. S. District Attorney for Maryland.

SIR: Yours of the 15th is received. * * * As to the time of trial of the cases to be tried I have at present no instructions to give. That

is a matter which must generally rest in the discretion of the district attorney, for it is quite impossible for this office to make preliminary examinations in cases generally or to judge correctly of the circumstances which may make it prudent to advance or retard trials in the various localities. Leaving the conduct of prosecutions mainly to the good judgment of the district attorneys I expect to give instructions only when asked and when there seems to me to be particular reasons for taking that course.

Very respectfully, your obedient servant,

EDWARD BATES.

HEADQUARTERS MOUNTAIN DEPARTMENT,
Wheeling, Va., April 19, 1862.

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: In continuation of the subject of my letter of April 13 to the Adjutant-General I send you the inclosed* documents taken from guerrillas in a fight at Nicola's Mill on the 31st of March. It is under these commissions that guerrillas are organizing. Combined expeditions from the troops of railroad and Kanawha districts were directed upon them yesterday. A similar expedition is ordered from the troops under Schenck and Milroy.

Respectfully, your obedient servant,

J. C. FRÉMONT,
Major-General, Commanding.

NAVY DEPARTMENT, *Washington, April 26, 1861.*

FOURTH AUDITOR OF THE TREASURY.

SIR: The amount found to be due resigned navy officers from the States which claim to have seceded will hereafter be paid them from the U. S. funds heretofore sent to or deposited in those States except in cases where the Department shall otherwise direct.

I am, sir, very respectfully, your obedient servant,

GIDEON WELLES.

WAR DEPARTMENT, *Washington, April 28, 1862.*

Major-General WOOL, *Fortress Monroe:*

In answer to a telegram* from Harper & Brothers this Department informed them that their sheet was understood to have been seized at Fortress Monroe for publishing intelligence that would give aid and comfort to the enemy and against the Articles of War; and that if such was the character of the paper the publishers would be arrested and tried by a military commission. This Department will support you in whatever measures you may deem essential to the public safety.

EDWIN M. STANTON,
Secretary of War.

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*Not found.

WAR DEPARTMENT, *Washington, May 1, 1862.*

Maj. Gen. JOHN A. DIX,
Judge EDWARDS PIERREPONT,
Special Commissioners, &c., New York:

The Secretary of War directs when you make an order for the discharge of a prisoner that you accompany it with an order for delivering up to him his effects if he has any directed to the officer in whose custody they may be.

By order of the Secretary of War:

P. H. WATSON,
Assistant Secretary of War.

BALTIMORE, *May 12, 1862.*

Hon. WILLIAM H. SEWARD.

MY DEAR SIR: Some circumstances have come to my knowledge concerning Major Ludlow's transactions with political prisoners at Fort Lafayette and in such a way that I cannot possibly overlook them. It is necessary in order that I may do justice to myself and the public for me to know other facts which I can only obtain through you. I allude particularly to a letter addressed to you by him denying that he had ever received any money from political prisoners. Will you be so kind as to furnish me with a copy of that letter? You will also oblige me by informing me what was the nature of the authority he received from you to visit the prisoners at Fort Lafayette. You will I know appreciate the delicate relation in which a knowledge of the circumstances referred to places me to Major Ludlow as he has a confidential position on my staff and that you will give me all the information I require to enable me to act advisedly in the matter.

I am, dear sir, sincerely, yours,

JOHN A. DIX.

Resolution adopted by the U. S. Senate May 14, 1862.

Resolved, That the President of the United States be requested to communicate to the Senate if in his opinion not incompatible with the public interests any information in his possession touching the arrest of persons in Kentucky since the 1st of September, 1861, and their imprisonment beyond the limits of that State.

U. S. MARSHAL'S OFFICE,
SOUTHERN DISTRICT OF NEW YORK,
New York, May 17, 1862.

Hon. EDWIN M. STANTON,
Secretary of War, Washington, D. C.

SIR: Within the past few weeks several prisoners captured by U. S. cruisers on board vessels attempting to break the blockade have been delivered into my custody and consigned by me to the care of Colonel Burke, commandant Fort Lafayette, which proceeding on my part you have been pleased in each instance to indorse with your approval.

I learn that among these prisoners there are many foreigners who owe no allegiance to this country, have no interest in remaining here when at liberty, and have in many cases been deceived as to the true destination of the vessel on which they were captured. Their consuls having made frequent application at this office for their discharge, and

considering that they are only an expense to the Government and would in most instances immediately leave the country never to return I respectfully ask your authority to examine and release all prisoners of the class above described who are not subjects of the United States willing to give their parole of honor to hold no communication with the insurrectionary States and to commit no act hostile to the Government of the United States.

Soliciting the favor of your early reply, I have the honor to remain, sir, your most obedient servant,

ROBT. MURRAY,
U. S. Marshal.

DEPARTMENT OF STATE, *Washington, May 20, 1862.*

Col. MARTIN BURKE, *Fort Hamilton, N. Y.*

COLONEL: Under existing circumstances no objection is entertained to allowing the British consul at New York to visit any of his countrymen at Fort Lafayette who may have been captured in vessels attempting to break the blockade. I will consequently thank you to give directions to that effect.

I am, your very obedient servant,

WILLIAM H. SEWARD.

EXECUTIVE MANSION, *Washington, May 21, 1862.*

To the SENATE:

In answer to the resolution of the Senate of the 14th instant requesting information in regard to arrests in the State of Kentucky I transmit a report from the Secretary of War to whom the resolution was referred.

ABRAHAM LINCOLN.

[Inclosure.]

WAR DEPARTMENT, *Washington, May 21, 1862.*

The PRESIDENT:

The Secretary of War to whom has been referred the Senate's resolution of the 14th instant requesting the President to "communicate to the Senate if in his opinion not incompatible with the public interests any information in his possession touching the arrest of persons in Kentucky since the 1st of September, 1861, and their imprisonment beyond the limits of that State," has the honor to report that it is not deemed compatible with the public interests at this juncture to furnish the information desired.

Respectfully submitted.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, May 21, 1862.

Col. J. DIMICK,
First U. S. Artillery, Comdg. Fort Warren, Boston, Mass.

SIR: The Secretary of War directs that you transfer thirty-six of the political prisoners under your charge, selecting them as far as possible from the Maryland prisoners, to Fort Lafayette, N. Y.

I am, sir, very respectfully, your obedient servant,

L. THOMAS,
Adjutant-General.

U. S. MARSHAL'S OFFICE,
SOUTHERN DISTRICT OF NEW YORK,
New York, May 28, 1862.

Col. MARTIN BURKE, U. S. Army,
Commandant Fort Lafayette.

COLONEL: I have the honor to refer to my letters of the 5th, 20th and 24th instant and now inclose a decision from the Navy Department regarding the disposition to be made of persons captured on vessels breaking the blockade and brought to this port as prizes.

After reading the original order you will be kind enough to return it to bearer, as I annex a compared copy for your future guidance.

I am, colonel, with much esteem, your obedient servant,

ROBT. MURRAY,
U. S. Marshal.

[Inclosure.]

NAVY DEPARTMENT, *May 26, 1862.*

ROBERT MURRAY, Esq., *U. S. Marshal, New York.*

SIR: I have received your telegraphic dispatch asking what disposition is to be made of the persons captured on vessels breaking the blockade. All foreign subjects are to be released if not required as witnesses. Passengers or persons on board, citizens of the United States, who have no connection with the attempt to violate the blockade or to furnish supplies to the rebels are also to be released if not required as witnesses.

The officers and crew citizens of the United States are to be held in custody.

I am, respectfully, your obedient servant,

GIDEON WELLES.

U. S. MARSHAL'S OFFICE,
SOUTHERN DISTRICT OF NEW YORK,
New York, May 29, 1862.

Col. MARTIN BURKE, U. S. Army,
Commandant, &c., Fort Lafayette.

COLONEL: I beg leave to inclose you copy of an order received from the Navy Department determining what is to be done with the prisoners captured on vessels breaking the blockade. I shall send down Officer Sampson to-morrow (Friday) to examine and release all persons who claim to be subjects of another Government than that of the United States of America.

I am, colonel, with sincere esteem, your obliged and faithful servant,

ROBT. MURRAY,
U. S. Marshal.

HEADQUARTERS, *Fort Monroe, September 7, 1862.*

Hon. WILLIAM H. SEWARD.

MY DEAR SIR: General Dix has shown me your letter* to him of the 4th instant. For its friendly tone and recommendation you have my warmest thanks. No event of my life has given me such intense

*Not found.

annoyance as this (properly so termed by you) "wretched affair of Millner." When my attention was first called to it I was disposed to treat it lightly for I did not then know that I was charged with seeming corruption or breach of trust. I have emphatically denied both and you do me but simple justice in resting upon your early confidence. I have never before during my whole life been charged with or even suspected of either corruption or breach of trust, public or private. When you are less pressed by responsible cares and when there is time without intrusion upon public duties to take up cases of individuals and when I am enabled to follow up the necessary investigation I desire to go over this whole matter with you. I think that you will then admit I have not acted wrongly. Until such time I beg that you will rest upon your old confidence and predilections.

I am, very truly, yours,

WM. H. LUDLOW.

Memoranda of Various Political Arrests—From Record Book, U. S. Department of State, "Arrests for Disloyalty."

This person [Ferdinand Alfons Okelemski] was arrested by order of John A. Kennedy, superintendent of police at New York, June 21, 1861. He was charged with attempting to enter the rebel army. His letter dated April 4, 1861, addressed to the commander of Pensacola Navy-Yard, says:

> I have been civil engineer of the city of Montgomery, Ala. My heart was always beating strongly for Southern rights and Southern constitution, and now since the Southern Confederacy is established I most respectfully would solicit some sort of employment in the Southern military engineering department.

An order was issued from the Department of State dated June 29, 1861, directing John A. Kennedy to release Okelemski. He was released July 1, 1861.

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Thomas C. Fitzpatrick was arrested in Baltimore in July, 1861, and transferred to Fort Lafayette August 1, 1861. He was charged with having been concerned in the seizure of the steamer Saint Nicholas, which was delivered into the hands of the insurgents. Representations having been made to the Secretary of State that Fitzpatrick was a British subject and was not implicated as a party to the seizure of the Saint Nicholas an order was made for his release on the request of the Secretary of State by Lieutenant-General Scott. Fitzpatrick was accordingly released from Fort Lafayette August 19, 1861. About the 15th of January, 1862, Thomas C. Fitzpatrick was again arrested by order of Major-General Dix and committed to Fort McHenry from whence he was transferred by order of the Secretary of State dated January 25, 1862, to Fort Lafayette. This last arrest was made upon the charge that he with others were conspiring to go to the insurgent States, in regard to which General Dix informs the Secretary of State by letters dated January 24, 1862, that "we have satisfactory evidence that he has been engaged in recruiting for the insurgent army and that he was the leader of the party arrested." The said Thomas C. Fitzpatrick remained in custody at Fort Lafayette February 15, 1862, when he was transferred to the charge of the War Department.

This man [William Williams] was arrested by the civil authorities at Prince Fredericktown, Md., for gross violation of the criminal law in July, 1861, and committed to jail. The grand jury which had its sitting in the following October having failed to find a bill of indictment against Williams he was released.

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This man [Robert D. Chambers] was taken into custody by order of Major Spear, provost-marshal at Martinsburg, about July 6, 1861, and sent to Fort Delaware. He was charged with being a member of a regiment in the rebel service. An order was issued from the Department of State dated October 23, 1861, directing General John A. Dix to release Chambers on his taking the oath of allegiance stipulating neither to enter nor correspond with the States in insurrection without permission from the Secretary of State, and that he will do no act hostile or injurious to the United States during the present insurrection. He was accordingly released October 26, 1861.

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This man [Dr. Edward Johnson] was arrested by order of General Dix and committed to Fort McHenry about July 8, 1861, and from thence transferred to Fort Lafayette by order of the Secretary of State. There are no papers on file in the Department of State showing on what charges he was arrested. An order was issued from the Department of State dated September 13, 1861, directing Lieut. Col. Martin Burke to release Johnson on his giving his parole to do no act and to give no information hostile or injurious to the United States. He was released September 17, 1861.

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Charles Wilson was confined by order of the military authorities at Baltimore about July 8, 1861, at Fort McHenry. He was one of the crew of the schooner Margaret when taken by Richard Thomas, alias Colonel Zarvona. Wilson was kept in custody as a witness against said Thomas, being unable to give security for his appearance at the trial of Thomas.

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Charles M. Hagelin, of Baltimore, was owner of a vessel called the Alverda. In June, 1861, he made a trip in her to the Patuxent River under an agreement to get off a vessel ashore there. He took eight men as passengers without charging them any fare, as it appears. These men he afterward learned were on the way to Virginia, but he proceeded to land them as he had undertaken. He was afterward and before he returned to Baltimore taken into custody by Captain Craven, of the U. S. Navy, and sent to Baltimore and delivered to General Banks at Fort McHenry. He was afterward transferred to Fort Lafayette. The date of his capture does not appear in any papers in the Department of State, but Mayor Brown* says it was the 19th of July. There is no more particular statement of the cause of his arrest than is given above, but that being substantiated by his own admission seems all sufficient. General Dix, who assumed command at Fort McHenry about the time of Hagelin's confinement on the 21st of October, wrote to the Department describing Hagelin as a person of simple character and without influence and saying: "I think he has been sufficiently punished and recommend his immediate release." Hagelin was thereupon released on the 24th day of October, 1861, on taking the oath of allegiance.

* See Brown to the President, p. 115.

William Leland Boggs, of North Carolina, arrived in New York from Bremen on or about the 24th of July, 1861. On the passage he had stated that he was a bearer of dispatches for the Confederate States. And on the arrival of the steamer and reception on board of the intelligence of the rebel success in the battle of 21st of July, 1861, he was excessively violent in the expression of his gratification. He was arrested by the superintendent of police of New York, but on searching his baggage and papers nothing of importance being discovered he was discharged July 25, 1861.

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The Department of State has no information of the time, place, or cause of this person's [Samuel H. Lyon] arrest. He was received at Fort Lafayette July 31, 1861, having been transferred with other prisoners from Fort McHenry, and has since been sent to Fort Warren. In a letter dated February 5, 1862, he states that about the 6th of January an order arrived at Fort Warren directing that six persons—Drane, Dawson, Orrison, Cusick, Murphy and Shepherd—be sent to General Banks' headquarters to be exchanged as prisoners of war; that there was no person named Shepherd among the prisoners, and the remaining five were sent; that two of these persons, James Murphy and John H. Cusick, were taken at the same time and under precisely the same circumstances as himself. No record is found in the Department of any order for any one to report to General Banks for exchange. In the list of prisoners at Fort Warren Lyon is stated to be from Baltimore. The said Lyon remained in custody at Fort Warren February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department. (Sent to Fort Monroe, Va., November 26, 1862. Exchanged for Captain Schley by order of the Secretary of War.)

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A. Dawson was captured in August, 1861, by a portion of General Banks' command. He was a member of a Virginia rebel cavalry company and as a prisoner of war was probably exchanged. (Turned over to General Banks at Fredericksburg for exchange January 6, 1862.)

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Robert Drane was captured in August, 1861, by a portion of General Banks' division. He belonged to a Virginia rebel cavalry company, and being a prisoner of war was probably exchanged. (Turned over to General Banks at Fredericksburg for exchange January 6, 1862.)

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James Connor was arrested by order of General Mansfield in the month of August, 1861, and committed to the Thirteenth Street Prison and from thence transferred to the Old Capitol Prison. There are no papers on file at the Department of State showing on what charge he was arrested. The said James Connor remained in custody at the Old Capitol February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department. (Ordered released February 21, 1862. Refused parole February 22, 1862. Released March 26, 1862.)

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Eben Lane, one of the prize crew placed by the privateer Jeff. Davis on board the schooner Enchantress which was afterward captured by U. S. steamer Albatross and brought by that steamer into the port of Philadelphia, was arrested and taken into custody by U. S. Marshal Millward, of Pennsylvania, August 2, 1861. He was brought into court for trial on the 30th day of October, 1861, and was acquitted.

Thomas Quigley was taken into custody by U. S. Marshal Millward at Philadelphia August 2, 1861, and transferred to Fort Lafayette by order of the Secretary of State dated January 31, 1862. He was one of the prize crew placed by the privateer Jeff. Davis on the schooner Enchantress, afterward captured by the U. S. steamer Albatross and brought into the port of Philadelphia. He was brought into court for trial on the 30th day of October, 1861, and convicted. Said Quigley remained in custody at Fort Lafayette February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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Richard Lewis was one of the crew of the privateer Petrel which was captured by the U. S. frigate Saint Lawrence and brought into Philadelphia, Pa., by the U. S. steamer Flag, and was taken into custody by Marshal Millward August 8, 1861, and afterward committed to Fort Lafayette. The said Richard Lewis remained in custody at Fort Lafayette February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department. (Ordered released February 21, 1862. Released on parole February 22, 1862.)

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This person [Frank Albor] was taken into custody by U. S. Marshal Millward, of Philadelphia, August 8, 1861. He was one of the crew of the rebel privateer Petrel captured by the U. S. frigate Saint Lawrence and brought into the port of Philadelphia by the U. S. steamer Flag. Said Frank Albor died in prison at Philadelphia, November 9, 1861.

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This man [Austin C. Williams] was taken into custody by U. S. Marshal Millward at Philadelphia August 8, 1861, and transferred to Fort Lafayette by order of the Secretary of State dated January 31, 1862. He was one of the crew of the rebel privateer Petrel captured by the U. S. frigate Saint Lawrence and brought to Philadelphia by U. S. steamer Flag. Said Williams remained in custody at Fort Lafayette February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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Hugh Monagrow was one of the crew of the privateer Petrel captured by the U. S. frigate Saint Lawrence and brought into the port of Philadelphia by the steamer Flag on the 8th of August, 1861. Monagrow in company with the balance of the crew was transferred to Fort Lafayette February 5, 1862, where he remained February 15, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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This man [Robert Barret] was taken into custody by U. S. Marshal Millward, of Philadelphia, August 8, 1861, and sent to Fort Lafayette by order of the Secretary of State dated January 31, 1862. He was one of the crew of the rebel privateer Petrel captured by the U. S. frigate Saint Lawrence and brought into the port of Philadelphia by U. S. steamer Flag. Said Barrett remained in custody at Fort Lafayette February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

This man [Thomas A. Brookbanks] was taken into custody by U. S. Marshal Millward at Philadelphia August 8, 1861, and sent to Fort Lafayette by order of the Secretary of State dated January 31, 1862. He was one of the crew of the rebel privateer Petrel captured by the U. S. frigate Saint Lawrence and brought into the port of Philadelphia by the U. S. steamer Flag. Said Brookbanks remained in custody at Fort Lafayette February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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John W. Dearing was one of the crew of the privateer Petrel captured by the U. S. frigate Saint Lawrence and brought into the port of Philadelphia August 8, 1861. Dearing in company with the balance of the crew was taken to Fort Lafayette February 5, 1862, where he remained February 15, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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A. C. Delahay was one of the crew of the privateer Petrel captured by the U. S. frigate Saint Lawrence and brought into the port of Philadelphia by the U. S. steamer Flag on August 8, 1861. Delahay in company with the balance of the crew was transferred to Fort Lafayette February 5, 1862, where he remained February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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William Bryan was taken into custody by U. S. Marshal Millward at Philadelphia August 8, 1861, and sent to Fort Lafayette by order of the Secretary of State dated January 31, 1862. He was one of the crew of the rebel privateer Petrel captured by the U. S. frigate Saint Lawrence and brought to the port of Philadelphia by the U. S. steamer Flag. Said Bryan was still in custody at Fort Lafayette February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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James A. Donnelly was arrested August 22, 1861, and committed to the Thirteenth Street Prison by order of the Secretary of State. He was charged with disloyalty to the Government and having returned from Richmond within a week before his arrest where he had gone for the purpose of assisting the present rebellion. Donnelly was afterward transferred to the Old Capitol Prison where he remained February 15, 1862, when in accordance with the order of the War Department of the preceding day he was transferred to that Department. (Released February 22, 1862.)

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This person [Joseph T. Ellicott] was arrested by order of General Porter, provost-marshal of Washington, and committed to the Thirteenth Street Prison August 23, 1861. There are no papers on file in the Department of State showing why or on what charges he was arrested. Urgent application having been made for his release the Secretary of State ordered his discharge on taking the oath of allegiance and stipulating not to enter or correspond with the insurrectionary States. He was accordingly released October 10, 1861.

Mrs. F. E. Hassler was arrested by order of the Assistant Secretary of War and committed to the Thirteenth Street Prison August 23, 1861, and from thence transferred to Mrs. Greenhow's. She was charged with holding a contraband correspondence with the insurrectionary States. Mrs. Hassler was released by order of the Secretary of War on oath of allegiance and parole October 30, 1861.

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On the 24th of August, 1861, A. Q. Keasbey, esq., U. S. district attorney for New Jersey, wrote to the Department of State that he had caused the arrest of a man lately from Columbia, S. C., and about to return soon, on an affidavit of a soldier of Second Fire Zouaves of New York; that he offered him a pass to the Southern army and a captain's commission if he would go and join it, and stated that he had already passed several and was going to send more. August 27 the said district attorney (Keasbey) wrote again stating the name of the person arrested to be Phineas F. Frazee, and sending a copy of the affidavit of the soldier on which the arrest was made, which stated that said Frazee came to deponent and endeavored to influence him to go South and join the Southern army; that he told the deponent that he had passed men both ways to and from the South, and that if deponent would go he would give him a pass he could go with, and that when he arrived there he would have a captain's commission, and he said he had passed others South and intended to pass more. The said district attorney stated in his letter that Joseph Gabriel, the soldier who made said affidavit, had gone to Washington and there was no other testimony, and he intimated that no great reliance could be placed upon said affidavit of said Gabriel. The Acting Secretary of State therefore on the 31st day of August, 1861, wrote to the said district attorney advising the discharge of the said Frazee.

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This person [Samuel H. Eakins] was arrested in Philadelphia August 24, 1861, and by order of the Secretary of State committed to Fort Lafayette. He was charged with disloyalty, and having lately returned from Richmond was suspected of being a spy. While in Richmond he was employed by one Sloat who was in the rebel service. By order of the Secretary of State the said Samuel H. Eakins was released from custody November 6, 1861, on taking the oath of allegiance.

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Francis M. Fisk is a native of Rhode Island but a resident of New Orleans. He was arrested at the instance of Governor Sprague at Providence, R. I., charged with the intention of taking his son Frank South to join the rebel army, and committed to Fort Lafayette August 26, 1861, by order of the Secretary of State dated August 24, 1861. The charge against Mr. Fisk is supported by the affidavit of James E. Stevens that he boarded with Francis Fisk, son of Francis M. Fisk, in the family of Mrs. Mary Chamberlain; that Francis M. Fisk came to the house of the said Mrs. Mary Chamberlain and told her "I am going to take my son Frank South to put [him] in the army." An order was issued from the Department of State dated September 30, 1861, for the release of Fisk on his taking the oath of allegiance and giving his parole of honor to do no hostile act, &c. He was accordingly released October 2, 1861.

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The returns from Fort Lafayette set forth that Hilary B. Cenas, of the U. S. Navy, was committed to custody in that fort by order of the Secretary of the Navy on the 28th day of August, 1861; that he was

transferred to Fort Warren by order of the Secretary of State on the 30th day of October, 1861. The returns from Fort Warren make no mention of this person nor is any further evidence concerning him to be found in the papers of the Department of State. (Released to be exchanged for Abbott December 19, 1861.)

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These persons [John W. and Ezra E. Cornell] were taken prisoners at Fort Hatteras* and committed to Fort Columbus and from thence transferred to Fort Warren. They were held as prisoners of war. Application having been made for their release and statements made of a satisfactory character that they were compelled to join the Confederate Army and that they were willing to give their parole to do no further hostile act against the United States Government, an order was issued from the Department of State directing Colonel Dimick, commanding at Fort Warren, to release them on their engaging on oath not to leave the State of New York without permission of the Secretary of State and not to hold any treasonable correspondence or do any act hostile or injurious to the Government of the United States. They were accordingly released from confinement November 2, 1861.

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This person [F. V. Hoskins] was one of the prisoners taken at Hatteras* by the expedition under General Butler and was confined in Fort Columbus. He claimed to be a chaplain in the service of the rebels. By order of the Secretary of State said F. V. Hoskins was released October 21, 1861, on taking an oath to do no act hostile or injurious to the Government of the United States nor enter nor correspond with any State in revolt against the authority of the United States during the present insurrection without permission of the Secretary of State.

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Richard S. Freeman, of Macon, Ga., was arrested in New York by the superintendent of police on the 29th day of August, 1861. He was taken to Fort Lafayette and afterward transferred to Fort Warren. Freeman was charged with giving aid and assistance to the rebels by purchasing and transmitting to them necessary and useful machinery and other articles, and making efforts to do so, and with being a spy. His papers show that he left Macon on the 9th of August, 1861, with means and instructions to purchase a shoe peg machine and with introduction to parties in Louisville, Ky., who it was hoped would be able to get the machine conveyed southward through the lines of the U. S. forces. This machine was so much desired at Macon that it was represented as a public necessity. Freeman's papers also show that he had taken some steps toward fulfilling this commission before his arrest, and was engaged therein up to the day of his arrest; and also that he was on the lookout for other purchases which he might judge to be useful and profitable if made and conveyed to Georgia. Freeman had a check and letter of credit from the Bank of Middle Georgia on Messrs. Bingham & Parsons, 18 Exchange Place, New York. The said Freeman remained in custody at Fort Warren February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department. (Ordered released February 21, 1862. Released February 22, 1862.)

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These men [William Robinson and Riddock Brooks] were colored servants of rebel officers captured at Hatteras Inlet* and with said officers committed to Fort Warren as prisoners of war. Application

*August 29, 1861.

was made November 6, 1861, for their release by Captain Clements, one of said officers, who stated that Robinson and Brooks were free negroes; had never been in Government employ but were mere servants for himself and other officers and were anxious to return to their families. An order was issued from the Department of State dated November 29, 1861, directing Colonel Dimick to release these men on their taking the oath of allegiance. Colonel Dimick reports December 2, 1861, that said Robinson and Brooks have no objection to the oath except that having families in North Carolina if they take the oath they cannot return to them and therefore prefer not to be discharged. A subsequent order was issued from the Department of State dated January 6, 1862, directing Colonel Dimick to release Robinson and Brooks on their parole of honor to do no act hostile to the United States during the present insurrection. They were accordingly released.

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From the report of William R. Woodward, esq., prize commissioner in Washington, to the Secretary of State it appears that Thomas R. Stewart was arrested in Chesapeake Bay near Dorchester County, Md., about the 29th of August, 1861, on board the sloop T. J. Evans which was seized by the U. S. schooner Dana. He was charged with being one of the crew of the sloop which was conveying contraband arms and goods to the rebels in Virginia. Stewart was taken to Washington and placed in jail. An investigation of his case resulted in his being released by order of the Secretary of State on taking the oath of allegiance to the Government of the United States September 27, 1861.

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Frank E. Williams, of the Choctaw Agency west of Arkansas, was arrested by order of John S. Keyes, U. S. marshal at Boston, August 30, 1861, and committed to Fort Lafayette by order issued from the Department of State August 31, 1861. He was charged with being disloyal and suspected of being engaged in treasonable practices. His utterance of strong secession sentiments supported the charge and suspicion. He was released September 7, 1861, by order of the Secretary of State.

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Uriah B. Harrold was arrested August 30, 1861, by John A. Kennedy, esq., superintendent of police at New York City, and confined at Fort Lafayette by order of the Secretary of State. He was charged with disloyalty and with being an officer in the rebel army. The evidence upon which he was arrested consists of his own statements proved by numerous witnesses to have been reported by his family connections to the effect that he was an officer (captain) in the rebel army. An order was issued from the Department of State dated September 16, 1861, directing Lieut. Col. Martin Burke, commanding at Fort Lafayette, to release Harrold on his taking the oath of allegiance to the United States. He was released September 18, 1861.

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M. M. Hallinan, alias Stover, was arrested August 31, 1861, by superintendent of police of New York City, John A. Kennedy, on complaint of F. A. Fabre. Hallinan, who is or was a Catholic priest, is charged by Fabre with having attempted to induce him to desert from the service of the United States (Fabre at the time being a private in Company I, Colonel Baxter's Philadelphia Fire Zouaves) and join the rebel army, offering to procure for him a commission as major in the

same regiment in which he (Hallinan) was to serve as chaplain. He further represented that he had command of any amount of money and would give Fabre should he desert $3,000 for an outfit. No evidence* has been received at the Department of State showing that Hallinan was committed to prison.

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This person [W. H. Ward], late a lieutenant in the U. S. Navy, was dismissed from the service on tendering his resignation in May, 1861, and on his arrival in New York August 31, 1861, was arrested by the order of the Secretary of the Navy and committed to Fort Lafayette. No order has been issued or action taken by the Department of State in regard to the case of Ward.

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This person [Daniel Deckart] was arrested by U. S. Marshal Lamon, of the District of Columbia, in September, 1861, and committed to the Thirteenth Street Prison in Washington. He was the publisher of the paper in Hagerstown, Md., called The Hagerstown Mail, and it is presumed that he made it a disloyal sheet, though there are no charges on file in the Department of State against him. Having made application for his release and expressed a willingness to take the oath of allegiance an order was issued from the Department of State directing General Porter, provost-marshal of Washington, to release Deckart on his taking the oath of allegiance and stipulating not to enter or correspond with any of the insurrectionary States. He was accordingly released October 9, 1861.

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This person [George A. Sheahan] was arrested by order of General Daniel E. Sickles in September, 1861, in Anne Arundel County, Md., at the house of one Marriott and taken to Washington, D. C., and delivered into the custody of the commanding general at headquarters. He was charged with having in his possession letters addressed to persons in the enemy's service in Virginia with the intention of transmitting them to that State. The report of his arrest and papers found upon Sheahan are said to be filed and in possession of the military authorities. There is no evidence showing that any action was taken by the Department of State in this case or what disposition the military authorities made of the prisoner.

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Samuel Davidson was arrested on or about September 1, 1861, near North Point, Md., by order of General Dix. He was in company with some twenty-three others on his way to a sloop which was to convey them to the lower part of Maryland with a view it was supposed of joining the rebel army. Davidson was transferred by order of General Scott to Fort Columbus, where he arrived September 5, 1861. He was released by order of the Secretary of State October 5, 1861, on taking the oath of allegiance to the Government of the United States.

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George Gosswell was arrested about September 1, 1861, near North Point, Md., by order of General Dix. He was in company with twenty-three others on his way to a sloop which was to convey them to the lower part of Maryland with a view as was supposed of joining the rebel army. Gosswell was afterward transferred by order of General Scott to Fort Columbus, where he arrived September 13, 1861. He was released October 5, 1861, by order of the Secretary of State on taking the oath of allegiance.

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*See p. 57 for letter of Archbishop Hughes relating to Hallinan.

Benjamin F. McCawley was arrested about September 1, 1861, near North Point, Md., by order of General Dix and committed to Fort McHenry. He was on his way in company with twenty-three others to a sloop which was to convey them to the lower part of Maryland with a view as was supposed of joining the rebel army. McCawley was afterward by order of General Scott sent to Fort Columbus, where he arrived September 13, 1861. He was released October 5, 1861, by order of the Secretary of State on taking the oath of allegiance and stipulating not to visit or correspond with persons residing in the insurrectionary States and to do no act hostile against the United States.

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William McKewen was arrested about September 1, 1861, near North Point, Md., by order of General Dix and committed to Fort McHenry. He was on his way in company with twenty-three others to a sloop which was to convey them to the lower part of Maryland with a view as was supposed of joining the rebel army. McKewen was afterward by order of General Scott sent to Fort Columbus, where he arrived September 13, 1861. He was released October 5, 1861, by order of the Secretary of State on taking the oath of allegiance.

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Frederick Tollenback was arrested about September 1, 1861, near North Point, Md., by order of General Dix. He was in company with twenty-three others on his way to a sloop which was to convey them to the lower part of Maryland with a view as was supposed of joining the rebel army. Tollenback was afterward transferred by order of General Scott to Fort Columbus, where he arrived September 13, 1861. He was released October 5, 1861, by order of the Secretary of State on taking the oath of allegiance.

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John Wilkins was arrested about September 1, 1861, near North Point, Md., by order of General Dix and committed to Fort McHenry. He was on his way in company with twenty-three others to a sloop which was to convey them to the lower part of Maryland with the view it is supposed of joining the rebel army. Wilkins was afterward by order of General Scott sent to Fort Columbus, where he arrived September 13, 1861. He was released October 5, 1861, by order of the Secretary of State on taking the oath of allegiance.

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This man [George Thompson] was arrested in or near Baltimore about September 1, 1861, by order of General Dix and committed to Fort McHenry and from thence transferred successively to Fort Columbus and Fort Warren. He was charged with carrying on an illicit correspondence with the Confederate States or for having intended to go into their service. An order was issued from the Department of State dated November 23, 1861, directing Colonel Dimick, commanding at Fort Warren, to release Thompson on his taking the oath of allegiance, stipulating neither to enter nor correspond with the States in insurrection nor do any act hostile to the Government of the United States during the present insurrection. He was accordingly released November 26, 1861.

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James La Guire, a British subject, was arrested at Boston about September 2, 1861, by order of E. W. Morton, assistant district attorney. He was charged with disloyalty and attempting to proceed to the insurrectionary States with a Canadian uniform, &c., in his trunk. Upon an examination before a magistrate La Guire was found to be a

British subject. An order was issued from the Department of State dated September 14, 1861, directing Rich. H. Dana, jr., U. S. attorney, to release La Guire on condition that the British consul undertake to see him back to Nova Scotia at Her Majesty's expense. He was released on or about September 21, 1861.

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The first information concerning this man [James Chapin] received at the Department of State was contained in a telegram from John Burt, deputy U. S. marshal in New York, dated Saratoga, September 3, 1861, as follows: "I have arrested James Chapin, a captain of the Vicksburg (Miss.) Home Guards. What shall I do with him?" He was committed to Fort Lafayette by order of the Secretary of State dated September 4, 1861. At the time of his arrest the papers and correspondence in the possession of himself and wife were seized. His letters from Vicksburg to his wife contained the following statements: "July 11, 1861.—We are making a mighty effort for our independence and believe we shall have it." Again: "I am deeply enlisted in our success, having subscribed and given money pretty liberally for my means, and have bought Confederate bonds." An order was issued from the Department of State dated October 15, 1861, directing Lieutenant-Colonel Burke, commanding at Fort Lafayette, to release Chapin on his taking the oath of allegiance stipulating that he will do no act hostile or injurious to the United States nor hold correspondence with residents of the insurrectionary States nor leave the State of New York during the present insurrection without the permission of the Secretary of State. He was accordingly released October 17, 1861.

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This person [A. D. Wharton], late a midshipman or lieutenant in the U. S. Navy, was arrested and confined at Fort Lafayette by order of the Secretary of the Navy about September 8, 1861. No order has been issued or action taken by the Department of State in regard to the case of said Wharton.

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George W. Barnard, residing at New Berne, N. C., came to New York by way of the British provinces in the schooner Susan Jane, and was returning in the same vessel when he was captured September 8, 1861, and taken to Fort Lafayette from whence he was afterward transferred to Fort Warren. The first information received at the Department of State in relation to this prisoner was through a letter from his brother, Lieut. William C. Barnard, addressed to the Postmaster-General, dated October 31, 1861, transmitted by the Postmaster-General. The said Barnard was released from confinement on taking the oath of allegiance to the United States on the 30th day of November, 1861, by order of the Secretary of State.

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The only information the Department of State has concerning this man [Edward Baum] is that he was arrested at Hatteras, N. C., September 9, 1861, by order of the Secretary of the Navy, while attempting to run the blockade on a merchant vessel, and committed to Fort Warren November 1, 1861, by order of the Secretary of the Navy. Said Baum remained in custody at Fort Warren February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department. (Released May 7, 1862, by order of commissioners, General Dix and Edwards Pierrepont.)

This person [George A. Shackleford] was mate of the schooner Susan Jane which was captured September 9, 1861, while attempting to run the blockade at Hatteras Inlet. He was sent to Fort Lafayette by order of the Secretary of the Navy and afterward transferred to Fort Warren. The said G. A. Shackleford remained in custody at Fort Warren February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department. (Released March 5, 1862, on honor not to render any aid or comfort to enemies in hostility to the United States Government.)

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John W. Andrews, of New Orleans, was arrested at Providence, R. I., on the 10th of September, 1861, by Albert Sanford, esq., U. S. marshal, under direction of the Secretary of State. He was charged with being an officer in the rebel service, and was taken to New York with a view to placing him in confinement. Before he was taken to the fort, however, it was made to appear satisfactorily that he was not the person intended to be arrested but had been taken for another man of the same name. He was therefore released on or about the 13th day of September, 1861.

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This person [Bushrod W. Marriott] was arrested by order of General Sickles in Maryland and committed to the Thirteenth Street Prison in Washington, September 10, 1861. The only information received at the Department of State relative to Marriott is contained in a letter from William Price, esq., of Baltimore, stating that Marriott was arrested for giving aid and comfort to the rebels, but the charge was unfounded and he therefore urged the release of the prisoner. The said Marriott was ordered to be released by the Secretary of State on taking the oath of allegiance to the United States Government.

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This man [Samuel P. Wilson] was arrested by order of General Sickles and committed to the Central Guard House September 10, 1861, and transferred to the Thirteenth Street Prison, Washington, D. C., by order of General Porter. He was released October 8, 1861, upon taking the oath of allegiance by order of General Porter.

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David Summers, of Baltimore, was arrested with some twenty others at North Point, Md., about September 13, 1861, and by order of Lieutenant-General Scott committed to Fort Columbus and from thence transferred to Fort Warren, Boston Harbor. He was charged with being about to proceed to the insurrectionary States for the purpose of joining the rebel forces. An order was issued from the Department of State dated December 9, 1861, directing Colonel Dimick, commanding at Fort Warren, to release Summers on his taking the oath of allegiance stipulating that he will neither enter nor correspond with the States in insurrection against the United States nor do any act hostile to the United States during the present insurrection. (Released December 12, 1861.)

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Dennis Kelly was arrested September 13, 1861, by order of Lieutenant-General Scott and taken to Fort Columbus. Kelley was captured with some twenty others on suspicion of his being on his way to join the rebel army. Being a British subject he was released without taking an oath of allegiance by order of the Secretary of State September 24, 1861.

Patrick Crohan was arrested September 13, 1861, by order of Lieutenant-General Scott and taken to Fort Columbus. He was captured in company with some twenty others on suspicion of being on his way to join the rebel army. Being a British subject he was released by order of the Secretary of State September 24, 1861.

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Information having been received at the Department of State that John R. Gwynn was in custody at Fort McHenry the Secretary wrote General Dix September 13, 1861, asking a report in said Gwynn's case as to the expediency of releasing him. General Dix replies September 16, 1861, that said John R. Gwynn was "released about a fortnight since."

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The first information received by the Department of State concerning this man [Leonard Sturtevant] was contained in a telegram from U. S. Marshal J. S. Keyes, of Massachusetts, and directed to the Secretary of State under date of Boston, September 14, 1861, as follows:

> Leonard Sturtevant, of New Orleans, rich, influential, energetic, thoroughly secessionist, is here about to return with his family. He brought on large sums; has been in Philadelphia, New York and Maine since on business. The district attorney joins in asking what action shall be taken.

He was arrested by Marshal Keyes and committed to Fort Lafayette September 19, 1861, by order of the Secretary of State. An order was issued from the Department of State dated September 25, 1861, directing Col. Martin Burke, commanding at Fort Lafayette, to release Sturtevant on his taking the oath of allegiance to the Government of the United States and giving his parole not to return to Louisiana or any other State now in rebellion against the authority of the United States Government without leave of the Secretary of State. He was accordingly released September 27, 1861.

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This person [Moses Stannard] was arrested by U. S. Marshal [David H.] Carr at Madison, Conn., September 16, 1861, by order of the Secretary of State and committed to Fort Lafayette. September 12, 1861, U. S. Marshal Carr, in a letter to the Secretary of State asking authority to arrest Stannard, stated that he (Stannard) is a man who can and is doing great mischief; that he raised a secession flag on his premises. Stannard is also charged with having stated to one Wilcox that he hoped to God the secessionists would capture Washington and burn all the public property and shoot the President and all his Cabinet, and that he would go and help them do it if he could effect it by so doing. Application having been made for his release an order was issued from the Department of State dated October 12, 1861, directing Lieutenant-Colonel Burke, commanding at Fort Lafayette, to release Stannard on his taking the oath of allegiance to the United States Government and stipulating not to enter into or correspond with any of the insurrectionary States. The said Moses Stannard was accordingly released October 14, 1861.

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George A. Hubbell was arrested September 20, 1861, by U. S. Marshal David H. Carr, of New Haven, Conn., by order of the Secretary of War and committed to Fort Lafayette. Hubbell was charged with being a noisy secessionist and doing great mischief by his treasonable talk. He was news agent on the Naugatuck Railroad and persisted in selling the New York Daily News contrary to orders. He was released September 26, 1861, on taking the oath of allegiance, by order of the Secretary of State.

George P. Pressy of Saint Louis, Mo., was arrested in Marion County, Ky., on or about the 20th day of September, 1861, charged with aiding the rebellion against the United States. He was probably taken by the Kentucky Home Guard or by order of General Anderson, though there are no documents in the State Department showing any of the particulars in relation to his arrest or commitment. He was sent to Fort Lafayette and afterward to Fort Warren. On the 10th day of February, 1862, Pressey was released from confinement on taking the oath of allegiance with stipulations against future misconduct and to report to the Department of State.

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John Bateman was arrested at Portland by the U. S. marshal for Maine on or about the 21st of September, 1861, charged with conveying dispatches for the rebels and with affording them aid and comfort. He was sent to Fort Lafayette. The papers found upon Bateman were represented by the marshal as of importance, but there is no evidence in the Department of State to show what their character was. On the 2d day of October, 1861, Bateman was released from confinement by order of the Secretary of State on taking the oath of allegiance with stipulations against future misconduct.

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H. K. Stevens, late lieutenant in the U. S. Navy, was arrested at Portsmouth, N. H., September 24, 1861, by Captain Pearson, commanding at Kittery Navy-Yard, and committed to Fort Lafayette. Stevens tendered his resignation as a lieutenant in the U. S. Navy March 25, 1861, and by order of the President his name was stricken from the rolls of the Navy September 30, 1861. No order has been issued nor action taken by the Department of State in regard to the case of Stevens.

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William E. Wright, of Marion County, Ky., was arrested by Col. R. W. Johnson, of the Kentucky Home Guard, on or about the 24th of September, 1861, charged with having taken up arms against the Government of the United States or otherwise aiding in the rebellion against the same. After his arrest he was sent by General Anderson to Indianapolis and then by order of the Secretary of State to Fort Lafayette and was afterward transferred to Fort Warren. It appears by Wright's statements to some of his friends who petitioned for his discharge that he had been to Bowling Green, Ky., to sell horses, which were probably for the military service of the rebels, and that he had been in the State of Tennessee trying to make some money for his family, by what kind of traffic is not stated. On the 11th day of January, 1862, Wright was released from confinement on taking the oath of allegiance with stipulations against future misconduct.

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The only information received at the Department of State relative to this person [J. L. O'Neil] was contained in a telegram from a Government agent dated Philadelphia, September 25, 1861, stating that O'Neil was a Virginian and an intimate friend and companion of one Winder who had been arrested for disloyalty. He was ordered by the Secretary of State to be arrested, but there is no evidence on file in the Department of State showing that he was ever committed to prison.

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The first information received at the Department of State in regard to this person [David K. Morton] was contained in a letter from Andrew

Wallace to the Secretary of State dated Indianapolis, September 25, 1861, in which the arrest of Morton is mentioned as having taken place and asking what shall be done with him. Mr. Wallace refers to Morton as being a secessionist and as having been in the rebel army. In reply to Mr. Wallace the Secretary of State September 30, 1861, directed him to consult Governor Morton, of Indiana, and if the latter approved to take the prisoner to Fort Lafayette. No further information having been received at the Department of State relative to Morton it is presumed that he was discharged.

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The first information relative to this man [C. J. M. Gwinn] received at the Department of State was contained in a letter from Hon. Reverdy Johnson dated September 27, 1861, saying that he is informed that said Gwinn was to be arrested on a charge of disloyalty; that he was perfectly loyal and ought not to be arrested. There are no papers on file in said Department showing that said Gwinn was ever arrested but there is on file an oath of allegiance purporting to be signed by C. J. M. Gwinn and dated September 27, 1861.

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David B. and John H. Crumbaugh* were arrested by the home guard in Clark County, Ky., and taken to Camp Chase, Ohio, in October, 1861. They were charged with attempting to enter the insurrectionary States contrary to the President's proclamation, David B. proposing to practice law in Arkansas and John H. intending to go to Mississippi where he had been engaged as an overseer of a plantation. A telegram dated November 7, 1861, from Governor Dennison, of Ohio, asks the release of the brothers Crumbaugh. The Secretary of State replies under date of November 8 that he is compelled to postpone the release of any prisoners of war from Kentucky at this juncture. Subsequently the Secretary of State requested Governor Dennison to sound them as to their disposition to engage not to accept employment of any kind in the South or do any act hostile to the United States.

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Edward Payne was arrested near Lebanon Junction, Ky., by military authority about October 1, 1861, and sent to Fort Lafayette. At the time of his arrest he was armed with a revolver, rifle with sword bayonet, cartridge-box, bayonet scabbard, and in every way equipped for service. He confessed that he was on his way South to join the Confederate Army. He was released by order of the Secretary of State October 14, 1861, on taking the oath of allegiance and stipulating that he would not visit any of the insurgent States or hold correspondence with any persons residing in them.

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Benjamin P. Loyall, a lieutenant in the Navy and attached to the U. S. ship Constellation, was arrested on arrival of said ship at Portsmouth, N. H., from the coast of Africa by order of the Secretary of the Navy for refusing to take the oath of allegiance to the United States Government. He was committed to Fort Lafayette October 2, 1861, and transferred to Fort Warren October 30. There are no papers on file in the Department of State showing how his case was disposed of by the Secretary of the Navy.

*In a letter of Secretary Seward this name appears as Cunnebaugh.

These men [Samuel J. Sharp and son] were arrested at Williamsport when crossing the lines of the U. S. Army from the South and sent to General Dix at Baltimore October 4, 1861. They were charged with having visited the insurrectionary States on commercial business in violation of the President's proclamation. They claimed to be British subjects and were released about October 7, 1861, by order of the Secretary of State.

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The first information received at the Department of State relative to this person [David R. Mister] was contained in a letter from Hon. J. W. Crisfield, October 4, 1861, with inclosures of petition and letter of citizens of Accomack County, Va., asking the release of Mister. The petition states that Mister was arrested in Chesconnessex Creek, Va., on board of his vessel, the Indiana, and was charged with having been engaged in conveying powder, balls, &c., contraband articles, to the rebels in Virginia, and was taken to and confined at Fortress Monroe. A letter also inclosed with the petition by Hon. J. W. Crisfield from E. R. Snead, of Onancock, Va., stated that Mister was confined at the Rip Raps. October 9, 1861, an order was issued from the Department of State directing Major-General Wool to release Mister on his taking the oath of allegiance and stipulating not to enter the insurrectionary States or do any act hostile to the United States Government. Major-General Wool replied by letter to the Secretary of State dated October 12, 1861, that this person was not and had not been at Fort Monroe or the Rip Raps. No information has been received at the Department of State relative to the place of confinement of said Mister other than above mentioned.

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The only information received at the Department of State in regard to this person [J. A. Koenig] is contained in a letter to the Secretary of State dated October 4, 1861, from U. S. Deputy Marshal A. G. Stevens, of Buffalo, N. Y., in which Koenig is charged with purchasing arms for the use of the rebels. An order was issued from the Department of State October 7, 1861, directing Deputy Marshal Stevens to arrest and convey Koenig to Fort Lafayette. There is no evidence on file in the Department of State showing that the arrest was made.

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Dr. Alexander C. Robinson, of Baltimore, was one of the highly respectable gentlemen of that city who gave consideration and power to the rebel cause by his open sympathy and support. During the period of agitation between the arrest of a portion of the Maryland legislature and the election following a military order was issued as a measure of precaution for the arrest of Doctor Robinson, but he was advised of it and eluded arrest, fleeing as was alleged to Virginia. No papers in the Department of State show at what time the order for Doctor Robinson's arrest was issued nor when if ever or on what conditions it was revoked. The correspondence in relation to him begins on the 4th and closes on the 26th of October, 1861. It is almost wholly between parties outside of the Department of State, and it does not appear that any order was made in this Department in relation to the case. There is on file an engagement on his word of honor to submit to the laws of the United States and of the State of Maryland and not in any way to assist those in arms against the authority of the United States, purporting to be signed by the said Robinson.

The first information received at the Department of State concerning this man [John S. Travis] was contained in a letter from L. C. Baker, Government agent, and dated October 10, 1861, in which he says:

On the 5th instant we arrested one John S. Travis, a resident of Great Mills Post-Office, and brought him a prisoner to this city (Washington). Travis is charged with carrying the contraband mails to and from the Great Mills Post-Office into Virginia. This morning I received a telegram from General Dix at Fort McHenry stating that the provost-marshal of Baltimore would furnish me with an abundance of proof against Travis.

No order has been issued or action taken by the Department of State in regard to the case of Travis, he having been released after remaining in Washington a few days on his parole.

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Robert Renwick, of Baltimore, was arrested by order of General Dix October 6, 1861, and committed to Fort Columbus, New York Harbor, and from thence transferred to Fort Warren, Boston Harbor. There are no papers on file at the Department of State showing on what charge he was arrested. November 11, 1861, from information received from a prisoner discharged from Fort Warren the stables on Renwick's premises were searched and concealed arms found. At the request of the Secretary of War, February 6, 1862, an order was issued from the Department of State dated February 6, 1862, directing Colonel Dimick, commanding at Fort Warren, to release Renwick on a parole of thirty days. He was accordingly paroled.

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Miss Ellie M. Poole was arrested October 7, 1861, in Wheeling by order of the Secretary of State but escaped from custody. She was again arrested November 7 in Louisville, Ky., and after being sent to Washington was committed to the Greenhow Prison. There was abundant evidence showing that Miss Poole was a shrewd and dangerous spy, having made several trips to Richmond since the breaking out of the rebellion. She was released by order of the Secretary of State January 16, 1862, on giving her parole of honor to keep herself from all connection with the existing troubles and not to communicate any information which would be of assistance to the so-called Confederate States or in any way to assist in any resistance to the authority or forces of the United States. Miss Poole after giving her parole was taken to Fortress Monroe and permitted to pass thence to the city of Norfolk, Va.

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Alfred Da Costa, late of New Orleans, La., was arrested by an agent of Government in Detroit, Mich., October 7, 1861, and conveyed to Fort Lafayette and subsequently transferred to Fort Warren. The charges against Da Costa were as follows, as contained in a telegram to the Secretary of State received from William H. Barse, a Government agent, viz:

U. S. attorney and myself are perfectly satisfied from Da Costa's manner, conversation and circumstances connected with his account of himself that he is a rank secessionist and spy and was intending to sail from Quebec.

Seth C. Hawley, esq., of New York, having been requested to examine and report the facts connected with the arrest of and charges against Da Costa, reported to the Secretary of State under date of December 16, 1861, from which the following extract is made:

But he (Da Costa) to me declined to take the oath required, from which it is fairly to be inferred that he is not loyal in his opinions or designs and therefore I cannot recommend his release.

February 5, 1862, an order was issued from the Department of State for the release of the said A. Da Costa on his taking the oath of allegiance, &c., which he declined to do. The said Alfred Da Costa remained in custody at Fort Warren February 15, 1862, when in accordance with the order of the War Department of the preceding day he was transferred to the charge of that Department. (February 21, 1862, ordered released. February 22, 1862, released.)

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William F. Capehart, John Murphy, Perry White, Isaac Swindle, Carthwright Thompson, James B. Hoggard, Stephen Bennett, Charles Williams and Thomas Kelley.—Information having been received at the Department of State that there were at Fort Lafayette certain sailors held as prisoners an order was issued from the Department of State dated October 8, 1861, directing U. S. Marshal Murray to cause to be discharged from custody all sailors not privateers on taking the oath of allegiance. The above-named Capehart, Murphy, White, Swindle, Thompson, Hoggard, Bennett, Williams and Kelley were accordingly discharged from Fort Lafayette October 9, 1861.

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Information having been received at the Department of State that there were at Fort Lafayette certain sailors confined as prisoners, among them one George Parker, an order was issued by the Department of State dated October 8, 1861, directing U. S. Marshal Murray to cause to be discharged all sailors not privateers on taking the oath of allegiance. The said Parker being a foreigner was released from Fort Lafayette October 9, 1861, unconditionally.

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Information having been received at the Department of State that there were at Fort Lafayette certain sailors confined as prisoners, among them one John Johnson, an order was issued by the Department of State instructing U. S. Marshal Murray to cause all sailors not privateers to be released on taking the oath of allegiance. The said Johnson being a foreigner was released from Fort Lafayette October 9, 1861, unconditionally.

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Information having been received at the Department of State that there were at Fort Lafayette certain sailors held as prisoners, among them one Edward Heinrichs, an order was issued from the Department October 8, 1861, directing U. S. Marshal Murray to cause all sailors not privateers to be discharged from custody on taking the oath of allegiance. The said Heinrichs being a foreigner was released from Fort Lafayette October 9, 1861, unconditionally.

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Information having been received at the State Department that there were at Fort Lafayette a number of sailors held as prisoners, among them one Erick Brundeen, an order was issued from the Department October 8, 1861, directing U. S. Marshal Murray to cause all sailors not privateers to be discharged on taking the oath of allegiance. The said Brundeen being a foreigner was released from Fort Lafayette October 9, 1861, unconditionally.

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Information having been received at the State Department that a number of sailors were held in Fort Lafayette as prisoners, among them one William Brown, an order was issued by the Department dated October 8, 1861, directing U. S. Marshal Murray to cause to be released

all sailors not privateers on taking the oath of allegiance. The said Brown being a foreigner was released from Fort Lafayette October 9, 1861, unconditionally.

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W. B. Forwood [was] arrested by Superintendent Kennedy on his arrival in New York on the City of Washington October 9, 1861. Was discharged after an examination by the superintendent, nothing being found against him.

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This man [Benjamin J. Cross] was arrested on the 10th day of October, 1861, at or near his residence at Seneca, Md., by the Thirty-fourth Regiment New York Volunteers and forwarded by General Stone to the provost-marshal at Washington. Cross was charged with having betrayed Dr. Causten, a member of a military company called the President's Mounted Guard in the service of the United States, to the rebels in May last, Causten being his brother-in-law and then at his house at Seneca. From a report of E. J. Allen* forwarded by General Porter, provost-marshal, it appears on the testimony of Lieutenant-Colonel Owen of the Kentucky [Pennsylvania] cavalry, that on the day that Causten was captured in May, 1861, Cross went over the river into Virginia and soon after the Virginia troops came over, proceeded directly to Cross' house and took Causten captive and carried him to Virginia, and that Cross did not return to his residence till about the time he was arrested. Said report also shows on the authority of Union refugees from the vicinity of Dranesville, Va., opposite Edwards Ferry, that Cross has always had the credit in that neighborhood of having betrayed his brother-in-law (Causten) into the hands of the rebels and that he has always been a great crony of the Virginia rebels till they became very urgent that he should go into military service when he returned to his home and was arrested. It is also alleged on the authority of parties from the vicinity of Seneca that at the time of the capture of Causten an ill-feeling existed against him on the part of Cross growing out of family affairs which it was thought led to the treacherous and disloyal conduct of the latter. The said Cross was confined in the Old Capitol Prison at Washington where he remained February 15, 1862, when he was transferred to the charge of the War Department pursuant to the order of that Department of the preceding day.

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J. W. Packard was arrested in Philadelphia October 10, 1861, by order of the Secretary of State and committed to Fort Lafayette. He was charged with disloyalty to the United States Government. Having lately returned from Richmond, Va., he was recognized as having been in company with one Sloat who it was charged had changed his sewing-machine manufactory into a gun shop and had been engaged in altering and repairing muskets and other arms for the use of the rebels. The said Packard was released by order of the Secretary of State October 21, 1861, on taking the oath of allegiance and stipulating that he would not visit any of the insurgent States or hold any correspondence with persons residing in them.

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This person [A. R. Carter] was arrested by the military authorities in Baltimore October 10, 1861, and committed to Fort McHenry and

* See p. 171 *et seq.* for Allen's report.

from thence transferred successively to Fort Lafayette and Fort Warren. He was charged with carrying on an illicit correspondence with the rebel States and with having intended to go into their service. An order was issued from the Department of State November 25, 1861, directing Colonel Dimick, commanding at Fort Warren, to release Carter on his taking the oath of allegiance to the United States Government and engaging neither to enter or correspond with the insurrectionary States. The said A. R. Carter was accordingly released November 28, 1861.

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Mrs. Medora A. Onderdonk was arrested by order of the Secretary of the Treasury at Chicago and transferred by order of the Secretary of State October 11, 1861, to the charge of General Porter, provost-marshal, Washington, D. C. She was charged with being a spy in the employ of the rebels. An order was issued from the Department of State dated November 13, 1861, directing General Porter to release Mrs. Onderdonk on her taking the oath of allegiance stipulating that she will neither enter any of the States in insurrection nor hold any correspondence with any person residing therein. Also that she will do no act hostile or injurious to the United States. She was accordingly released November 14, 1861.

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The only information received at the Department of State in regard to this person [R. Williams] is contained in a letter from Major-General Wool to the Secretary of State dated at Fortress Monroe October 12, 1861, in which General Wool states that Williams was then a prisoner confined in that fort. There has been no evidence received at the Department of State showing what were the charges upon which the prisoner was arrested nor has any action ever been taken by the Secretary of State in the case.

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This person [John L. Troxell] was arrested by the military authorities in Washington October 12, 1861, and committed to the Thirteenth Street Prison. He was charged with attempting to procure passage to Aquia Creek, Va., for twenty-five men, offering $5 a head. An order was issued from the Department of State dated October 30, 1861, directing General Porter to release Troxell on his taking the oath of allegiance stipulating that he will neither enter any of the States in insurrection nor hold correspondence with persons residing in those States nor do any act hostile to the United States. He was accordingly released October 31, 1861.

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James W. Offutt was arrested October 15, 1861, at Georgetown, D. C., by order of Captain Ammon, provost-marshal of Rockville, Md., in obedience to the order of Major-General Banks. The charges against Offutt were that he had been for some months in the Confederate Army; that he was concealed during the day at a Mrs. Claggett's in Rockville about the 20th of September, and at night was in the habit of visiting Georgetown carrying letters and papers with him, and that he had frequent meetings in the night with known and violent secessionists in Rockville, and that he was engaged in treasonable practices. Application having been made for the release of Offutt on the representation that his health was fast giving way mentally and physically, and that in the opinion of Doctor Stewart he would unless released become vio-

lently insane an order was issued from the Department of State January 9, 1862, directing Brigadier-General Porter, provost-marshal of Washington, to release Offutt from the Old Capitol Prison upon his taking the oath of allegiance to the United States Government and stipulating not to visit or correspond with persons residing in the insurrectionary States and to do no act hostile to the United States.

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Charles A. Worthington was arrested by order of General Porter and committed to Thirteenth Street Prison, Washington, D. C. He was charged with having been in the service of the Confederate States. An order was issued from the Department of State dated October 15, 1861, directing General Porter to release Worthington on his taking the oath of allegiance stipulating that he will neither enter any of the States in insurrection against the authority of the United States nor hold any correspondence with persons residing in those States nor do any act hostile to the United States during the present insurrection. He was accordingly released October 16, 1861.

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William F. McKewen, of Baltimore, Md., was arrested in Baltimore October 15, 1861, by order of the military authorities and confined in Fort McHenry; from thence he was conveyed to Fort Lafayette and subsequently transferred to Fort Warren. At the time of his arrest he was secretary to the board of police commissioners of Baltimore and universally known to be disloyal to the United States Government and in deep sympathy with the rebellion. The arrest was made as a measure of military precaution to guard against the furtherance of the interests of the rebels in Baltimore and the State of Maryland. The said William F. McKewen remained in custody at Fort Warren February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department. (Ordered released February 21, 1862. Released February 22, 1862.)

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Rev. N. G. North, of Virginia, captured at Harper's Ferry by Colonel Geary's command October 16, 1861, and by order of General Banks sent to Fort McHenry; from there sent to Bedloe's Island and from there transferred to Fort Warren, Boston Harbor. (Released December 23, 1861, to be exchanged.)

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Isaac G. Mask, of Baltimore, was arrested by General Dix on the 16th of October, 1861, and sent to Fort Lafayette from whence he was afterward transferred to Fort Warren. Mask was detected in treasonable correspondence with persons in Virginia, giving information of expeditions in course of preparation by the Government with the avowed treasonable intent that such information should be communicated to the military and other authorities of the rebels for the benefit of their cause. His guilt was clearly established and is not denied. On the 10th of January, 1862, Mask who is a man in humble position and circumstances was released from custody on taking the oath of allegiance.

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Hamilton L. Shields, of Bennington, Vt., was arrested by order of the Secretary of State dated October 17, 1861, by U. S. Marshal Baldwin, of Vermont, and committed to Fort Lafayette and from thence transferred to Fort Warren. He was charged with being engaged in treasonable correspondence with persons in insurrection against the

Government of the United States. An order was issued from the Department of State dated November 2, 1861, directing Colonel Dimick, commanding at Fort Warren, to release Shields on his taking the oath of allegiance stipulating that he will neither enter nor correspond with the insurrectionary States. He was accordingly released November 6, 1861.

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James M. P. Nolan,* an unnaturalized Irishman residing at Saint Louis, was arrested in that city by order of the State Department on the 18th day of October, 1861. His offense was treasonable correspondence. After his arrest Nolan refused to give any explanation of [his] conduct or to give any assurance that he would not take up arms against the Government or that he would remain neutral during the rebellion. The British consul satisfied of his complicity with the rebellion refused to interpose officially in his behalf, but interceded for his release on the grounds of his youth and in the hope that he [would] refrain from any further criminal acts. General Curtis also advised his release on the same grounds. On the 4th of December, 1861, the provost-marshal of Saint Louis in a written communication addressed to him tendered Nolan his release coupled with an admonition as to his future behavior. Nolan refused to be set at liberty saying that he would not accept his discharge as a favor but demanded it as a right. On the 11th of December, 1861, the State Department instructed the provost-marshal of Saint Louis to retain the said Nolan in custody until further orders. The said Nolan remained in custody in the military prison at Saint Louis February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department. The name of said Nolan is sometimes written Joseph N. P. Nolan. In the prison list it is James M. P. Nolan.

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George W. Gunnell was arrested by General Smith October 19, 1861, and committed to the Thirteenth Street Prison; transferred afterward to the Old Capitol. There are no charges on file in the Department of State showing why this man was arrested. He remained in custody in the Old Capitol Prison February 15, 1862, when in conformity with an order of the War Department of the preceding day he was transferred to the charge of that Department. Ordered released February 21, 1862. (Released on parole February 22, 1862.)

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This person [A. B. Williams] was arrested by order of General Smith and committed to Thirteenth Street Prison October 19, 1861; from thence transferred to Old Capitol Prison by order of General Porter. There are no papers on file in the Department of State showing upon what charges he was arrested. The said A. B. Williams remained in custody at Old Capitol Prison February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department. Ordered released February 21, 1862. (Released on parole February 22, 1862.)

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Hugh Adams was arrested by order of General Smith and committed to the Thirteenth Street Prison, Washington, D. C., October 19, 1861, and from thence transferred to the Old Capitol Prison. There are no papers on file at the Department of State showing on what charge he

*See pp. 171, 176 for correspondence relating to Nolan.

was arrested. Said Adams remained in custody at the Old Capitol February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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William Peirce was arrested by order of the Secretary of State October 20, 1861, at Boston, Mass., and committed to Fort Lafayette; afterwards transferred to Fort Warren. Peirce was charged with having belonged to a rebel military organization in New Orleans and with being disloyal to the United States Government. He was released by order of the Secretary of State November 11, 1861, on taking the oath of allegiance and stipulating that he would not visit any of the insurgent States or hold any correspondence with persons residing in them without the consent of the Secretary of State.

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This person [Patrick McCafferty] was picked up by the U. S. steamer Island Belle while in the act of crossing from the Maryland shore toward Mathias Point October 20, 1861, and was committed to the Old Capitol Prison January 3, 1862. He was discharged January 17, 1862, by order of the Secretary of the Navy on his taking the usual oath of allegiance.

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Thomas B. Giles was arrested October 21, 1861, at Laurel, Del., by order of the Secretary of State and confined in Fort McHenry and from there transferred to Fort Warren, Boston Harbor. Giles was charged with disloyalty and with three others taking and concealing a Government balloon, thereby thwarting the designs of the Government and its officers. An order was issued from the Department of State dated November 3, 1861, directing Colonel Dimick, commanding at Fort Warren, to release Giles on his taking the oath of allegiance. He was released November 4, 1861.

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This man [Joseph Bacon] was arrested October 21, 1861, at Laurel, Del., by the order of the Secretary of State and confined in Fort McHenry and from thence transferred to Fort Warren, Boston Harbor. He was charged with disloyalty and with assisting three others in taking and concealing a Government balloon, thereby thwarting the design of the Government and its officers. An order was issued from the Department of State dated November 3, 1861, directing Colonel Dimick, commanding at Fort Warren, to release Bacon on his taking the oath of allegiance, &c. He was released November 4, 1861.

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John S. Bacon, of Laurel, Del., was arrested by order of the Secretary of State on the 21st of October, 1861, by Major Andrews, of the Second Regiment Delaware Volunteers, charged with conspiring to secrete a balloon belonging to the Government with treasonable purpose and was confined at Fort McHenry. On the 29th day of October, 1861, the said Bacon was released from confinement on taking the oath of allegiance by order of the Secretary of State.

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B. L. Hayden was arrested October 22, 1861, by a Government agent at his home in Saint Mary's County, Md., and by order of the Secretary of State was taken to Fort Lafayette. Hayden was charged with disloyalty to the United States Government and strong sympathy with the rebel cause. He belonged to an organization known as the Lower

Maryland Vigilance Committee whose object was to assist the insurgents and oppress the Union citizens. He was released on taking the oath of allegiance January 2, 1862, by order of the Secretary of State.

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F. A. Drew was arrested at New York by order of the Secretary of State dated October 22, 1861, and committed to Fort Lafayette. He was charged with having been in the service of the rebels as master of a vessel. An order was issued from the Department of State dated October 23, 1861, directing U. S. Marshal Murray, of New York, to cause Drew to be released on his taking the oath of allegiance. He was accordingly released October 23, 1861.

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Application having been made to the Secretary of State by citizens of Parkersburg, Va., for the release of this person [Wigal Young] who was represented to have been arrested by General Rosecrans and sent to Camp Chase in Ohio for confinement, the Secretary of State by letter dated October 25, 1861, requested General Rosecrans to furnish the proofs on which Young was arrested. General Rosecrans replied October 31, 1861, that an order had been issued October 26, 1861, by the provost-marshal of Western Virginia directing the return of Young to be delivered to the U. S. marshal of Virginia, and released on such terms as Judge Jackson should prescribe.

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The only information received at the Department of State relative to this person [John D. Sudendorf] is contained in a report of Major-General Dix dated October 25, 1861, stating that he had sent Sudendorf with others to Fort Columbus; that he was a citizen or supposed to be so but acting in the capacity of a spy in conveying information to the rebels. The said John D. Sudendorf remained in custody at Fort Warren where he was conveyed November 1, 1861, on the 15th of February, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department. (Turned over to civil authorities to be treated for insanity March 17, 1862.)

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Application having been made to the Secretary of State by citizens of Parkersburg, Va., for the release of this person [Mr. Kizer] who was represented to have been arrested by order of General Rosecrans and sent to Camp Chase, Ohio, for confinement, the Secretary of State by letter dated October 25, 1861, requested General Rosecrans to furnish the proofs on which Kizer was arrested. General Rosecrans replied October 31, 1861, that an order had been issued October 26, 1861, by the provost-marshal of Western Virginia directing that Kizer be delivered to the U. S. marshal of Virginia, to be released on such terms as Judge Jackson should prescribe.

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The only information received at the Department of State relative to this person [Brazillian Morley] is contained in a telegram from Robert Murray, esq., U. S. marshal of New York, dated October 28, 1861, to the Secretary of State stating that Commodore Paulding had arrested and placed in his custody the said Morley, late of the U. S. Navy, and that he (the U. S. marshal) had committed him to Fort Lafayette. The action of the U. S. marshal was approved by the Secretary of State.

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Information having been received from the U. S. consul at Liverpool that this person [Jeremiah McAuliff] was about to sail for the United States with rebel dispatches an order was issued by the Secre-

tary of State October 28, 1861, directing John A. Kennedy, superintendent of police in New York, to arrest McAuliff on his arrival and examine his papers. He was accordingly arrested November 10, 1861, but nothing found upon him. In answer to the request of Mr. Kennedy for instructions what to do with McAuliff the Secretary of State directed November 14, 1861, the former to adopt such proceedings in the matter as in his judgment was proper, and if released to compel McAuliff to stipulate on oath not to enter or correspond with any of the States in insurrection against the Government of the United States.

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This man [Withers Smith] was arrested in Fairfax County, Va., where he resides, on the 28th of October, 1861, and taken to the headquarters of General Smith and soon after brought to Washington and confined in the Thirteenth Street Prison. He was charged with aiding the rebels. A report of E. J. Allen transmitted by the provost-marshal, General Porter, sets forth on the testimony of Isaac Tyson, Charles E. Johnson and William Walters that Smith was a member or agent of the rebel vigilance committee of Fairfax County and appointed to go around the county and learn who were Union men and who were secessionists and report their names to the committee; that on one occasion Smith said that every man who did not take up arms in favor of the Southern cause was a traitor to the South. On another occasion Johnson said to Smith that he should never take up arms against the Stars and Stripes, to which Smith answered that he had better not talk in that way as they had a vigilance committee into whose hands he would be given. Also that Smith went around serving notices on the members of the State militia in Fairfax County; that such a notice was served on a young man named Albert Peacock, and that Peacock left Virginia for Georgetown that same night; that the tenor of those notices was that the person upon whom one was served must be at the place of rendezvous to be drilled for the purpose of repelling the invasion of the State by Northern troops. Also that Smith has been from the beginning of the rebellion an active rebel, and that when the draft was made out for the militia of Virginia said Smith went round and served the notice on different persons, and that one of the witnesses had seen such notices with Withers Smith's name signed thereto. That on another occasion Smith told said Johnson that the Palmetto flag would be flying over the Capitol in two weeks from that time; and when said Johnson responded that if so it would be without his aid Smith replied that he would report him to the vigilance committee the next day at Fairfax Court-House, and that if he did not take up arms against the Government he should leave the State of Virginia, for he was appointed by the vigilance committee to report the name of every Union man to them; and also that said Smith did report him to said vigilance committee and said committee thereupon had Johnson before them and threatened him and forbid him from going to the District of Columbia. Said Smith was transferred from the Thirteenth Street Prison to the Old Capitol Prison where he continued in custody February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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The papers on file in the Department of State concerning this man [Edward McMurdy] do not show where or at what time he was arrested. He was charged with being a spy in the rebel service and committed

to the Old Capitol Prison. The papers are for the most part letters from distinguished men for his release, testifying to the loyalty, &c., of McMurdy, his family and friends. Also a report dated Provost-Marshal's Office, Washington, D. C., October 30, 1861, signed E. J. Allen, stating that McMurdy has been released by order of the Secretary of War.

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This person [Thomas White] was arrested as appears by a letter from his brother-in-law, R. W. White, forwarded to procure his release on parole, on the steamer Platte Valley in November, 1861. The said letter represents that he was confined in military prison at Saint Louis. There is no other or further information about the man in the Department of State, wherefore it is inferred that he was held by the military authorities either as a prisoner of war or for some military offense.

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Edward B. Cuthbert, of Beaufort, S. C., was taken prisoner at Port Royal or Ladies Island near Port Royal, in November, 1861, and sent to Fort Lafayette. The Department of State has not received any information from the military authorities in regard to this prisoner placing him in any different light from that occupied by others captured by them. A statement made on behalf of the prisoner by his wife shows that he escaped to Charleston after the bombardment of Port Royal and returned voluntarily on his own business as she alleges when he was taken. It does not appear whether or not he entered within the lines of the Government forces before he was captured. His wife says he was unarmed, though it would seem from her statement that he made resistance as she says he was "overpowered." No allegation of criminality as a spy has been made against him nor is it known that he is in any other way culpable than as a rebel in common with all the residents of Beaufort and vicinity. The said Cuthbert remained in custody at Fort Lafayette February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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W. Oswald Dundas* was arrested November 1, 1861, on complaint of Major De Zeng, of the First Long Island Volunteers, and confined in the Thirteenth Street Prison in Washington, D. C., and was transferred to the Old Capitol Prison November 7, 1861. Dundas was in the habit of leaving his home near Bladensburg, Md., early in the evening on horseback and returning late at night. When arrested he claimed to be a gentleman of means who had a right to go where he chose; that he was not in favor of the United States Government for it oppressed his countrymen and admitted that he was a secessionist. Dundas refused to take the oath of allegiance to the Federal Government but would cheerfully swear to support the so-called Confederate States Constitution and was proud to be called a rebel under the present existing circumstances. He remained confined in the Old Capitol Prison February 15, 1862, when in accordance with an order of the War Department of the preceding day he was transferred to the charge of that Department.

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H. D. Helm was arrested about November 1, 1861, by Deputy U. S. Marshal W. B. Smith at Newport, Ky., by order of General Mitchel.

* See p. 208 for E. J. Allen's report on this case.

Helm is a brother of Charles Helm, former consul at Havana, now a rebel agent abroad and has also another brother in the rebel army. He was charged with having expressed the strongest secession sentiments and of expressing the wish and hope in the most public manner that the Union troops on their way to the interior of Kentucky would never return alive. About November 25, 1861, he was taken to Louisville on a writ of habeas corpus sued out before Judge Ballard of that city and served by Marshal Sneed. The Department of State has no evidence showing how this case was disposed of by the said authorities.

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Robert Maddox was arrested about the 1st of November, 1861, by Deputy U. S. Marshal W. B. Smith by order of General Mitchel. Maddox was charged with having uttered in the boldest and most public manner disloyal sentiments and expressing the hope that the Union troops then about moving into the interior of Kentucky would never return alive. About November 25, 1861, he was taken to Louisville on a writ of habeas corpus sued out before Judge Ballard, of that city, and served by Marshal Sneed. The Department of State has no evidence as to how this case was disposed of by the said authorities.

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This person [Peter Reilly] was captured on the schooner Colonel Long, which vessel was taken near Charleston, S. C., when attempting to run the blockade. He was taken to Fort Lafayette and thence to Fort Warren. Having made application to the Secretary of State to be released an order was issued from the Department of State dated November 2, 1861, directing Colonel Dimick, commanding at Fort Warren, to discharge Reilly upon his engaging on oath not to visit or hold any intercourse with the insurrectionary States during the rebellion. He was accordingly released November 6, 1861.

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This person [Samuel F. Anderson] was arrested by order of General Hancock and committed to the Thirteenth Street Prison November 2, 1861, and from thence transferred to Old Capitol Prison by order of General Porter. There are no papers on file at the Department of State showing on what charge he was arrested. Said Anderson remained in custody at the Old Capitol February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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This person [Aug. R. Sollers] was arrested in Calvert County, Md., by the military authorities on the day of the State election November 6, 1861, and sent to General Dix in Baltimore. He was charged with having formed with others a plan to take the polls on the day of election and prevent Union men from voting. Major-General Dix having examined the case and charges released Mr. Sollers on his taking the oath of allegiance to the Government of the United States.

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M. J. Koldenback, of Maryland, was arrested November 6, 1861, at Nottingham, Prince George's County, Md., on the day of election in that State by a lieutenant of the Thirty-sixth Pennsylvania Regiment, and having been taken to Washington was placed in the Thirteenth Street Prison and afterward transferred to the Old Capitol. Koldenback was charged with having used treasonable language and having hurrahed for Jeff. Davis and d—d old Lincoln. Application having been made for Koldenback's discharge an order was issued by the Secretary of State December 28, 1861, directing Brigadier-General Porter, provost-

marshal of Washington, to release him upon his taking the oath of allegiance to the Government of the United States. Koldenback was accordingly released.

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Mrs. Ellen Boyd Kennedy was arrested in Philadelphia November 7, 1861, by order of the Secretary of State on request of U. S. Marshal Millward, who stated that she was on her way to join her husband, Captain Kennedy, an officer in the rebel army in Virginia. She was suspected of having in her possession letters and correspondence to be carried to the insurrectionary States and charged with intending to proceed to Virginia in violation of the rules and regulations prescribed by the military authorities of the United States. She remained under surveillance in Philadelphia till November 27, 1861, when she was released by order of the Secretary of State on stipulating under oath not to enter any of the States in insurrection against the authority of the United States without the consent of the Secretary of State nor hold any treasonable correspondence with persons residing in those States.

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This person [W. K. N. Breckinridge] was arrested November 9, 1861, and confined in the Thirteenth Street Prison by the order of Major-General McClellan. He was seen on the 8th of November with General McClellan's staff by Dr. C. A. Henry, formerly deputy marshal of Nebraska Territory, who remembered him as an orderly sergeant of Company C, Second U. S. Dragoons. Breckinridge was at that time a bitter secessionist; claimed to be a cousin of Vice-President Breckinridge and stated that he had a commission from the State of Tennessee in the rebel army. He was released by order of General Porter November 13, 1861.

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The first information received at the Department of State concerning this man [Christopher L. Keersted] was contained in a letter and inclosures from Marshal Robert Murray dated New York November 9, 1861, showing that he was arrested upon a charge of dissuading various persons from enlisting in the service of the United States. That after an examination of his case he had released Keersted on his parole and respectfully requested the approval of the Secretary of State. The action of the marshal in the premises was approved.

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Thomas Mortimer was arrested by order of General Dix at Baltimore, November 9, 1861, and committed to Fort McHenry and from thence transferred to Fort Lafayette. He was charged with disloyalty. General Dix tendered him his release on the day following his arrest on his taking the oath of allegiance, which he declined. An order was issued from the Department of State dated January 18, 1862, directing Col. Martin Burke, commanding at Fort Lafayette, to release Mortimer upon his engagement on oath to report himself within two days from the date of his release to General Dix at Baltimore, and that meantime he will not hold any treasonable correspondence nor be engaged in any nor hold any communication whatever with persons residing in the States in insurrection against the Government of the United States nor do any other act hostile or injurious to the United States. He was accordingly released January 22, 1862.

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The first information received by the Department of State concerning this man [Jacob Mendelsohn] was contained in a letter and inclos-

ures from Marshal Robert Murray dated New York November 9, 1861, showing that he was arrested upon a charge of dissuading various persons from enlisting in the service of the United States; that after an examination of his case he had released Mendelsohn on his parole and respectfully requested the approval of this Department. The action of the marshal in the premises was approved.

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The Department of State acquired its first knowledge of this individual [George Shannon] from the British minister who called to represent that he had been applied to in his behalf as a British subject said to be confined at Camp Chase The governor of Ohio was written to on the 11th of November, 1861, for information in regard to the case, and whether in his opinion the prisoner was a person of sufficient character and influence to make his further detention necessary. On the 5th of December, 1861, a reply was received from Governor Dennison dated December 2 which gave no information of the time, cause or other circumstances of the arrest but stated the governor's opinion that the prisoner was not a person of sufficient character and influence to make his further detention necessary. Shannon was of Irish birth and said he had not been naturalized. On the 6th of December, 1861, he was ordered to be released.

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The Department of State acquired its first knowledge of this individual [Michael Reilly] from the British minister who called to represent that he had been applied to in his behalf as a British subject said to be confined at Camp Chase. The governor of Ohio was written to on the 11th of November, 1861, for information in regard to the case, and whether in his opinion the prisoner was a person of sufficient character and influence to make his further detention necessary. On the 5th of December, 1861, a reply was received from Governor Dennison dated December 2, which gave no information of the time, cause or other circumstances of the arrest but stated the governor's opinion that the prisoner was not a person of sufficient character and influence to make his further detention necessary. Reilly was of Irish birth and said he had not been naturalized. On the 6th of December, 1861, he was ordered to be released.

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John Renwick was arrested in Baltimore, Md., by L. C. Baker, a Government agent, November 11, 1861. Renwick at the time of his arrest was found on the premises of his father, Robert Renwick, then a prisoner at Fort Warren, where said Baker was searching for concealed arms which he found in the stable stalls of said premises. Said John Renwick was released on his parole November 11, 1861.

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This person [John McDaniel] was arrested by order of General Hancock and committed to the Thirteenth Street Prison November 11, 1861, and from thence transferred to the Old Capitol Prison by order of General Porter. There are no papers on file at the Department of State showing on what charge he was arrested. Said McDaniel remained in custody at the Old Capitol Prison February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department. (Ordered released February 21, 1862. Refused parole February 22, 1862.)

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The first information received at the Department of State relative to this person [Robert L. Jordan] was contained in a letter from Lord

Lyons stating that Jordan was held in confinement at Clarksburg, Va., and claimed to be a British subject. November 11, 1861, the Secretary of State addressed a letter to General McClellan asking a report of the facts and circumstances connected with the arrest of Jordan and received in reply a letter from Colonel Anisansel, of the First [West] Virginia Cavalry, who stated that Jordan was placed in confinement on account of a misunderstanding between him and Colonel Runnion, the Government agent at that post, and that having inquired into the facts he had released him. (Released November 19, 1861.)

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J. W. Reynolds and A. Ostrander, quartermaster and sutler of the Seventy-ninth New York Regiment, were arrested at New York by U. S. Marshal Murray by order of General Porter November 12, 1861. Information of the arrest having been received by the Secretary of State he by order dated November 13, 1861, directed Marshal Murray to place them in Fort Lafayette. They were charged with stealing fourteen boxes of military clothing belonging to the United States. No further action in regard to them was taken by the Department of State.

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This individual [Samuel V. Leech], a minister of the Methodist Church, stationed at Sandy Spring, Montgomery County, Md., was arrested at that place on the 12th of November, 1861, by order of General Banks acting under instructions from the State Department, and was next day confined in Fort McHenry. Leech had been detected in clandestine correspondence with persons in Virginia. An intercepted letter from him dated August 25 has these passages:

> The administration agents are becoming so vigilant that I scarcely expect that this will be received. * * * Father can hear from you now only through me owing to his oath. * * * I fear to comment on political matters as my letter might be sent to Washington. I am true in the storm. The opinion you entertain of things is mine. I wish we could get to you a supply of coffee, sugar, &c., but we cannot even get to you ourselves.

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Major-General Dix by a dispatch dated November 14, 1861, asking authority to release John Grove gave the first information in regard to this person received at the Department of State. In reply the Secretary of State requested General Dix to exercise his own judgment relative to the release of Grove. There are no papers in the Department of State showing when, by whom or upon what charges Grove was arrested nor what disposition Major-General Dix made of him.

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A telegraphic dispatch from Major-General Dix November 14, 1861, asking authority to release George Julius from Fort McHenry was the first information received at the Department of State relative to this person. In reply the Secretary of State requested General Dix to exercise his own judgment in regard to the discharge of Julius. Having refused to take the oath of allegiance he was transferred December 3, 1861, to Fort Lafayette. On the recommendation of General Dix Julius was by order of the Secretary of State dated February 3, 1862, released on his parole of honor to return to the fort and deliver himself again into custody within thirty days. The said George Julius remained on parole February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department. (Ordered released February 21, 1862.)

The Department of State has no record, memoranda or information in relation to this person [Charles Keene]. His name is not in the list of political prisoners confined at Fort Warren and it is therefore inferred that he is held as a prisoner of war. [Fort Warren prison records show that Charles Keene was arrested November 14, 1861. His residence New York. He was released August 4, 1862, and sent to insane asylum.]

This person [Maurice Mayer], a resident of New York City, was arrested by order of the Secretary of State November 19, 1861, and committed to Fort Lafayette. He was charged with disloyalty and treasonable correspondence with the enemies of the United States Government. Among the evidences of his guilty practices is an intercepted letter written by Mayer to his friends in Natchez in which he states that he is neutral before the friends of the Union but when in company with those whom he can trust he does what he can to strengthen the hands of the Confederates. He was released by order of the Secretary of State November 22, 1861, on taking the oath of allegiance to the United States Government and stipulating not to visit or correspond with persons residing in the insurrectionary States and do no act hostile to the United States.

It appears from a letter addressed to the Secretary of State dated Fort Monroe November 19, 1861, from Major-General Wool that this person [C. K. Gallagher] was arrested by General Butler at Hatteras Inlet. General Wool says: "I know nothing of him (Gallagher) except that he was sent to me as a prisoner representing him as a man of talents and of great influence in North Carolina." Gallagher writes to the Secretary of State from Fort Monroe November 17, 1861, asking to be released on parole to go South and effect an exchange for himself and states that he refused to take the oath of allegiance, being actuated in so doing by motives of conscience and duty. No action was taken by the Secretary of State in this case further than to acknowledge the receipt of the letter of Major-General Wool with its inclosure from Gallagher.

The first information concerning this man [Capt. Arthur Cavanaugh] received at the Department of State was a letter dated November 20, 1861, from Lieut. Col. L. W. Ducat, saying Cavanaugh was arrested for enticing some of his men away from his company and enlisting them in another regiment; that he repents and will return to the men and asking that U. S. Marshal Murray be ordered to release him. An order by telegraph was issued from the Department of State dated November 25, 1861, directing Marshal Murray to release Cavanaugh. He was accordingly released.

This person [Christopher Lodwick] of Kentucky, was arrested about the 20th of November, 1861, by the military authorities at Cairo, Ill., and [on] November 20, 1861, by order of the Secretary of State was committed to Fort Lafayette. He was charged with disloyalty to the United States Government and with being a dangerous man to the peace and safety of the Union being provided for thereby. The said Christopher Lodwick remained in custody at Fort Lafayette February 15, 1862, when it was ordered by the order of the War Department of the

preceding day he was transferred to the charge of that Department. (Ordered released February 21, 1862. Released on parole February 22, 1862.)

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E. M. Mabie [was] arrested by Provost-Marshal Leighton November 20, 1861, for passing to and fro between the North and the South carrying correspondence, &c. Sentenced by the military commission to be confined during the war. In confinement at military prison Saint Louis, March 3, 1862.

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James J. Waddell, of Maryland, a native of North Carolina, a lieutenant in the Navy of the United States, sent his resignation to the Secretary of the Navy* from on board the U. S. ship John Adams, Saint Helena, 20th November, 1861. It was not accepted as is understood but his name was stricken from the rolls. Waddell was not arrested, but for some reason probably because of an application dated February 1, 1862, for permission to go South his name and some papers in relation to him have been included in the files of the "treason bureau."

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The first information received at the Department of State concerning this man [William H. Suydam] was contained in a letter from John A. Kennedy, superintendent of police, New York, under date of November 20, 1861, saying: "The officers of the First Regiment U. S. Lancers, encamped in Kings County, called on me to-day and represented that Mr. W. H. Suydam, a justice of the peace of the county, has been actively at work in endeavors to disorganize the command and that he has caused the desertion of a large number of their men. I have ordered his arrest and will hold him subject to your order by telegraph." He was committed to Fort Lafayette by order of the Secretary of State dated November 21, 1861. The above charge was supported by the affidavits of two members of said regiment of lancers to the effect that Suydam had counseled the men of said regiment to mutiny. An order was issued from the Department of State dated December 16, 1861, directing Colonel Burke, commanding at Fort Lafayette, to release Suydam. He was accordingly released December 16, 1861.

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E. H. Jones was arrested about the 20th day of November at his house in Saint Mary's County, Md., by L. C. Baker, a Government agent, and by order of the Secretary of State dated November 25, 1861, was conveyed to Fort Lafayette. The report of the officer who made the arrest states that—

E. H. Jones resides at what is known as the Old Factory, Saint Mary's County. * * * When the present difficulties broke out Jones went to Baltimore and was there during the riot of April 19. On his return home he brought not less than 800 stand of arms from Baltimore, which afterward went to Virginia. He has used his horses and wagons for hauling contraband goods from the Patuxent to the Potomac during the greater part of the summer and fall; has made his house the headquarters of secession spies passing to and from Virginia; has enlisted, equipped and forwarded a large number of men for the Confederacy; has notified Union men to leave the county, and has on all occasions cursed and abused the Government.

* See pp. 204, 205, 211, for correspondence concerning Waddell.

The said E. H. Jones remained in Fort Lafayette February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department. (Released on parole February 22, 1862.)

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This man [H. G. Fuller] was arrested by U. S. Marshal Sands, of Ohio, and committed to Fort Warren by an order from the Department of State dated November 21, 1861. He was charged with being a secessionist and traitor and enlisting men for the rebel army. One Stephen Fuller having written a letter dated November 7, 1861, mailed at Lexington, Ky., directed to William R. Coyle, Detroit, the writer stating that he enlisted under Captain Fuller at Detroit, complains that Captain F[uller] cannot perform what he agreed, and therefore he wishes to get back to Detroit, and says: "Mr. Fuller is a secessionist; tried his best to get me to go over to the Breckinridge party." An order was issued from the Department of State dated December 13, 1861, directing Colonel Dimick, commanding at Fort Warren, to release Fuller on his taking the oath of allegiance stipulating to do no hostile act to the Government of the United States. He was released December 16, 1861.

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Lieut. William F. Engle appears by a letter of Col. John W. Geary addressed to General Dix on the 21st of November, 1861, to have been captured by that officer and by him sent to Fort McHenry shortly previous to the date of said letter. Colonel Geary writes to General Dix in said letter that the prisoner's family are represented as Union-loving people and says that they assured him that Engle was anxious to take the oath of allegiance to the United States Government and to reside in Pennsylvania. General Dix wrote to the Department that Engle was not taken in battle but returned to Maryland with the determination not to go back to Virginia. An order of release upon Engle's taking the oath of allegiance was forwarded November 28, 1861, from the Department of State. (Released November 28, 1861.)

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David C. Hall was arrested by order of the Secretary of the Navy and committed to Fort Lafayette November 22, 1861. There are no papers on file in the Department of State showing the cause of this arrest. The said David C. Hall remained in custody February 15, 1862, at Fort Lafayette when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department. (Released on parole February 22, 1862.)

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William P. Converse was arrested in New York November 23, 1861, by order of the Secretary of State and committed to Fort Lafayette. The examination of intercepted letters found on the Maury Brothers, disclosed that Converse was corresponding with persons in the insurrectionary States in violation of the President's proclamation, and that the writers of letters introduced their correspondence with the remark that "Mr. Converse has informed me of an opportunity to send this to you by a party who is going to New Orleans." Letters were also found without signatures in full and traced to W. P. Converse's place of business addressed to E. K. and W. P. Converse, jr., New Orleans, dated October 28, 1861, from which the following quotations are taken:

What a thrashing they got the other day on the Upper Potomac; out of 2,400, 600 lost. * * * I hope you are all prepared for the fleet which is to take you all and

box you up. * * * We have to keep quiet for the Hotel de L. is fixed up for the accommodation of such as I am. They talk of superseding McClellan; if they do you will have an easy or comparatively easy victory.

It was thus proved that Converse was aiding knowingly and became a party to the illegal, expressly prohibited and contraband intercourse with persons in the insurrectionary States by informing others and availing himself of an opportunity to send letters to New Orleans by a person or persons who were engaged in the business of smuggling correspondence through the Federal lines. An order was issued November 30, 1861, from the Department of State directing Lieut. Col. Martin Burke, commanding at Fort Lafayette, to release Converse on his taking the oath of allegiance and stipulating to neither visit or hold correspondence with the insurrectionary States or do any hostile act against the Government of the United States during the insurrection. The said William P. Converse was accordingly released December 2, 1861.

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S. R. Burnett was arrested by the military authorities in Pulaski County, Ill., November 26, 1861, and by order of the Secretary of State of December 20, 1861, conveyed to Fort Lafayette. The charges against him were treason and being a dangerous man. Said Burnett remained in custody at Fort Lafayette February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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The first information received at the Department of State relative to this person [R. C. Holland] was contained in a letter from Major-General Dix asking that Holland and a number of other prisoners confined in Fort McHenry should be transferred to some other fort. November 27, 1861, the Secretary of State directed the removal of Holland from Fort McHenry to Fort Lafayette, and he was received at the last-named fort December 3, 1861. February 14, 1862, an order was issued from the Department of State directing Lieutenant-Colonel Burke, commanding at Fort Lafayette, to release Holland on his taking the oath of allegiance stipulating that he will do no act hostile to the United States during the present insurrection. Having refused to take the oath of allegiance the said R. C. Holland remained in custody at Fort Lafayette February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department. (Released on parole February 22, 1862.)

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The first information received at the Department of State relative to this person [Jonah Potterfield] was a request of Major-General Dix asking that Potterfield and other prisoners confined in Fort McHenry should be transferred to some other fort. An order was accordingly made by the Secretary of State directing General Dix to transfer the prisoners to Fort Lafayette which order was dated November 27, 1861. Potterfield and the other prisoners were taken to Fort Lafayette December 3, 1861. Potterfield was a resident of Loudoun County, Va., and was arrested by the military authorities. No information has been received at the Department of State relative to the charges against him. The said Jonah Potterfield remained in custody at Fort Lafayette February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department. (Released April 9, 1862.)

Robert N. Scott was arrested by John A. Kennedy* in New York about the 30th of November, 1861, on his arrival on the steamer from California. He was reported to have used disloyal language while on the vessel. There is no evidence of his having been committed to prison. Scott was adjutant on the staff of Colonel Buchanan.

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This person [J. D. Lillard] was arrested in Kentucky by the military authorities in December, 1861, and confined in the military prison at Camp Chase, Ohio. He was charged with disloyalty and with participating in an attempt to steal some guns, &c., belonging to Kentucky in September, 1861. Lillard remained in custody at Camp Chase till February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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This man [Francis Troutman], a resident of Paris, Ky., was arrested in December, 1861, charged with disloyalty and with holding unlawful correspondence with persons in insurrection against the United States. A long letter from him to W. E. Simms, a former member of Congress now admitted to be in the military service of the rebels, was found in the possession of C. C. Rogers and was produced on the examination of Troutman after his arrest and was fully admitted by him yet he was discharged by the U. S. commissioner before whom he had been brought on taking the oath of allegiance to the United States. The U. S. marshal satisfied of Troutman's guilt wrote to the Department of State for advice whether to take him into custody again, and referred to Senator Garrett Davis, of Kentucky, for further particulars and an account of Troutman's character. Senator Davis on being applied to gave his views of the case, concluding by saying that Troutman "being a man of no importance at all and of rather feeble character I would advise against his rearrest." It does not appear that any further proceedings were taken in the matter. (Released December, 1861.)

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This person [D. Chaffee] was arrested and held under surveillance in Boston early in December, 1861, by U. S. Marshal Keyes. He was a resident of Atlanta, Ga. After an examination of his case he was released December 6, 1861, on taking the oath of allegiance and stipulating not to correspond with or enter any of the States in insurrection against the United States Government.

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Lieut. A. W. Habersham was arrested in Baltimore December 2, 1861, by order of the Secretary of State and committed to Fort McHenry. He was arrested upon charge of having left the U. S. Navy and becoming an officer of the insurgent navy. An investigation of his case failed to substantiate the charge that he had ever taken up arms against the United States Government and on the 9th of December, 1861, an order was issued from the Department of State directing his release on his taking the oath of allegiance. He declined to take oath of allegiance to United States Government stating that he was a Georgian and that his allegiance was due to his State. He also proposed to go South on parole and send back a captain of the U. S. Army in his place. February 8, 1862, the Secretary of State addressed a letter to Major-General Wool, commanding at Fortress Monroe, requesting that officer to inquire through the proper channel whether Lieutenant Habersham would be accepted

* See p. 163 for Kennedy to Seward, November 30, reporting arrest of Scott.

in exchange for R. W. Shurtliff, a prisoner in the custody of the insurgents at Richmond, Va. On the 15th day of February, 1862, no reply had been received at the Department of State to the last-mentioned letter. The said A. W. Habersham remained in custody at Fort McHenry February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department. (Discharged April 8, 1862.)

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The Department of State has no information in relation to this person [William T. Glassell] except that he is mentioned in the list of prisoners confined at Fort Warren as being from Alabama and having been arrested December 4 and committed to the fort December 5, 1861, by order of the Secretary of the Navy. A letter addressed to him designated him as of the late East India Squadron. (Released July 31, 1862, to be exchanged.)

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This man [Thomas Newman] was arrested by John Burt, deputy U. S. marshal at Albany, December 6, 1861, and committed to Fort Lafayette by order of the Secretary of State. He was charged with enticing soldiers to desert from the service. An order was issued from the Department of State dated January 16, 1862, directing Col. Martin Burke, commanding at Fort Lafayette, to release Newman on his taking the oath of allegiance stipulating that he will do no act hostile to the United States during the present insurrection, &c. He was released January 19, 1862.

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Daniel Gardner is a citizen of Baltimore. The first information received at the Department of State relative to this man was contained in a letter and inclosures from J. L. McPhail, deputy provost-marshal at Baltimore, dated December 7, 1861. It appears that with others he was picked up in an open boat by the guard boat of the U. S. frigate Cumberland of the blockading squadron near Newport News about November 12, 1861, and sent to Fort Warren. At the time of his arrest he was coming toward the vessels of the squadron, claiming to have escaped from the rebels in Virginia. An order was issued from the Department of State dated December 9, 1861, directing Colonel Dimick to release Gardner on his taking the oath of allegiance stipulating that he will do no act hostile to the United States. He was accordingly released December 12, 1861.

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The first information the Department of State received concerning these men [John and Joseph Shaney] was contained in a letter and inclosures from J. L. McPhail, deputy provost-marshal, Baltimore, dated December 7, 1861. It appears that they were picked up in an open boat by the guard boat of the U. S. sloop of war Cumberland, of the blockading squadron, about November 12, 1861, and sent to Fort Warren. An order was issued from the Department of State dated December 9, 1861, directing Colonel Dimick to release John and Joseph Shaney on their taking the oath of allegiance stipulating that they will do no act hostile to the United States. They were accordingly released December 12, 1861.

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George J. Mahé, of New Orleans, was captured on the 9th day of December, 1861, in Barataria Bay by the boats of the U. S. steamer South Carolina, Commander James Alden. Mahé represents that he

was on a fishing excursion with four friends accompanying him when they were captured by the South Carolina's boats and taken on board of the said steamer. That the commander released his four companions on their taking the oath of allegiance but detained him because he had been an officer in the military service of the rebels, and sent him northward in the U. S. steamer Rhode Island. He was taken to Fort Lafayette and placed in custody there on the 21st of January, 1862. He acknowledged that he held the office of captain in the military service of the rebels and served in that capacity from the 2d day of July to the 11th day of October, 1861, at which last-mentioned date he resigned. He professed his willingness and desire to remain a peaceful citizen of the United States and to take the oath of allegiance as such which he accordingly did on the 25th day of January, 1862, and was thereupon discharged from custody.

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The first information received at the Department of State concerning Lieutenant Myers, of the U. S. Navy, was contained in a letter from John A. Kennedy, superintendent of police, New York, dated December 9, 1861, which was referred to the Secretary of the Navy who reported that the only information that the Navy Department possessed concerning Myers was that he was confined in Fort Warren for refusing to take the oath of allegiance.

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This person [Bento Pacheco] was charged with being a slaver. The only information relative to his arrest received at the Department of State is contained in a telegram from U. S. Marshal Murray, of New York, dated December 13, 1861, stating that the party was about to leave the country and asking whether he should arrest him and take him to Fort Lafayette. In reply the Secretary of State informed U. S. Marshal Murray that Pacheco and his companions should be arrested in due form after affidavits, &c., and then committed to Fort Lafayette.

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This person [J. A. Machèdo] was charged with being a slaver. The only information received at the Department of State relative to his arrest is contained in a telegram from U. S. Marshal Murray, of New York, dated December 13, 1861, asking whether he shall arrest and convey the party to Fort Lafayette. In reply the Secretary of State informed U. S. Marshal Murray that Machèdo and his companions should be arrested by legal process after affidavits, &c., and then sent to Fort Lafayette.

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Tench Schley was arrested by order of General Hooker and committed to the Old Capitol Prison the 15th of December, 1861. Schley was charged with being a spy and having conveyed information to the enemy. The following extract from a report made by Major Allen to the provost-marshal of Washington and forwarded by the latter to the Secretary of State contains the best information on file in the Department of State relative to Mr. Schley, viz:

> Tench Schley is a young man of considerable shrewdness and intelligence and that in my opinion if permitted to be at large even for a day could and probably would find some means of repeating the offense for which he is confined and perhaps be the means of conveying valuable information to the enemy.

The said Tench Schley remained in custody at the Old Capitol Prison in Washington February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

John Hagins, of Magoffin County, Ky., was arrested in Montgomery County in that State about the middle of December, 1861, charged with furnishing supplies of stock to the rebel army under General Williams. The Department of State was advised of the arrest by a dispatch dated Cincinnati, December 17, 1861, from E. S. Samuels, Government agent in Kentucky, and C. B. Pitts, deputy U. S. marshal of the same State, who say that he Hagins was taken while "in transit with cattle for the rebels," and also that they have "plenty of evidence to hang him." He was thereupon directed to be taken to Fort Lafayette, which was accordingly done on the 20th of December. The statements made by Hagins in letters to the Department direct from himself and through his attorney, Mr. Tenney are contradictory. He states that he was taken while driving home nine head of cattle raised by himself that he had been grazing at a place in Montgomery County some sixty miles from his residence. The statement made through Mr. Tenney is that he was apprehended while on his return from Cincinnati where he had been with some hogs. The said Hagins remained in custody at Fort Lafayette February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department. (Released on parole February 22, 1862.)

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The State Department has no papers showing with accuracy the circumstances of this person's [Benjamin A. Jones] arrest or by whom it was made. In a letter dated Williamstown, Ky., December 16, 1861, transmitted to sustain an application for his release it is represented that he "by threats on the part of his father and others was induced to join the band of rebels arrested at or near Winchester in this State (Kentucky) and now in Camp Chase Prison." The same letter embodies a quotation from a letter received by the writer from Jones as follows: "Circumstances which you well know and over which I had but little control induced me to take the step I did. I am not only willing but anxious to take the oath and return home to my business, and when I take it I expect to keep it not only in the letter but the spirit." The letter referred to was sent to the Department of State by the Hon. John W. Menzies from the House of Representatives on the 4th of February, 1862. On the 12th of February, 1862, the said Jones was ordered to be released on taking the oath of allegiance. (Released April 7, 1862.)

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W. F. Wells [was] arrested December 17, 1861, by Colonel Thayer, First Nebraska, near Sedalia. Bearer of dispatches from North Missouri to General Price. Case referred to a military commission convened by Major-General Halleck. Prisoner sentenced to death. Sentence afterward remitted by Major-General Halleck to confinement during the war.

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The only knowledge the Department of State has of this person [Lieut. A. A. Baker] is that he was reported to have been taken by the U. S. frigate Mississippi in the Gulf of Mexico and sent to New York by the steamer Connecticut, charged with deserting from the U. S. Navy and joining the rebels; arriving at New York was delivered to the custody of the U. S. marshal December 17, 1861. Upon this report he was directed to be taken to Fort Lafayette and kept in custody there. He remained in custody at Fort Lafayette February 15, 1862, when he was transferred to the charge of the War Department.

This person [J. Q. A. Butler] was master of the schooner Lida, which was captured by the U. S. steamer Saint Lawrence at Port Royal. U. S. Marshal Murray, of New York, in a letter to the Secretary of State dated December 19, 1861, states that the master and crew of the prize schooner Lida have been placed in his custody upon a charge of running the blockade and asking what he shall do with them. December 28, 1861, an order was issued from the Department of State directing U. S. Marshal Murray to release from custody J. Q. A. Butler and others of the crew of the Lida. The said Butler was accordingly released.

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This man [William Brown] was taken from the steamer Lewis while attempting to run the blockade by the U. S. gun-boat New London off Mobile. He was brought to New York by the U. S. steamer Connecticut and delivered into the custody of Robert Murray, U. S. marshal, about December 19, 1861. An order was issued from the Department of State dated December 28, 1861, directing Robert Murray, U. S. marshal, New York, to release William Brown on his taking an oath that he will neither enter any of the States in insurrection against the Government of the United States nor hold any correspondence with persons residing therein, without permission, &c., and stipulating that he will do no act hostile to the Government of the United States. He was accordingly released about December 31, 1861.

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Caspar or Gaspar Klock was taken off the steamer Lewis while attempting to run the blockade by the U. S. gun-boat New London. He was brought to New York by the U. S. steamer Connecticut and delivered into the custody of Marshal Robert Murray about December 19, 1861. An order was issued from the State Department dated December 28, 1861, directing Robert Murray, esq., to release Klock on his taking an oath that he will neither enter any of the States in insurrection nor hold any correspondence with persons residing in those States without permission of the Secretary of State and stipulating to do no act hostile to the Government of the United States. He was released about December 31, 1861.

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U. S. Marshal Murray, of New York, by letter dated December 19, 1861, informed the Secretary of State that Arthur McAbey and others of the crew of the prize schooner Lida, which vessel was captured near Port Royal, had been placed in his custody, and asking what should be done with him. December 28, 1861, an order was issued from the Department of State directing U. S. Marshal Murray to release McAbey and others of the crew of the Lida. The said Arthur McAbey was accordingly released.

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Mrs. Rachel Mayer was arrested by a Government agent at Rouse's Point, N. Y., and by order of the Secretary of State dated December 19, 1861, placed under surveillance in New York City. She was charged with being the bearer of treasonable or clandestine correspondence for the South. An order was issued from the Department of State dated January 3, 1862, directing John A. Kennedy, superintendent of police, New York, to release Mrs. Mayer on engaging that she will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Sec-

retary of State, and further that she will do nothing hostile to the United States during the present insurrection. She was accordingly released January 4, 1862.

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This person [Jeremiah Moore] was arrested by General Smith and committed to the Old Capitol Prison December 19, 1861. No information has been received at the Department of State relative to Moore or why he was arrested. The said J. Moore as appears by the report of the provost-marshal of Washington dated February 17, 1862, was then in confinement in the Old Capitol. (Ordered released February 21, 1862. Released on parole and not to leave the District of Columbia February 22, 1862.)

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The first information received at the Department of State relative to this person [Henry Sutler] was contained in a letter from U. S. Marshal Murray, of New York, dated December 19, 1861, addressed to the Secretary of State, stating that Henry Sutler with others of the crew of the prize schooner Lida which was captured near Port Royal had been delivered into his custody upon a charge of having run the blockade. December 28, 1861, an order was issued from the Department of State directing U. S. Marshal Murray to release Henry Sutler and others of the crew of the Lida. The said Henry Sutler was accordingly released.

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This person [William T. Wilson] was arrested by J. L. McPhail,* deputy provost-marshal at Baltimore, on board a steamer at or near Baltimore December 19, 1861, and sent to Fort McHenry and from thence transferred to Fort Lafayette by order of the Secretary of State dated January 2, 1862. He was charged with being engaged in transporting contraband letters and goods to and from Virginia. A quantity of quinine was found on his person at the time of his arrest. An order was issued from the Department of State dated January 22, 1862, directing Col. Martin Burke to release Wilson. He was accordingly released.

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William Cuthbert was one of the crew of the English bark Empress captured by the U. S. sloop Vincennes while running the blockade at the Northeast Pass of the Mississippi and conveyed to New York. U. S. Marshal Murray, of New York, informed the Secretary of State of the arrival of the crew of the Empress and that they were in his custody December 19, 1861. An order was issued from the Department of State dated December 28, 1861, directing Marshal Murray to release Cuthbert and his companions.

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James Hopkinson was one of the crew of the English bark Empress captured by the U. S. sloop Vincennes while running the blockade at the Northeast Pass of the Mississippi and conveyed to New York. U. S. Marshal Murray of New York informed the Secretary of State of the arrival of the crew of the Empress and that they were in his custody. An order was issued from the Department of State dated December 28, 1861, directing the marshal to release said Hopkinson and his companions. The crew of the bark Empress was accordingly released.

* See pp. 188, 192, 194 for correspondence relating to this arrest.

William Jones was one of the crew of the English bark Empress captured by the U. S. sloop Vincennes while running the blockade at the Northeast Pass of the Mississippi and was conveyed to New York. U. S. Marshal Murray, of New York, having informed the Secretary of State of the arrival of the crew of the Empress and that they were in his custody an order was issued from the State Department dated December 28, 1861, directing the marshal to release Jones and his companions. The crew of the bark Empress were accordingly released.

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Michael O'Brien was one of the crew of the English bark Empress captured by the U. S. sloop Vincennes while running the blockade at the Northeast Pass of the Mississippi and was conveyed to New York. U. S. Marshal Murray, of New York, having informed the Secretary of State of the arrival of the crew of the Empress and that they were in his custody an order was issued from the State Department dated December 28, 1861, directing the marshal to release O'Brien and his companions. The crew of the bark Empress was accordingly released.

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William Sanger was one of the crew of the English bark Empress captured by the U. S. sloop Vincennes while running the blockade at the Northeast Pass of the Mississippi and was conveyed to New York. U. S. Marshal Murray, of New York, having informed the Secretary of State of the arrival of the crew of the Empress and that they were in his custody an order was issued by the State Department dated December 28, 1861, directing the marshal to release Sanger and his companions. The crew of the bark Empress were accordingly released.

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George Watt was one of the crew of the English bark Empress captured by the U. S. sloop Vincennes while running the blockade at the Northeast Pass of the Mississippi and conveyed to New York. U. S. Marshal Murray, of New York, informed the Secretary of State of the arrival of the crew of the Empress and that they were in his custody. An order was issued from the Department of State dated December 28, 1861, directing the marshal to release Watt and his companions. He was accordingly released.

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This man [Arthur Wardle] was one of the crew of the English bark Empress captured by the U. S. sloop Vincennes while running the blockade at the Northeast Pass of the Mississippi and conveyed to New York. U. S. Marshal Murray, of New York, informed the Secretary of State of the arrival of the crew of the Empress and that they were in his custody. An order was issued from the Department of State dated December 28, 1861, directing Marshal Murray to release Wardle and his companions. He was accordingly released.

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Richard Walzl was arrested by order of General Banks at Harper's Ferry and sent to the Old Capitol Prison December 20, 1861. He was confined on suspicion of being a spy or being engaged in contraband trade, having entered the Federal lines at Harper's Ferry coming from the Southern States. Upon an investigation of his case at the provost-marshal's office it was found and reported to this Department January 13, 1862, that Walzl was an Austrian, nineteen years old and not yet naturalized; that he went South to make collections for his brother and to see a sick friend being unaware that in so doing he violated the President's proclamation concerning non-intercourse with the rebel States; that he returned as soon as he could do so and gave

important information to the Government officers. An order was issued from the Department of State dated January 18, 1862, directing General Porter to release Walzl on his taking the oath of allegiance stipulating that he will neither enter the States in insurrection nor hold correspondence with persons residing in those States without permission from the Secretary of State nor do any act hostile to the United States.

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James B. Loker was arrested by Major Chapman in Saint Mary's County, Md., and was committed to the Old Capitol Prison by order of General Porter December 21, 1861. The charges against Loker were that his sympathies and sentiments were decidedly with the rebels; that he owned a boat upon the Potomac River which was used with his knowledge and consent to take men and contraband goods to the rebel army; that Loker himself took a man over the river whom he knew was to join the rebels; that at the time of his arrest a large number of letters were found in his boat which were intended for the enemy, conveying important information to them. Information having been received that the wife of Loker had died in Baltimore an order was issued from the Department of State February 6, 1862, directing the provost-marshal at Washington to release said Loker on his parole for five days to attend the funeral of his wife. February 10, 1862, on the application of Major-General Dix, a further parole for thirty days was granted to said Loker on his taking the oath of allegiance to the United States. The said James B. Loker remained on his parole February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department. (Ordered released February 21, 1862. Released February 22, 1862.)

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This person [J. R. Hawley] was arrested by order of the Secretary of State December 25, 1861, in Cincinnati, Ohio, and conveyed to Fort Lafayette. He was charged with disloyalty to the United States Government and exposing for sale at his place of business in Cincinnati envelopes and cards having printed upon them devices, mottoes, &c., used by the rebels and those in sympathy with them. January 1, 1862, Hawley was released by order of the Secretary of State on taking the oath of allegiance and stipulating to discontinue his disloyal practices.

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Henry J. Carroll, of Saint Mary's County, Md., was arrested by L. C. Baker, Government agent, December 30, 1861, and by order of the Secretary of State December 31 committed to the Old Capitol Prison. He was charged with disloyalty and with having counseled and advised a large number of the residents of Saint Mary's County to join the Confederate Army and with contributing liberally of his means to equip and forward recruits to Virginia for the rebel army. A few days subsequently he was released on his parole by order of Brigadier-General Porter, provost-marshal of the city of Washington.

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The following-named persons, citizens of Gallatin County, Ky., were arrested by the military authorities in that State and committed to Camp Chase, Columbus, Ohio. They were arrested about the last of December, 1861, and remained in custody February 15, 1862, viz: Adolphus Sayre, charged with having served in the Southern army; James Sayre, brother of Adolphus, no charge given; Joseph Spencer, no

information; John Merrill, no information; Luther Green, charged with attempting to steal guns belonging to Kentucky; Lemuel Green threatened some of his neighbors; Thomas Murphy was found in company with some of the above mentioned; J. D. Lillard, charged with participating in an attempt to steal guns belonging to the State of Kentucky.

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This individual [Herman Stump] was an ardent advocate of the rebel cause in Harford County, Md., and was attached to a volunteer military association recruiting and getting under discipline there with a view to entering the rebel service. Apprehending arrest he fled in August, 1861, to Canada where he remained three months or more before his name was brought to the notice of the Department of State. His father and other friends then commenced importunities for some sort of safeguard for him to return home which continued till early in January, 1862, when the Secretary of War gave assurance to Stump that he would not be molested on his return home by any authority of the Government unless he should commit some offense thereafter which might make his arrest necessary. During the absence of Stump in Canada he divested himself of title to all the property he previously held to guard against the danger of confiscation.

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William Respass was arrested about the 1st of January, 1862, at Florence, Ky., charged with being a violent secessionist and taken to Camp Chase. The only papers in the Department of State relating to his case is a letter from Hon. J. W. Menzies inclosing another from N. B. Stevens pleading for his release. They were referred by the Secretary of State to Governor Dennison, of Ohio, by a letter dated January 15 [1862]. Governor Tod, successor to Dennison, replied under date of January 20, 1862, that on examination he found that Respass had already been discharged though by whose authority he does not state.

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William C. Jameson was arrested by Provost-Marshal Leighton January 1, 1862, and confined in the military prison in Saint Louis. He was charged with conveying contraband correspondence to the insurrectionary States. Said Jameson remained in custody at Saint Louis February 15, 1862, when in conformity with the order of the War Department of the preceding day [he was] transferred to the charge of that Department.

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Lorenzo Graves was arrested about January 1, 1862, at Warsaw, Ky., by Deputy U. S. Marshal Aaron Gregg and taken to Camp Chase. He was charged with being a violent secessionist and in full sympathy with the present rebellion. There is no evidence before the Department of State throwing any further light on this case or showing when Graves was discharged if at all.

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Thomas B. Hewitt was captured by the U. S. vessel Harriet Lane, Captain Dahlgren commanding, and committed to the Old Capitol Prison January 2, 1862. There are no papers on file in the Department of State showing on what charges this man was arrested. He remained in confinement February 15, 1862, when in conformity with an order of the War Department of the preceding day he was transferred to the charge of that Department. (Released February 22, 1862.)

This person [G. R. H. Hughes] was arrested January 2, 1862, near Harper's Ferry, by order of General Banks and conveyed to the Old Capitol Prison. Hughes was a lawyer residing in Chicago, Ill., and was charged with disloyalty to the United States Government. In violation of the proclamation of the President dated August 16, 1861, he visited the insurrectionary district of Virginia on professional or commercial business and was arrested while attempting to pass the Federal military lines on his return. January 7, 1862, he was released by order of the Secretary of State on taking the oath of allegiance and stipulating that he would neither visit nor hold any correspondence with the insurrectionary States during the continuance of the rebellion.

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Clarence Mills was captured by the U. S. steamer Harriet Lane January 2, 1862, and committed to the Old Capitol Prison. There are no papers on file in the Department of State showing why or on what charges this man was arrested. He remained in confinement February 15, 1862, when in accordance with the order of the War Department of the preceding day he was transferred to the charge of that Department. (Ordered released February 21, 1862. Released on parole February 22, 1862.)

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John Harrover was arrested by General Heintzelman January 3, 1862, and committed to the Old Capitol Prison. There are no papers on file in the Department of State showing why this man was arrested. He remained in the Old Capitol Prison February 15, 1862, when in conformity with an order from the War Department of the preceding day he was transferred to the charge of that Department.

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Richard R. Lee was arrested by General Montgomery and committed to the Old Capitol Prison January 3, 1862. There are no papers on file in the Department of State showing why this man was arrested or the charges against him. He remained in confinement February 15, 1862, when in conformity with an order of the War Department of the preceding day he was transferred to the charge of that Department. (Ordered released February 21, 1862.)

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J. Ignatius Ford was arrested by General Hooker January 4, 1862, and committed to the Old Capitol Prison. There are no papers on file in the Department of State showing what the charges were against this man. He remained at the Old Capitol Prison February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department. (Ordered released February 21, 1862. Released on parole February 22, 1862.)

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Richard Hurst was arrested January 4, 1862, by General Smith and committed to the Old Capitol Prison. There are no papers on file in the Department of State showing what the charges were against this man. He remained in the Old Capitol Prison February 15, 1862, when in conformity with an order of the War Department of the preceding day he was transferred to the charge of that Department. (Released on parole February 22, 1862.)

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These men [William L. and D. C. Lee] were arrested by order of General Montgomery January 5, 1862, and confined in the Old Capitol

Prison. There are no papers on file in the Department of State showing on what charge they were arrested. The said W. L. and D. C. Lee remained in the Old Capitol Prison February 15, 1862, when in conformity with an order from the War Department of the preceding day they were transferred to the charge of that Department. (Ordered released February 21, 1862. Released on parole February 22, 1862.)

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This man [Moses P. Donaldson] was arrested by order of General Hooker and committed to the Old Capitol Prison January 6, 1862. He was charged with being a spy in the rebel service. The evidence in this case is in the custody of the provost-marshal of Washington. Said Donaldson remained in custody at the Old Capitol February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department. (March 27, 1862, released.)

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This man [Francis X. Lacross] was arrested by General Hooker and committed to the Old Capitol Prison January 6, 1862. He was charged with being a spy in the employ of the rebels. The evidence against him is in the hands of the provost-marshal of Washington. Said Lacross remained in custody at the Old Capitol Prison February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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John Rogan (or Regan) was arrested by order of General Heintzelman and committed to Old Capitol Prison January 7, 1862. There are no papers on file in the Department of State showing on what charges he was arrested. Said Rogan remained in custody at the Old Capitol February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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James W. Savage was arrested by order of General Montgomery and committed to the Old Capitol Prison January 7, 1862. There are no papers on file in the Department of State showing on what charge he was arrested. The said James W. Savage remained in custody at Old Capitol Prison February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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B. F. Gwynn, of Prince George County, Md., was arrested by order of General Casey January 7, 1862, and committed to the Old Capitol Prison, Washington, D. C. He was charged with holding correspondence with and giving information to the enemy and suspected of being a spy. At the time of his arrest his residence was searched and two boxes containing clothing supposed to be intended for transfer to the enemy and five letters addressed to persons within the enemy's lines were discov ered. Upon the investigation of his case it appears that in the spring of 1861 Gwynn was concerned in an attempt to get up and drill a company or companies of militia in the county where he resided. It being deemed by the military authorities that the organization was covertly intended as an aid to the rebellion it was broken up. The above facts and charges are taken from a report in the case by E. J. Allen.* Said

* See p. 188 for Allen's report on Gwynn's case.

Gwynn remained in custody at the Old Capitol Prison February 15, 1862, when in conformity with an order of the War Department of the preceding day he was transferred to the charge of that Department.

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This man [J. Barrett Cohen] was arrested by order of the military authorities and committed to the Old Capitol Prison January 8, 1862, by order of General George B. McClellan. He was charged with being a spy in the service of the rebels. Said Cohen remained in custody at the Old Capitol February 15, 1862, when he was transferred to the charge of the War Department.

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Francis McKee, or M. Francis McKee, was arrested by order of General Hooker and committed to Old Capitol Prison January 8, 1862. He was charged with being a spy in the rebel service. The evidence if any in this case is in the hands of the provost-marshal of Washington. Said McKee remained in custody at the Old Capitol February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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Thomas P. Fowler was arrested January 10, 1862, by General Heintzelman and committed to the Old Capitol Prison. There are no papers on file in the Department of State showing on what charge he was imprisoned. He remained in the Old Capitol Prison February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department. (Ordered released February 21, 1862. Released on parole February 22, 1862.)

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This person [Rev. Bennett Smedes] was arrested by the Potomac Flotilla in an attempt to cross the Potomac River to Virginia in a small boat January 11, 1862, and committed to Old Capitol Prison by order of General Porter January 13, 1862. It appears from the report in the case made by E. J. Allen,* a Government agent, that said Smedes had made application to the Secretary of State for a passport to go to Raleigh, N. C., to see his parents, which being denied him he attempted to go without a passport hoping to elude the blockade flotilla, but was discovered and captured. An order was issued from the Department of State dated February 5, 1862, directing General Porter to release Smedes on his taking the oath of allegiance stipulating that he will neither enter the States in insurrection nor hold correspondence with persons residing therein nor do any act hostile to the United States. He was accordingly released February 7, 1862.

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The following-named persons were arrested by the military authorities in the West some time previous to January 13, 1862, and committed to prison at Camp Chase, Columbus, Ohio. The only information relative to them on file in the Department of State is contained in a letter from [Lieut. Col.] W. Hoffman, commissary-general of prisoners, the first dated New York, January 13, 1862, and addressed to Adjutant-General Thomas asking information relative to the release of certain prisoners (names not given) confined at Camp Chase. The Secretary of State answered the above letter January 28 and asked said Hoffman to furnish a list of the names of above-mentioned prisoners and a report of the facts of their arrest and the evidence against them, to which Colonel

* See p. 195 for Allen's report on Smedes' case.

Hoffman replies from Sandusky, Ohio, February 11, 1862, that he has been informed that all of them had been discharged but he is not informed by whose authority, and gives the names of said prisoners, viz: W. H. Wise, G. A. Davis, George T. Henderson, A. W. Jones, W. H. Peterson, G. S. Grove, John Barneto, Matthew Bright, J. Allen Harwood, Lewis S. Farrell, J. W. Wigal, J. B. Smith, John W. Coffman, Thomas W. Tillman.

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John E. Rea was confined in the Old Capitol Prison in Washington on the 13th of January, 1862, having been received as a prisoner from the Navy Department on that day. A report made by E. J. Allen through General Porter, provost-marshal, states as derived from Rea himself that he is a native of Baltimore where he resides with and is employed by his father; that he is thirty years of age; that his father has a clothing store in Baltimore and a large amount of outstanding debts in Southeastern Virginia principally in Westmoreland and King George Counties which he was sent to collect; that he came by railroad to Washington, from there to Charlotte Hall, Md., by stage; thence with a companion through the woods to the house of a person whose name he refused to give. He also refused to give any account of his movements after leaving Charlotte Hall till he embarked on the Potomac or the names of any persons who aided and abetted his attempt to cross the river or any information concerning this clandestine communication with the rebels; that he was arrested by a boat's crew from the cutter Howell Cobb at 12.30 a. m. January 11, taken on board the cutter and there searched; that he had not the accounts with him which he was going to collect; that he only carried a memorandum of them and that was in a package in the boat with his shirts; that as the package and its contents were so badly wet he threw them away; that some of the bills were fishing accounts averaging $80 to $100 each; that the next day in company with Rev. Bennett Smedes and George M. Gormley he was transferred to the Island Belle; thence to Colonel Graham's headquarters; thence successively to U. S. vessels Wyandank, Harriet Lane and Yankee on board of which latter he was taken to the U. S. Navy-Yard whence he was sent by Captain Dahlgren to the provost-marshal's office. No papers were found on him. It is otherwise shown that Smedes and Gormley were in the same boat and taken at the same time. Smedes and two companions are also shown to have been talking secession shortly before they were taken. The said Rea remained in custody at the Old Capitol Prison February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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George W. Hutchins was arrested January 13, 1862, by General Heintzelman and committed to the Old Capitol Prison. There are no papers on file in the Department of State showing what the charges were against this man. He remained in prison February 15, 1862, when in conformity with an order from the War Department of the preceding day he was transferred to the charge of that Department. (Released on taking oath of allegiance February 22, 1862.)

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The first information that was received at the Department of State relative to the arrest of this man [George T. Henderson] was communicated in a letter from Lieut. Col. W. Hoffman, commissary-general of prisoners, addressed to Adjutant-General Thomas and dated January 13, 1862, which letter was referred to the Secretary of State. It stated that

there were several prisoners of war confined at Camp Chase whose friends in Virginia had presented petitions for their release on their taking the oath of allegiance. Some of them were civilians who had been arrested on some suspicious conduct of little consequence and others charged with having belonged to rebel organizations although not so when captured. The Secretary of State wrote January 28, 1862, asking of Lieutenant-Colonel Hoffman particulars as to the charges against these prisoners and names. Hoffman replied by letter of February 11 that before he could make the requested inquiries Henderson and the other men had been released, though by whose authority he was not able to state.

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Thomas H. Haislip was arrested by General Heintzelman January 13, 1862, and committed to the Old Capitol Prison. There are no papers on file in the Department of State showing the charges against this man. He remained in prison February 15, 1862, when in conformity with an order from the War Department of the preceding day he was transferred to the charge of that Department. (Released on parole not to leave the District February 22, 1862.)

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George M. Gormley, of Norfolk, Va., was confined in the Old Capitol Prison in Washington on the 13th day of January, 1862, having been received as a prisoner from the Navy Department on that day. A report made by E. J. Allen through General Porter, provost-marshal of Washington, states that Gormley was arrested while attempting to cross the Potomac River in a boat by a boat's crew from the cutter Howell Cobb at 12.30 a. m. January 11, 1862. That the next day in company with Rev. Bennett Smedes and John E. Rea who were captured at the same time he was transferred to the Island Belle; thence to Colonel Graham's headquarters; thence successively to the U. S. vessels Wyandank, Harriet Lane and Yankee on board of which latter he was taken to the U. S. Navy-Yard, whence he was sent by Captain Dahlgren to the provost-marshal's office. Gormley and two companions are also shown to have been talking secession shortly before they were taken. The said Gormley remained in custody at the Old Capitol Prison February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department. (Released March 26, 1862.)

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The first information that the Department of State had of the arrest of this man [G. A. Davis] was communicated in a letter from Lieut. Col. W. Hoffman, commissary-general of prisoners, of January 13, 1862, addressed to Adjutant-General Thomas which letter was referred to the Secretary of State. It stated that there were several prisoners of war confined at Camp Chase whose friends in Virginia had presented petitions for their release on taking the oath of allegiance. Some of them were civilians who had been committed on some suspicious conduct of little importance and others charged with having belonged to rebel organizations, although not so when arrested. The Secretary of State wrote January 28, 1862, asking of Lieutenant-Colonel Hoffman the names and particulars of charges against them. Hoffman replied by letter of February 11, 1862, that before he could make the requested inquiries Davis and the other prisoners had been discharged, although by whose authority he was not able to state. This correspondence may be found in an envelope marked Camp Chase.

Henry C. Brown was arrested by order of General Heintzelman and committed to the Old Capitol Prison January 13, 1862. There are no papers on file in the Department of State showing on what charge he was arrested. Said Brown remained in custody at the Old Capitol February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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This man [Henry Simpson] was arrested by order of General Heintzelman and committed to Old Capitol Prison January 14, 1862. There are no papers on file in the Department of State showing upon what charge he was arrested. Said Simpson remained in custody at Old Capitol Prison February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department

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Thomas Craggs* was arrested January 14, 1862, by order of General Heintzelman and confined in the Old Capitol Prison. Several Union pickets had been foully murdered near Craggs' residence at Fairfax Court-House; and although the act was supposed to have been committed by a band of guerrilla Texas rangers still Craggs was believed to have been in daily communication with them. A release on parole of honor was tendered him specifying that he should not leave the District of Columbia without permission. This he declined giving as a reason that it would prevent him from visiting his home. The said Craggs remained in custody at the Old Capitol Prison February 15, 1862, when in conformity with the order of the War Department of the day previous he was transferred to the charge of that Department. (February 21, 1862, ordered released. February 22, 1862, released on parole and not to leave the District of Columbia.)

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Richard H. Bayliss was arrested by order of General Heintzelman and committed to the Old Capitol Prison January 14, 1862. There is no evidence on file in the Department of State showing on what charges Bayliss was arrested. Said Richard H. Bayliss remained in custody at the Old Capitol Prison February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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Bushrod W. Bayliss was arrested by order of General Heintzelman and committed to the Old Capitol Prison January 14, 1862. There are no papers on file in the Department of State showing on what charge he was arrested. Said Bayliss remained in custody at the Old Capitol February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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William Ward was arrested by order of General Heintzelman and committed to Old Capitol Prison January 15, 1862. There are no papers on file at the Department of State showing on what charges he was arrested. A letter from Ward shows that he was on parole not to leave the city and county of Baltimore January 20, 1862. Said Ward remained on parole February 15, 1862, when in conformity with the

* See p. 204; also p. 234 for Allen's report in case of Craggs.

order of the War Department of the preceding day he was transferred to the charge of that Department. (Ordered released February 21, 1862.)

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Matthew Plaskett was arrested by order of General Heintzelman and committed to Old Capitol Prison January 15, 1862. There are no papers on file in the Department of State showing on what charges he was arrested. Said Plaskett remained in custody at the Old Capitol Prison February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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This person [Forrest Olden] was arrested by order of General Heintzelman and committed to the Old Capitol Prison January 15, 1862. There are no papers on file in the Department of State showing upon what charges he was arrested. The said Forrest Olden remained in custody at Old Capitol Prison February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department. (Ordered released February 21, 1862. Released on parole February 22, 1862.)

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William Hick was arrested January 15, 1862, by General Heintzelman and committed to the Old Capitol Prison. There are no papers on file in the Department of State showing what the charges were against this man. He remained in the Old Capitol Prison February 15, 1862, when in conformity with an order from the War Department of the preceding day he was transferred to the charge of that Department. (Released on parole not to leave the District of Columbia February 22, 1862.)

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John Haislip was arrested January 15, 1862, by order of General Heintzelman and committed to Old Capitol Prison. There are no papers on file in the Departmet of State showing the charges against this man. He remained in custody at the Old Capitol Prison February 15, 1862, when in conformity with an order of the War Department of the preceding day he was transferred to the charge of that Department. (February 22, 1862, released on parole not to leave the District.)

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James Haislip was arrested by order of General Heintzelman and committed to Old Capitol Prison January 15, 1862. There are no papers on file at the Department of State showing on what charge he was arrested. Said Haislip remained in custody at the Old Capitol February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department. (Ordered released February 21, 1862. February 22, 1862, refused to give parole not to leave the District.)

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Daniel Hibler was placed under military arrest in Kentucky about the 15th of January, 1862, for having in December, 1861, murdered a soldier who was on sentinel guard by shooting him through the head. Hibler was badly wounded at the same time by a fellow-soldier of the murdered man, but recovered. He was a violent secessionist and had in the early part of the summer purchased about eighty minie rifles to arm a Kentucky rebel company. His shooting the soldier was repre-

sented to have been a deliberate murder. It was advised by Hon. Garrett Davis that Hibler be tried by military court-martial. No information has been received at the Department of State showing what disposition was made of his case by the military or civil authorities of Kentucky.

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This person [M. J. Farrington] was arrested by order of the military authorities and committed to Old Capitol Prison January 15, 1862. There are no papers on file in the Department of State showing on what charge he was arrested. Said Farrington remained in custody at the Old Capitol February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department. (Ordered released February 21, 1862.)

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This person [John Digney] was arrested January 17, 1862, by order of General Hooker and confined in the Old Capitol Prison. There are no papers in the Department of State showing where or upon what charges he was arrested. He remained in custody at the Old Capitol Prison February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department. (March 3, 1862, ordered released.)

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The first information received at the Department of State relative to this case [Charles H. P. Coe] was a letter from Coe addressed to the Secretary of State dated at Fort Lafayette January 19, 1862, making certain propositions for his release, among others that he might be allowed upon his parole of honor to proceed to Richmond, Va., for the purpose of effecting an exchange for himself, thus confessing his disloyalty and treason. January 25, 1862, Major-General Dix informed the Secretary of State that Coe was a man of little importance and recommended his exchange. An order was accordingly issued February 14, 1862, from the Department of State directing Lieut. Col. Martin Burke, commanding at Fort Lafayette, to discharge Coe on his giving his parole of honor to return to that fort within thirty days unless within twenty days Mr. E. B. Boutwell, then held a prisoner by the insurgents at Richmond, Va., should be unconditionally released and sent within the lines of the U. S. Army. The said Charles H. P. Coe having given the required parole of honor was released February 19, 1862.

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This person [John F. C. Offutt] was arrested by order of General Banks and committed to Old Capitol Prison January 20, 1862. He was charged with being a spy in the employ of the rebels. Said J. F. C. Offutt remained in custody at Old Capitol Prison February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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O. F. Potter was arrested by the provost-marshal of Rockville and sent by General Stone, commanding that division, to Washington and committed to the Old Capitol Prison January 20, 1862. Potter was charged with being a rebel spy and with intending to enter the insurgent States on an unlawful errand. He remained in the Old Capitol Prison February 15, 1862, when in conformity with an order of the War Department of the preceding day he was transferred to the charge of that Department. (Ordered released February 21, 1862. Released on parole February 22, 1862.)

Daniel B. Harrington, a deserter from Tatnall's rebel fleet, was committed to Fort Lafayette January 21, 1862. Harrington represents in a letter dated January 28, 1862, to the Secretary of State that he was wrecked at sea and escaped in a small boat to Key West where he was impressed in the Confederate Navy; that he deserted the first opportunity and was taken on board the U. S. frigate Wabash where he took the oath of allegiance. He was released February 6, 1862, by order of the Secretary of State.

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Francis Collohan was one of a party of six who deserted and escaped from the insurgents at Warrington Navy-Yard, Fla., and went to Fort Pickens from whence they were taken in the U. S. steamer Rhode Island to Philadelphia and thence transferred January 21, 1862, to Fort Lafayette. January 26, 1862, Collohan was released upon taking the oath of allegiance by order of the Secretary of State.

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Timothy Conovan was one of a party of six who deserted and escaped from the insurgents at Warrington Navy-Yard, Fla., and went to Fort Pickens from whence they were taken in the U. S. steamer Rhode Island to Philadelphia and transferred January 21, 1862, to Fort Lafayette. January 26, 1862, Conovan was released upon taking the oath of allegiance by order of the Secretary of State.

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Edward English was one of a party of six who deserted and escaped from the insurgents at Warrington Navy-Yard, Fla., and went to Fort Pickens from whence they were taken in the U. S. steamer Rhode Island to Philadelphia and were transferred January 21, 1862, to Fort Lafayette. By order of the Secretary of State English was released upon taking the oath of allegiance January 26, 1862.

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Alfred Johnson was one of a party of six persons who deserted and escaped from the insurgents at Warrington Navy-Yard, Fla., and went to Fort Pickens from whence they were taken in the U. S. steamer Rhode Island to Philadelphia and thence transferred to Fort Lafayette January 21, 1862. Johnson was released January 26, 1862, upon taking the oath of allegiance by order of the Secretary of State.

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Joseph Parker was one of six persons who deserted and escaped from the insurgents at Warrington Navy-Yard, Fla., and went to Fort Pickens from whence they were taken in the U. S. steamer Rhode Island to Philadelphia and were transferred January 21, 1862, to Fort Lafayette. Parker was released upon taking the oath of allegiance January 26, 1862, by order of the Secretary of State.

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James Smith was one of a party of six who deserted and escaped from the insurgents at Warrington Navy-Yard, Fla., and went to Fort Pickens from whence they were taken in the U. S. steamer Rhode Island to Philadelphia and thence transferred to Fort Lafayette January 21, 1862. January 26, 1862, Smith was released upon taking the oath of allegiance by order of the Secretary of State.

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Sidney Bennett was arrested by order of the Secretary of the Navy and committed to Fort Lafayette January 24, 1862. He was charged with having used highly treasonable and disloyal language whilst serving as landsman on board the U. S. frigate Santee then in the Gulf of Mexico. The said Sidney Bennett remained in custody at Fort Lafay-

ette February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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Jackson Benman was arrested by order of General Fitz-John Porter and committed to the Old Capitol Prison January 24, 1862. No papers have been received at the Department of State showing on what charges the arrest of this person was made. The said Jackson Benman remained in custody at the Old Capitol Prison February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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January 24, 1862, a letter was received at the Department of State from the Post-Office Department inclosing a letter written by W. I. Rasin, dated as follows: "Headquarters Second Maryland Regiment Volunteers, C. S. Army, Camp Lowe, two miles from Richmond, Va., October 29, 1861." The following extracts from the letter show the character and rebel sympathy of the writer, viz:

* * * I hope John you will not let the simple fact of my being a rebel turn the friendship you once had for me to hatred as it has done nearly all of those in the North who were once my friends. * * * If you should be so foolish as to join Lincoln's army never come to Virginia or Maryland.

WILLIAM I. RASIN,
Major Second Maryland Regiment, C. S. Army.

Rasin was arrested at Unionville, Md., about the 1st of February, 1862, by a Government agent acting under orders received from the Department of State. The Government officer in his report of his arrest of Rasin states that "no letters or papers of importance were found in his possession. * * * Rasin admits that he wrote this letter (meaning the letter above alluded to). The Secretary of State directed Rasin to be placed in the custody of Brigadier-General Porter, provost-marshal of Washington, February 4, 1862. The said William I. Rasin remained in custody at the Old Capitol Prison in Washington February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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Under date of January 24, 1862, Maj. Gen. John A. Dix informed the Secretary of State* that there were twelve persons confined as prisoners in Fort McHenry (names not given) whom he desired to have transferred to some other fort; that "they were arrested the week before at a place of rendezvous from whence they were to go into the insurgent States." In compliance with that request an order was issued January 25, 1862, from the Department of State directing General Dix to have the said twelve prisoners conveyed to Fort Lafayette and requesting him to furnish the Department with their names and the proofs on which they were held in custody. William Gross with his companions was accordingly transferred to Fort Lafayette but the proofs on which he was held in custody have not been received at the Department of State. The said William Gross, Isaac H. Weaver, Amos Thompson, Edward H. McCubbin and Patrick O'Brien remained in custody at Fort Lafayette February 15, 1862, when in conformity with the order of the War Department of the preceding day they were transferred to the charge of that Department. (Released on parole February 22, 1862.)

* See Dix to Seward p. 198.

Robert W. Buckles was arrested by order of the Secretary of State at Olney, Ill., January 28, 1862, by the U. S. marshal of that State and conveyed to Fort Lafayette. He was charged with having been engaged with others in carrying on a contraband trade with the rebels in Kentucky, furnishing them with rifles and medicines. U. S. Marshal Phillips, of Illinois, states in a letter to the Secretary of State dated January 24, 1862, that the evidence of the guilty practices of Buckles and his associates is clear and unquestionable. The said Robert W. Buckles remained in custody at Fort Lafayette February 15, 1862, when in conformity with an order of the War Department of the preceding day he was transferred to the charge of the War Department.

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O. Norris Bryan was arrested January 28, 1862, at his home in Charles County, Md., by order of the Secretary of State on complaint of L. C. Baker and confined in the Old Capitol. His secession proclivities were proven from several letters accompanying the report of his arrest all of which contain strong rebel sentiments. Samuel Barker testifies that he knows Bryan well and that he has often heard him abuse the United States Government in the bitterest manner and express for the Confederate States the warmest sympathy. These expressions were made in the most public manner on the steam-boat Thomas Colyer. Before and after his arrest he refused to take the oath of allegiance. The said Bryan remained in custody at the Old Capitol Prison February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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John Hipkins, jr., alias Edward R. Platt, was arrested by order of the Secretary of the Navy and conveyed to Fort Lafayette January 28, 1862. This person shipped in the U. S. service on the sloop-of-war Vincennes but afterward refused to fight for the Government, alleging that his parents lived in Virginia and he could not fight against the rebels of that State. The said John Hipkins remained in custody in Fort Lafayette February 15, 1862, when in conformity with an order of the War Department of the preceding day he was transferred to the charge of that Department.

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Thomas Mathews was arrested by order of the Secretary of State at Olney, Ill., January 28, 1862, by the U. S. marshal of that State and conveyed to Fort Lafayette. He was charged with having been engaged with others in carrying on a contraband trade with the rebels in Kentucky, furnishing them with rifles and medicines. U. S. Marshal Phillips, of Illinois, states in a letter addressed to the Secretary of State January 24, 1862, that the evidence of the guilty practices of Mathews and his associates is clear and unquestionable. The said Thomas Mathews remained in custody at Fort Lafayette February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department. (Ordered released February 21, 1862. Released on parole February 22, 1862.)

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Thomas O'Leary was arrested by order of the Secretary of State at Olney, Ill., January 28, 1862, by the U. S. marshal of that State and conveyed to Fort Lafayette. He was charged with having been engaged with others in carrying on a contraband trade with the rebels

in Kentucky, furnishing them with rifles and medicines. U. S. Marshal Phillips, of Illinois, states in a letter addressed to the Secretary of State January 24, 1862, that the evidence of the guilty practices of O'Leary and his associates is clear and unquestionable. The said Thomas O'Leary remained in custody at Fort Lafayette February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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John Rigal was arrested by order of the Secretary of State at Olney, Ill., January 28, 1862, by the U. S. marshal of that State and conveyed to Fort Lafayette. He was charged with having been engaged with others in carrying on a contraband trade with the rebels in Kentucky, furnishing them with rifles and medicines. U. S. Marshal Phillips, of Illinois, in a letter addressed to the Secretary of State January 24, 1862, states that the evidence of the guilty practices of Rigal and his associates is clear and unquestionable. The said John Rigal remained in custody at Fort Lafayette February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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Representations having been received from the U. S. marshal of the southern district of Illinois that certain parties in that district were disloyal and carrying on an illegal traffic with the insurrectionary States an order was issued from the Department of State January 28, 1862, to U. S. Marshal Phillips for their arrest. The U. S. marshal reported by telegraph that he had made the arrests mentioned and also seized a Mrs. H. M. Wood and William Smith and asking what he should do with them. In reply the Secretary of State directed the marshal to take them all to Fort Lafayette. The said William Smith remained in custody at Fort Lafayette February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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Mrs. H. M. Wood, of Nashville, Tenn., or Hopkinsville, Ky., was arrested in Illinois about the 28th of January, 1862, by U. S. Marshal D. L. Phillips, of that State, and by order of the Secretary of State was conveyed to Washington, D. C., and there placed under surveillance. She was charged with having procured in New York with the aid of others material for a paper mill and was conveying the same South for the use of the insurgents. The said Mrs. H. M. Wood remained under surveillance in Washington, D. C., February 15, 1862, when in conformity with the order of the War Department of the preceding day she was transferred to the charge of that Department. (Released on giving parole to report to Seth C. Hawley, New York, and give testimony before the grand jury February 20, 1862. Reported to S. C. Hawley February 23, 1862.)

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The first information received at the Department of State relative to this person [Cornelius P. Havens] was a letter dated January 28, 1862, to the Secretary of State in which said Havens asked to be released from Fort Lafayette. It appears that he was captured on the prize schooner Venus in the Gulf of Mexico and claimed to have been a passenger. The date of the capture of the Venus or when he was committed to Fort Lafayette has not been received at the Department of State. The said Cornelius P. Havens remained in custody February 15, 1862, at Fort Lafayette.

This person [Charles Smith] was taken on the prize schooner Venus in the Gulf of Mexico and with the vessel conveyed to New York. No information in regard to the date of the capture of the vessel or when he was committed to Fort Lafayette has been received at the Department of State. He remained in custody at Fort Lafayette February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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This person [Jacob Johnson] was arrested on the prize schooner Venus which vessel was captured in the Gulf of Mexico. The time of the capture of the vessel or when Johnson was committed to Fort Lafayette has not been received by the Department of State. The said Jacob Johnson remained in custody February 15, 1862, in Fort Lafayette.

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This person [Andrew Nelson] was captured on the prize schooner Venus in the Gulf of Mexico and with others of the crew of that vessel was brought to New York and confined in Fort Lafayette. The date of the capture or the time when Nelson and his companions of the Venus were committed to Fort Lafayette has not been communicated to the Department of State. The said Andrew Nelson remained in custody in Fort Lafayette February 15, 1862.

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This person [Peter Hanson] was one of the crew of the prize schooner Venus captured in the Gulf of Mexico and was brought to New York and confined in Fort Lafayette. The date of the capture or when Hanson and the crew of the Venus were committed to Fort Lafayette has not been communicated to the Department of State. The said Peter Hanson remained in custody at Fort Lafayette February 15, 1862.

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This person [Charles Eastwood] was taken on the prize schooner Venus in the Gulf of Mexico and with the vessel conveyed to New York. No information in regard to the date of the capture of the vessel or when Eastwood was committed to Fort Lafayette has been received at the Department of State. The said Charles Eastwood remained in custody February 15, 1862, at Fort Lafayette.

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This person [Edward Zickler] was captured on the prize schooner Venus in the Gulf of Mexico and having been taken to New York was placed in Fort Lafayette. The date of the capture of the vessel or when Zickler was committed to Fort Lafayette has not been received at the Department of State. The said Edward Zickler remained in custody at Fort Lafayette February 15, 1862.

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This man [Alex. L. McKenzie] was arrested by order of General Heintzelman and committed to the Old Capitol Prison January 29, 1862. There are no papers on file in the Department of State showing upon what charges he was arrested. Said A. L. McKenzie remained in custody at Old Capitol Prison February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department. (Released on parole and not to leave the District February 22, 1862.)

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James Potter was arrested January 30, 1862, by Brigadier-General Heintzelman and committed to the Old Capitol Prison. Potter was charged with strong secession sympathies and aiding the rebels in arms

against the Government. He remained in confinement February 15, 1862, when in conformity with an order of the preceding day from the War Department he was transferred to the charge of that Department. (Released March 24, 1862.)

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This man [Horace W. Bridges] was mate of the brig Joseph which was captured by the privateer Savannah. He was kept in custody at Philadelphia as a witness against said privateer. He was discharged January 30, 1862.

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This man [James J. Babbage] was mate of the brig Cuba which was captured by the privateer Sumter and a prize crew put on board. The crew of the Cuba afterward recaptured that vessel and brought her with the Sumter's prize crew into the port of New York. Babbage and the rest of the Cuba's crew were taken into custody as witnesses against the Sumter's prize crew. Babbage was released January 30, 1862.

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Josiah E. Bailey was arrested by order of General Porter and committed to the Old Capitol Prison February 1, 1862. He was charged with being a spy in the employ of the rebels. Said Bailey remained in custody at the Old Capitol February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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José English was arrested at Ship Island, Miss., and by order of Major-General Butler sent to Fort Warren February 2, 1862. He was charged with being a spy in the rebel service. Said English remained in custody at Fort Warren February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department. (Ordered released February 21, 1862. Released February 22, 1862.)

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Gurden Pendleton was arrested February 4, 1862, by D. H. Carr, U. S. marshal of the district of Connecticut, at Stonington by order of the Secretary of State. Pendleton was a strong rebel sympathizer and did what he could to prevent the enlistment of men in the U. S. service. He made use of the following expressions in the most public manner on the 15th of January, to wit: "I hope to God that every Northern man who goes to fight the Southerners will be killed, and leave his bones to bleach there. This is a most unjust war against them. Your President Lincoln is a villain and a d—— d liar," and much more to the same effect. Pendleton was taken before F. A. Palmer, notary public, where he took the oath of allegiance with stipulations that he was to hold no correspondence with persons residing in the insurgent States. He was thereupon released.

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This person [Calvert Beach] was arrested by order of General Heintzelman and committed to the Old Capitol Prison February 5, 1862. No papers have been received at the Department of State showing on what charges the arrest was made. The said Calvert Beach remained in custody at the Old Capitol Prison February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

This person [E. C. Ostrander] was arrested by order of General Smith and committed to Old Capitol Prison February 5, 1862. There are no papers on file in the Department of State showing on what charges he was arrested. Said E. C. Ostrander remained in custody at Old Capitol Prison February 15, 1862, when in comformity with the order of the War Department of the preceding day he was transferred to the charge of that Department. (Ordered released February 21, 1862. Released on parole February 22, 1862.)

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This person [John L. Shults] was arrested by L. C. Baker, esq., an agent of Government in Washington, about the 5th of February, 1862. February 5, 1862, an order was issued from the Department of State directing L. C. Baker to deliver said Shults to the charge of the U. S. marshal of the District of Columbia which was done. He was not regarded either as a prisoner of war or a political prisoner of state.

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Vance L. Trumble was arrested by order of General Heintzelman and committed to the Old Capitol Prison February 5, 1862. There are no papers on file at the Department of State showing on what charge he was arrested. Said Trumble remained in custody at the Old Capitol February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department. (Ordered released February 21, 1862. Released on parole February 22, 1862.)

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B. H. Jenkins was arrested February 5, 1862, at Alexandria, Va., by an agent of the Government charged with being a spy and having recently been in the rebel army acting as sutler and contractor. By order of the Secretary of State dated February 5, 1862, Jenkins was placed in the custody of the provost-marshal of Washington. The report of L. C. Baker, a Government agent who examined the person and papers taken from Jenkins, shows that Jenkins had with him at the time of his arrest passes issued by both civil and military officers of the rebel government; also orders for cars to transport lumber. After his arrest Jenkins admitted that he voted for the ordinance of secession in Virginia, and voluntarily stated that he was interested in a sutlership in the Confederate army at Manassas Junction up to October last. The said B. H. Jenkins remained in custody at the Old Capitol Prison in Washington February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

—

Abraham Hornbeck was arrested by General Smith February 7, 1862, and committed to the Old Capitol Prison. There are no papers in the Department of State showing the charges against this man. He remained in the Old Capitol Prison February 15, 1862, when in accordance with the order of the War Department of the preceding day he was transferred to the charge of that Department. (Released February 22, 1862.)

—

Mahlon H. Janney was arrested by order of General Banks and confined in the Old Capitol Prison February 8, 1862. There are no papers on file in the Department of State showing on what charges this man was arrested. The said Janney remained in custody at the Old Capitol Prison till February 15, 1862, when in conformity with the order of the

War Department of the preceding day he was transferred to the charge of that Department. (Released on parole not to leave the District of Columbia February 22, 1862.)

—

Rev. J. R. Stewart, of Alexandria, was arrested* by S. W. Morton, a Government agent, February 9, 1862, for omitting to read the prayer for the President of the United States and for Congress and declining to do so after being twice requested. The fact of the arrest having been brought before the Secretary of State he referred the matter to General Montgomery, the military governor of Alexandria, to take such action as he deemed advisable for the public interest.

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The only information received at the Department of State concerning this man [John Barneto] is contained in a letter dated February 11, 1862, from Lieut. Col. W. Hoffman, commanding at Camp Chase, Ohio, stating that he has been informed by direction of Governor Tod, of Ohio, that John Barneto, a prisoner at Camp Chase, had been released.

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Warren Curtis was arrested in Virginia, February 13, 1862, by order of General F. J. Porter and committed to the Old Capitol Prison. He was charged with being a spy. Having obtained a pass to cross the Potomac to visit relatives he made his way to the outer lines of the U. S. Army without trying to accomplish his pretended object. The said Warren Curtis remained in custody in the Old Capitol February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department. (Released March 25, 1862.)

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Dr. Robert Barclay arrested February 18, 1862, by Provost-Marshal-General Farrar [at Saint Louis, Mo.], for general, open and avowed disloyalty. (Specifications not on file.)

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The only information had at the Department of State concerning this man [Matthew Bright] is in a letter dated February 18, 1862, from Lieut. Col. W. Hoffman, commanding at Camp Chase, stating that he has been informed by direction of Governor Tod, of Ohio, that Bright, a prisoner at Camp Chase, had been released.

—

J. B. Burnett arrested February 18, 1862, by Provost-Marshal-General Farrar [at Saint Louis, Mo.], for general, open and avowed disloyalty.

—

George J. Jones arrested February 20, 1862, by Provost-Marshal Leighton [at Saint Louis, Mo.], for publishing for circulation in handbill form treasonable and libelous articles from English journals with view of aiding and assisting the rebel cause. Prisoner is a British subject. Case under examination March 3.

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Ambrose McFaul arrested February 28, 1862, by Provost-Marshal Leighton [at Saint Louis, Mo.], for treasonable language publicly and in presence of soldiers.

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* See pp. 212, 213, 219, 220 for correspondence relating to Stewart's arrest.

The following-named persons were arrested by the military authorities of the Department of the West. The only information relative to them on file in the Department of State is contained in a report dated March 3, 1862, of George E. Leighton, provost-marshal of Saint Louis, giving the names of the parties arrested and the charges preferred against them, viz: Charles Elliott charged with smuggling goods to Memphis, Stephen Stott* charged with bridge burning, Ambrose McFaul charged with treasonable language expressed publicly and in the presence of soldiers, E. M. Mabie charged with carrying contraband correspondence to and from the South, William H. Roberts charged with treasonable language in public, W. C. Jameson charged with conveying correspondence to insurrectionary States.

Case of Richard H. Alvey.

The first known of this person [Richard H. Alvey] at the Department of State was by a letter from him dated Fort Warren, November 5, 1861, in which he states that he was arrested in his office at Hagerstown, Md., and committed to Fort McHenry about the 18th of June last and has been detained there and at Fort Lafayette and Fort Warren ever since. He asked his release on grounds of humanity, but as he made no allegations of loyalty inquiry was made which resulted in his being offered his release on the 18th of December, 1861, upon condition of his taking the oath of allegiance. This he refused making objection to the form of the oath tendered him. Finally, however, he was released on taking an oath of allegiance in a different form and giving his parole not to commit any act of hostility against the Government nor to go into any seceded State during the war nor to communicate with any person in any such State and to report himself at any place of confinement or imprisonment when required so to do. This release was made on the 6th day of January, 1862.—*From Record Book, State Department, "Arrests for Disloyalty."*

FORT LAFAYETTE, *August 8, 1861.*

[Hon. JOHN THOMPSON MASON.]

DEAR JUDGE: I wrote to you immediately upon my arrival here, but as all letters and correspondence written and received here are subjected to the inspection of the commanding officer and as he informed us that all our letters had been forwarded to headquarters of the Army I take it for granted you have not received it as you make no mention of it in the two favors received here from you.

I am under many obligations to you for your kind interposition and I sincerely hope that by a renewal of your efforts at Washington you will be able to accomplish my release from this place. You may be sure that nothing would conduce so much to my comfort and relief. I am greatly surprised that there should be any difficulty in getting a copy of the paper mentioned in your letters. The report was certainly made as I was informed by several parties. Nor can I see the sense or reason for the delay. I hope Doctor Wharton may be able to procure the paper or a letter from Mr. Addison, such as seems to be required at Washington. I think surely that the Government will not

*See Vol. I, this Series, p. 404, for trial of Stephen Stott.

persist in detaining me here when it is fully assured by its own officials after an examination such as has been made that there is no case against me sustainable by the Constitution and laws of the land.

We are all well, and Messrs. Howard, Gatchell and Davis desire to be kindly remembered to you. If you have an opportunity please see Judge Bartol or Mr. Dobbin, either of whom will I am sure see Mr. Addison in regard to the matter and procure from him whatever statement he is willing to make with reference to the examination of the case. I wrote to Brent the day after my arrival here but I suppose he has not received the letter. My kindest regards to Mrs. Mason and all your family, and hoping soon to see you all,

I remain, yours, very truly,

R. H. ALVEY.

P. S.—Direct your communications to me in care of Lieutenant Wood at this fort. Colonel Burke is commanding the post including both forts, Hamilton and this, but Lieutenant Wood is in command at this fort.

R. H. A.

—

WASHINGTON, *September 2, 1861.*

Hon. WILLIAM H. SEWARD.

DEAR SIR: I take the liberty of presenting the bearer the Hon. John Thompson Mason, of Maryland, who desires to make some explanations respecting Mr. Alvey. Mr. Alvey was arrested some time since at Frederick and Judge Mason thinks has been detained from oversight. I hope you will be able to give him a hearing.

Yours, truly,

M. BLAIR.

—

FORT WARREN, *November 5, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have been a prisoner kept in confinement since about the 18th of June last. I was arrested in my office at Hagerstown, Md., and have been detained in the several forts of McHenry, Lafayette and this (Warren) ever since. Immediately upon my arrest I requested and urged a speedy investigation but though two several grand juries have sat in the Maryland district since the arrest no action has been had that I am aware of. The imprisonment has not only been exceedingly onerous to me personally but has in a great measure effected ruinous consequences to my family, they being entirely dependent upon my professional labors which have not only been suspended but my business itself mainly destroyed and lost. I write now simply to ask of you that you will order my release. If the Government entertaining any suspicion or apprehension of hostile purposes on my part shall exact as a condition of my release any guaranty I would be willing to give my parole to commit no act of hostility, or to enter into a recognizance to appear in the proper court to answer any accusation that may be preferred against me.

Hoping that your determination may be favorable to my request, am your obedient servant,

R. H. ALVEY.

DEPARTMENT OF STATE, *Washington, December 7, 1861.*

RICHARD BATES, Esq.,
Chief Clerk, Attorney-General's Office.

SIR: The Secretary of State directs me to refer to your office the accompanying letter* to him of the 30th ultimo from William Schley, of Baltimore, and the letter to that gentleman from the U. S. attorney there, and to remark that as the Mr. Alvey referred to is understood to have been arrested by judicial process the expediency of his discharge is most properly a question for the decision of the Attorney-General.

I am, your obedient servant,

W. HUNTER,
Chief Clerk

DEPARTMENT OF STATE, *Washington, December 10, 1861.*

Maj. Gen. JOHN A. DIX, *Baltimore.*

GENERAL: I have the honor to inclose herewith for your information some papers† relative to Richard H. Alvey, a Maryland prisoner at Fort Warren. Will you have the kindness to examine and return them to me with any additional information in your possession and with such suggestions as you may have to make?

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

ATTORNEY-GENERAL'S OFFICE, *December 11, 1861.*

Hon. SECRETARY OF STATE.

SIR: In consequence of a conversation (last Friday I think) at council about the imprisonment of Richard H. Alvey, of Baltimore, I understood you to say that Alvey was in judicial arrest and that he was subject to be disposed of by the judicial authority. Consequently I wrote to the district attorney at Baltimore whose answer I transmit herewith for your inspection. If he is not held as a political prisoner I think he had better be discharged.

Most respectfully, your obedient servant,

EDWARD BATES.

[Inclosure.]

OFFICE OF U. S. ATTORNEY,
Baltimore, December 9, 1861.

Hon. EDWARD BATES, *Attorney-General, Washington.*

SIR: I have the honor to acknowledge the receipt of your letter of the 7th instant in regard to the case of Mr. Richard H. Alvey. It was written evidently under the impression that Mr. Alvey is a prisoner in this State and under the control of the civil authorities. Mr. Alvey is a prisoner in Fort Warren, in Massachusetts, where I apprehend my orders would not be respected. In the exercise of the discretion which you invest me with I should were he here instantly order his discharge, and if it was the purpose of your Department to give me authority in the premises I beg that this letter may be considered as an order to that

* Not found. † See preceding correspondence.

effect. I am acquainted with no facts warranting his further detention. On the contrary I believe that justice to the prisoner and the honor of the Government alike demand his immediate release.

I am, sir, most respectfully, yours,

WM. MEADE ADDISON,
U. S. Attorney.

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DEPARTMENT OF STATE, *Washington, December 13, 1861.*

Lieut. Col. JUSTIN DIMICK, *Fort Warren.*

SIR: Let Richard H. Alvey, a prisoner confined in Fort Warren, be released on taking the oath of allegiance to the Government of the United States stipulating that he will neither enter into any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State; and also that he will not do anything hostile to the United States during the present insurrection. I transmit this order to John S. Keyes, esq., U. S. marshal, who has been instructed by this Department to cause a police examination to be made in some cases of the persons and baggage of prisoners discharged from custody to the end that no correspondence or other improper papers be conveyed by them to persons outside the fort.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

HEADQUARTERS, *Baltimore, December 11, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: In response to your letter of the 10th instant * * * I know nothing of Richard H. Alvey. He was sent here from the Upper Potomac. I respectfully suggest that persons who have been long in confinement without specific charges against them should be released on taking the oath of allegiance. This it is supposed is such a case. The papers in his case are herewith returned.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

—

FORT WARREN, *Boston Harbor, December 19, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: After an imprisonment of six months (since 18th of June last) I was yesterday offered release upon terms of taking an oath of allegiance and stipulating to observe certain other conditions. I extremely regret that the terms of the tendered release were such as I could not accept consistently with self-respect and a proper regard for the opinion of those with whom I live and am accustomed to associate. However willing and ready I may be upon all lawful occasions to take an oath of allegiance to the Government (and I hold myself ready upon all such occasions) I cannot reconcile it to my own self-respect to become the especial object of tests that are not prescribed to all others bearing the same relation to the Government as myself (that of a mere private citizen) nor justified by any law of the land. The oath of allegiance pro-

posed has never been by any legal authority as you are aware directed or authorized to be administered to the citizen as such, but prescribed only and exclusively to a certain class of employés of the Government. This oath then when proposed to me is entirely extrajudicial and subjects me to a test to which other citizens are exempt and in my conscientious view of the matter can only tend to degrade and humiliate me in the estimation of myself and others whose good opinion I value and esteem.

If the oath were prescribed by any law of the land to the citizens generally or any occasion offered when it was lawful to administer it I should not hesitate about it or in the least object to it, but the objection now is that it was not intended to apply to me or to any other private citizen, and in submitting to its illegal administration I should humiliate myself and forfeit the good opinion of mankind. This feeling though it may not be predicated upon the same reasoning that you would suggest yet being sincerely and conscientiously entertained I hope will be appreciated. I have deemed it proper that I should thus state the reason for declining the terms of the tendered release. If conditions be exacted of me I am willing to give any proper parole such as to commit no act hostile to the Government and not to go into the seceded States or communicate with persons therein. This I feel justified in offering because of the great necessity for my being out of prison to attend to the wants of my family and the requirements of my business. I must therefore again request that you will order my release without the condition of taking the oath.

I am, your obedient servant,

R. H. ALVEY.

—

WASHINGTON, *December 27, 1861.*

F. W. SEWARD, Esq., *Assistant Secretary of State.*

MY DEAR SIR: It seems that Alvey has felt obliged to reject the liberty offered to him because of the oath required. It is very silly of him I think, and proceeds entirely from the sensitiveness which he has for the ridicule attached to it by still more silly people. I do not see the difference between that which I herewith inclose* and that proposed by the Department and yet he is willing to take this and not that. I would be glad if the Secretary would indulge him in his preference and let him return to his family which really needs his attention.

Yours, truly,

M. BLAIR.

—

DEPARTMENT OF STATE, *Washington, December 31, 1861.*

Hon. MONTGOMERY BLAIR, *Postmaster-General.*

SIR: Your letter of the 27th instant with its inclosure has been received. Colonel Dimick has been directed to release R. H. Alvey, a prisoner confined in Fort Warren, on his taking the oath in the form inclosed by you.

I have the honor to be, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

* Omitted here. See p. 354 for oath finally taken by Alvey.

DEPARTMENT OF STATE, *Washington, December 31, 1861.*

Col. JUSTIN DIMICK, *Fort Warren, Boston.*

SIR: Let R. H. Alvey, a prisoner confined in Fort Warren, be released on taking an oath that he will support the Constitution and laws of the United States and commit no act of hostility against the Government thereof, and that during the continuance of the present war he will not go into any of the seceded States or hold any communication with persons therein; and further that he will hold himself in readiness to return to any place of confinement or imprisonment at any moment he may be required so to do by the Government of the United States or by any of its properly constituted officers.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

FORT WARREN, *Boston Harbor, January 6, 1862.*

I, R. H. Alvey, a prisoner confined in Fort Warren, do solemnly swear that I will support the Constitution and laws of the United States and that I will not commit any act of hostility against the Government thereof, and that during the continuance of the present war I will not go into any of the seceded States or hold any communication with persons therein; and further that I will hold myself in readiness to return to any place of confinement or imprisonment at any moment I may be required so to do by the Government of the United States or by any of its properly constituted officers. So help me God.

R. H. ALVEY.

Sworn to and subscribed before me at Fort Warren, Boston Harbor, Mass., this the 6th day of January, A. D. 1862.

J. DIMICK,
Colonel First Artillery and Brevet Colonel, Commanding Post.

Case of John S. Emerson.

John S. Emerson was arrested by Lieut. C. H. Shepard, provost-marshal of Alexandria, and committed to the city jail, Washington, by order of General Mansfield June 23, 1861. Emerson was formerly from Memphis where he was employed as steam-boat captain on the western and Mississippi rivers. He left there in May and came to Alexandria, passing himself off as Lieutenant Hill, of the Sixth Massachusetts, and claimed to have been wounded while passing through Baltimore with that regiment. He mingled with the officers and men, talking with the sentinels, and seemed desirous of ascertaining the position and strength of the Union forces in and about Alexandria. His conduct was so suspicious that he was finally arrested as a spy and committed as stated above. He was released on taking the oath of allegiance October 17, 1861, by order of the Secretary of State.—*From Record Book, State Department, "Arrests for Disloyalty."*

WASHINGTON, D. C., *October 8, 1861.*

Hon. SIMON CAMERON.

SIR: I have been confined in the jail of this city by order of General Mansfield over three months and I would respectfully appeal to you in

the name of law, justice and humanity to give me my discharge from this horrid place. I claim to be loyal to the Government having at no time said or done anything against the Constitution. True my residence has been in Virginia; I was born in Alexandria, Va., but have not been a resident of Virginia for twenty years. I have not been in Virginia for nearly six years up to the time of my arrest. My residence has been ever since I left Virginia South and West; my business that of steam-boat officer and merchant. I never have given nor will I ever give any aid to the enemy or the Southern rebels. My situation is truly unpleasant and I am compelled from sickness and indisposition to request your favor in my case.

Most respectfully,

J. S. EMERSON.

DEPARTMENT OF STATE, *Washington, October 11, 1861.*

Brig. Gen. ANDREW PORTER,
Provost-Marshal, Washington, D. C.

GENERAL: Herewith I inclose to you a communication from J. S. Emerson, a prisoner confined in this city. Will you have the goodness to examine his case and return to me with this inclosure your opinion thereon?

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

[Inclosure.]

WASHINGTON, D. C., JAIL, *October 8, 1861.*

Hon. WILLIAM H. SEWARD.

SIR: Permit me with all due respect to call your attention to my imprisonment in this jail by order of General Mansfield under the suspicion of being a spy or political prisoner. I have been confined here some three months, have never had any examination and do not know what is to be my lot. General Mansfield promised me nearly three months since to look into my case and thought it more than possible I would soon be released. The papers and matter of my arrest were laid before General Mansfield by Lieutenant Shepard, provost-marshal of Alexandria, by whom I was arrested, and up to this time nothing has been done in my case. I would be under many obligations if I can prevail on you to take my case into consideration and give me at least my doom.

Satisfied I am that I am no secessionist or disloyalist. I never have during this crisis said or done anything against this present administration. I am no politician, having at no time in my life ever took sides with either party. I never voted at a Presidential or municipal election in my life. I was born in the town of Alexandria, Va.; my parents and relatives reside there; I have not been a resident of Virginia for twenty years; have not been in Virginia for six years or thereabouts until last June; my residence has been South and West ever since I left Virginia; my business has been that of steam-boat officer and merchant.

I would respectfully ask you in the name of justice and humanity to look or cause to be looked into my case, for this place where I am now confined is horrible; the food of the jail is more than miserable; the stench of the place is horrible; the quarters where myself and eight other political prisoners are confined are upon the same floor and in

immediate connection with the quarters of the negroes, a part of whom are confined to their bed sick with various diseases. You will pardon this lengthy letter but I am compelled to seek your assistance. I claim to be loyal to the Government and would do anything in my power to crush this rebellion. My only apology for any seeming misconduct on my part subjecting me to incarceration must be that of too free use at the time of drink.

Most respectfully,

J. S. EMERSON.

HDQRS. CITY GUARD, PROVOST-MARSHAL'S OFFICE,
Washington, D. C., October 15, 1861.

Brig. Gen. A. PORTER, *Provost-Marshal.*

DEAR SIR: In the case of John S. Emerson, a prisoner committed to the city jail about the 2d of July last by order of General Mansfield on the charge of being a spy, I have the honor to report in obedience to your request that it appears from the statement of the prisoner and the meager papers in the case that he is a native of Alexandria, Va., where the most of his family connections reside; that he is about forty years of age; that he has for several years past followed the business of a steam-boat captain on Southern and Western rivers, principally the Mississippi; that he left Memphis in April last on account of the suspension of navigation by the national troubles and came on a visit to his friends in Alexandria, and that he was arrested by the provost-marshal there on the 24th of June on the charge of being a spy and sent to this city where he was committed to the jail where he is now confined by order of General Mansfield. The following is the record in the case, as per copy furnished by Justice Donn:

ALEXANDRIA, *July 2, 1861.*

Prisoner John S. Emerson (alias Lieutenant Hill) was arrested by myself on the supposition that he was a spy. He has been around the camps and inside the lines and made himself familiar with the officers and men and passed himself off as Lieutenant Hill, of the Sixth Massachusetts Regiment, Company B, and that he was wounded at the fight in Baltimore at the time the regiment passed through there; and as there was no such officer in said company and he being a native of this place I arrested him June 24, and he has been in confinement since the time of his arrest. He made it a point to go around and converse with the sentinels and try to pick up all the information he could in relation to their numbers, names of regiments, &c.

C. H. SHEPARD,
Lieutenant and Provost-Marshal.

[Indorsement.]

Mr. Justice Donn will commit this man as a spy for the present.

MANSFIELD,
Brigadier-General, &c.

OCTOBER —, 1861.

The above is a true copy of papers in my possession in relation to the party now confined in Washington jail. I have written in connection with the case to Lieutenant Shepard but have heard nothing relative to the case.

THOMAS C. DONN,
Justice of the Peace for Washington County, D. C.

Mr. Emerson says in his statement that he is Union in feeling; has never cast a vote for any one, having been constantly on the river and not having any permanent place of residence and consequently taking no interest in political matters; that he will take the oath of allegiance; that he does not wish to take any part in this contest; that he has no

family and doesn't care which whips; that he left Memphis fearing that he might not be able to get away if he remained longer; that upon meeting with old acquaintances in Alexandria he got on a spree and might have made some remarks in the presence of the officers who were drinking with him that were offensive, that Lieutenant Shepard was around with him considerable and that he Emerson) thinks he has suffered enough, having been in jail nearly four months without an examination. He also states that his health is suffering for the want of recreation and on account of the unhealthiness of his present quarters which latter state of affairs my operative (P. H. D.) fully certifies to.

Although a man who does not care which side whips in this contest is not exactly the man we would like to affiliate with these trying times still he has made the impression in our bureau that he would not be a dangerous man to set at large under the humanizing influence of the oath of allegiance. His palming himself off among the officers at Alexandria or being introduced by his comrades, in the language of his counsel, as a U. S. officer is represented by his counsel as a drunken joke incident to the spree that he was on.

I herewith inclose you the documents received from the State Department.

Respectfully, your obedient servant,

E. J. ALLEN.

[Indorsement.]

I have reason to believe from the representations contained in the within report and from what other evidence I have been able to obtain that the arrest and committal of the within-named John S. Emerson grew out of indiscretions of his while in a state of intoxication without any real criminal intentions on his part, and I would respectfully recommend his discharge.

Very respectfully, &c.,

A. PORTER,
Brigadier-General and Provost-Marshal.

DEPARTMENT OF STATE, *Washington, October 16, 1861.*

Brig. Gen. ANDREW PORTER,
Provost-Marshal, Washington.

SIR: Let John S. Emerson, a prisoner confined in your custody, be released on taking the oath of allegiance to the Government of the United States stipulating that he will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State; and also that he will not do anything hostile to the United States during the present insurrection. You will please make the stipulations a part of the oath.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

I, John S. Emerson, late of Memphis, Tenn., solemnly swear on the Holy Evangelists of Almighty God without any mental reservation that I will at any and all times hereafter and under all circumstances yield a hearty and willing support to the Constitution of the United States and to the Government thereof; that I will not either directly or indirectly take up arms against the Government or aid those now in

arms against it; that I will neither enter any of the States now in insurrection against the authority of the Federal Government nor hold any correspondence whatsoever with them or any persons in them during the present rebellion without permission from the Secretary of State; that I will do no act hostile or injurious to the Union of the States; that I will give no aid, comfort or assistance to the enemies of the Government either foreign or domestic; that I will defend the flag of the United States and the armies fighting under it from insult and injury if in my power so to do and that I will in all things deport myself as a good and loyal citizen of the United States.

JOHN S. EMERSON, JR.

Subscribed and sworn to before me this 17th day of October, 1861.

THOMAS C. DONN,
Justice of the Peace for Washington County, D. C.

Case of Edward Seymour Ruggles.

June 24, 1861, Edward S. Ruggles arrived at New York on the steamer Ariel from Aspinwall and was ordered to be arrested on suspicion of treason. Amos B. Corwine, U. S. consul at Panama, by letter dated June 14, 1861, and Daniel A. Robinson, jr., U. S. consul at Aspinwall, by letter dated June 15, 1861, denounced Ruggles as an agent of the rebels in their service on the Isthmus seeking information in regard to the shipments of treasure from California and the measures if any adopted to protect it and bearing dispatches to General [A. S.] Johnston and other military officers. After his arrest a letter was found in Ruggles' possession from his father Daniel Ruggles, late a captain in the U. S. Army, now a general in the rebel service, showing that the prisoner had been at Montgomery in March and April, 1861, seeking an appointment in the marine service of the rebels; also a draft of an application for such appointment in his own handwriting. He also wrote and endeavored privately to send a letter to W. Preston Johnston, a known rebel at Louisville, Ky., speaking of his case as bad and urging that measures be taken to exchange him. On his examination Ruggles stated that his only mission to the Isthmus was to deliver a letter to the consul at Panama for General A. Sidney Johnston. On the 15th of July R. W. Shufeldt, U. S. consul-general at Havana, wrote to the Department of State stating that in May preceding Ruggles called on him with a letter of introduction from J. P. Benjamin, late Senator from Louisiana, and left with him a letter to General A. Sidney Johnston addressed and sealed by the said J. P. Benjamin; that he was afterward led to suspect that Ruggles was an agent for the rebels, and on seeing a notice of his arrest in a New York paper he opened the letter so left in his charge and now incloses it to the State Department. The letter so transmitted proved to be from William Preston Johnston to his father General A. Sidney Johnston, dated Louisville, April 26, 1861. The writer informed his father that he had just been to Montgomery and had had an interview with the President and Secretary of War of the rebel Government and had become satisfied that his father would be second only to President Davis in rebel consideration and position. He urged his father to avoid all Northern ports and endeavor to get into New Orleans, and not to trust himself in the hands of a "perfidious and merciless enemy." He informs him that he himself will probably be a major or lieutenant-colonel of volunteers in Kentucky, where he is raising men. From the evidence in the case it appears that Edward

S. Ruggles was at Montgomery in March and April, 1861, soliciting employment in the marine service of the insurgent Government; that in May following he was sent to Havana and the Isthmus of Panama to convey dispatches to General Johnston and other military officers to persuade them to enter the rebel service and to warn them against entering any port in the loyal States, and also to acquire information in relation to the shipments of treasure from California across the Isthmus and the provision if any for its protection; and that he executed this mission. The said Ruggles remained in custody at Fort Warren February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

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PRIVATE.] CONSULATE UNITED STATES OF AMERICA,
Panama, June 14, 1861.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

RESPECTED SIR: I have the honor to advise that a person styling himself Edward S. Ruggles and a midshipman in the naval service of the United States presented himself at my consulate about a week since and deposited two letters with the following superscriptions upon them with the request that I should retain them until called for by the parties to whom they are addressed, viz: "General A. Sidney Johnston, Panama, Isthmus of Panama," and "Lieut. E. P. Alexander, U. S. P[ioneers], probably in charge of company of sappers and miners enroute from San Francisco, at Havana or Aspinwall; maybe without his company." The first he said was from the wife of General Johnston, who was exceedingly anxious that her husband should receive it when he passed through this place en route for the United States. It appears that young Ruggles (he is a lad about eighteen years old) reached Aspinwall via Havana and Saint Thomas.

This fact and some expressions which he inadvertently made led to the suspicion that he was an emissary from the usurped Government of Montgomery sent to this Isthmus either to make overtures to the officers of the U. S. Army and Navy on the Pacific who were known to have resigned and were supposed to sympathize with the rebels, or else for the purpose of ascertaining what measures if any had been adopted to protect the treasure from California against seizure. He probably had both objects in view. At any rate the inquiries he made of a forward officer of the U. S. ship Saranac as to how long it would require to land a force from that vessel and dispatch it to Aspinwall in case of an emergency would seem to confirm the suspicion that one of the objects of his visit to this Isthmus was to procure information with regard to the movements of specie in transit from California to New York.

I made every effort to ascertain from him the object and nature of his visit without success. He prevaricated so much that it was impossible to elicit from him the truth. On referring to the Navy Register I found that he was among the officers who had resigned, and upon my calling his attention to the fact he said that he had tendered his resignation but that the Secretary of the Navy had refused to accept it on account of his father's strong Union proclivities. I afterwards learned that his father at last accounts was in command of the rebel forces at Petersburg or Fredericksburg, Va.

Finding that I could get no satisfactory or truthful statement from him but still suspecting that he was in the interest of the so-called Confederate States I suggested to Capt. Robert Ritchie, commanding the U. S. steamer Saranac, that he order the young man on board his ship, as he claimed to belong to the Navy, which that officer accordingly did when the fact was disclosed by the production of a letter from the Secretary of the Navy which he had about his person that his resignation had been accepted. He was then permitted to return on shore and the next day (10th instant) he proceeded to Aspinwall whence he sails for New York to-morrow as I learn from our consul at that port on board the steamship Ariel.

Since the departure for Aspinwall of Ruggles I have learned from my brother D. M. Corwine, agent of the Pacific Mail Steamship Company at this place, that General Johnston's wife is now in California, having accompanied her husband to that State some months since via Panama, consequently the letter left at this consulate to the address of that officer could not have been written by that lady as alleged by Ruggles. Mr. Robinson, the consul at Aspinwall, informs me that he has taken measures to have him arrested immediately upon the arrival of the Ariel at New York as he thinks with me that Ruggles is a secret agent of the rebellious States and that his arrest in the United States may lead to the establishment of the fact.

There can be no doubt of the intentions of the rebels to seize the treasure from California and it is not unlikely that they will attempt it should a favorable opportunity offer outside the harbor of Aspinwall. This they could do with impunity as there is no armed vessel of the United States at that port at present except the store-ship Falmouth which is dismantled and unfit in her present condition for sea service. There are now in Aspinwall two gun-boats, English and French, but it is questionable whether they would render any assistance in case of our steamers being attacked by privateers since Great Britain is understood to have declared its purpose to recognize the rebellious States as belligerents entitled to all the rights of war. I respectfully suggest therefore that a vessel of war be dispatched to Aspinwall with as little delay as possible. A steam vessel would be much more effective than a sailing vessel.

I am, sir, very respectfully, your obedient servant,

AMOS B. CORWINE.

CONSULATE UNITED STATES OF AMERICA,
Aspinwall, New Granada, June 15, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: I think it a matter of duty to inform the Department of the following facts: On or about the 7th instant a young gentleman entered this consulate and introduced himself as Mr. Ruggles, a midshipman in the U. S. Navy. He told me that he had been ordered to join the U. S. transport steamer Morgan at this port; that the Morgan was originally the Star of the West; that after her seizure by the rebels her name was changed to Sumter; that she was recaptured by the Crusader in the latter part of April and taken to Havana, Cuba, and her name was then changed to Morgan and had sailed from Havana for this port on the 5th of May; that she was to meet here General A. S. Johnston and his command from California and convey him to the

United States; that he (Ruggles) had been ordered to join the Morgan here and for that purpose went to Havana, thence to Saint Thomas and thence to this port by the steamer Solent, of the Royal Mail Packet Company's line, which was certainly a very roundabout way to get here.

In conversation with citizens here Ruggles expressed himself as strongly in favor of secession. He went from here to Panama and there represented himself as a midshipman. Capt. Robert Ritchie, of the Saranac, met him when he told Captain Ritchie that he had been in the Navy but had resigned and produced a letter from the present Secretary of the Navy accepting his resignation. Ruggles made many inquiries from citizens here concerning the U. S. naval force at this port, also the amount of treasure usually carried on the California steamers. He goes to the United States in the steamer of to-day (the Ariel). His stories are not only improbable but to a great extent false. I regard him as a suspicious character, and believe the Government will be fully justified in detaining him and prevent his communicating to the secessionists the information which he has obtained here. The U. S. brig-of-war Bainbridge which I observe has been ordered here has not yet arrived. She is now twenty-five days out from Boston.

I have the honor to be, sir, very respectfully, your obedient servant,

DANL. A. ROBINSON, JR.,
U. S. Consul.

DEPARTMENT OF STATE, *Washington, June 25, 1861.*

E. DELAFIELD SMITH, Esq.,
U. S. Attorney for the Southern District of New York.

SIR: I am directed to forward you the accompanying copy of two letters addressed to this Department—one bearing date the 14th instant marked private from Amos B. Corwine, U. S. consul at Panama; the other of the 15th instant from Daniel A. Robinson, jr., U. S. consul at Aspinwall. Both of these communications relate to certain proceedings of Mr. Edward S. Ruggles, late a midshipman in the Navy, which indicate that he may have been in that quarter for treasonable purposes in the service of the insurgents in this country. As he is supposed to be now in New York and may continue his practices the expediency of arresting him for examination and prosecution is submitted for your consideration.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

DEPARTMENT OF STATE, *Washington, June 27, 1861.*

Lieut. Gen. WINFIELD SCOTT, *Washington.*

GENERAL: I have the honor to inclose for your consideration a letter* of the 25th instant and the papers to which it refers addressed to this Department by John A. Kennedy, superintendent of police at New York, relative to Edward S. Ruggles, late an active midshipman in the Navy of the United States. I will thank you to cause the papers to be preserved or to be returned to this Department.

I have the honor to be, your obedient servant,

WILLIAM H. SEWARD.

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* Not found.

DEPARTMENT OF STATE, *Washington, June 27, 1861.*

JOHN A. KENNEDY, Esq.,
Superintendent of Police, New York.

SIR: Your letter* of yesterday with the accompanying papers relative to Edward Seymour Ruggles has been received. Your course in the matter is approved and Ruggles will be detained for such further proceedings as upon consultation with Mr. E. Delafield Smith, the attorney of the United States for the southern district of New York, may be deemed advisable.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, July 3, 1861.*

Hon. JAMES BOWEN, *Commissioner of Police, New York.*

SIR: I have to acknowledge the receipt of your letter† of yesterday with the accompanying copy of one from young Ruggles to William Preston Johnston, at Louisville, Ky. This may well be considered as confirming the suspicion as to his loyalty. It is proper that you should be informed that Colonel Scott or the principal officer of the U. S. Army at New York has authority to suspend the writ of habeas corpus there should this be deemed necessary.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, July 3, 1861.*

JOHN J. SPEED, *Postmaster, Louisville, Ky.*

SIR: A young man named Edward S. Ruggles, who was at the U. S. Naval Academy, but who for some cause left the service shortly before or after the 4th of March last, was recently at Panama and Aspinwall, at both of which places his conduct excited the suspicions of our consuls. They were induced to believe him to be an agent of the insurgents in this country sent thither to communicate with General Johnston, recently in command of U. S. forces on the Pacific coast. These suspicions having been made known to the police of New York Ruggles was arrested there a few days since on his return from Aspinwall and is now held in custody. Inclosed is a copy of a letter† of the 25th instant [ultimo?] addressed by Ruggles to William Preston Johnston, Louisville. I will thank you to inform me who Mr. Johnston is and of any particulars concerning him which would enable me to determine the nature of his connection with Ruggles.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, July 17, 1861.*

Lieut. Gen. WINFIELD SCOTT, *Washington.*

GENERAL: Edward Seymour Ruggles has for some time past been in the custody of the superintendent of police at New York where he was arrested on his return from Aspinwall at the instance of the U. S. consul upon suspicion of having been employed for disloyal purposes.

* Not found, but obviously reporting the arrest of Ruggles.
† Not found.

I will thank you to cause him to be transferred to Governor's Island or some other fort in that quarter. The superintendent of police has been instructed to deliver him to your order.

I have the honor to be, general, your obedient servant,

WILLIAM H. SEWARD.

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DEPARTMENT OF STATE, *Washington, July 17, 1861.*

JOHN A. KENNEDY, Esq.,
Superintendent Metropolitan Police, New York.

SIR: Lieutenant-General Scott has been requested to transfer Edward Seymour Ruggles to Governor's Island or some other fort in that vicinity. You will please deliver him to the general's order.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

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HEADQUARTERS OF THE ARMY,
Washington, July 17, 1861.

Col. C. F. SMITH, U. S. Army,
Commanding Fort Columbus, New York Harbor.

SIR: The Secretary of State having requested that Edward Seymour Ruggles now in custody by the superintendent of police in New York may be transferred to the care of the military authority the General-in-Chief directs that you receive him from the superintendent who has been instructed to deliver him on this order and confine him as in the case of Mr. Quillen.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

—

HEADQUARTERS, *Fort Columbus, N. Y., July 19, 1861.*

ASSISTANT ADJUTANT-GENERAL,
Headquarters of the Army, Washington, D. C.

SIR: Pursuant to the instructions of the General-in-Chief dated on the 17th instant I sent to the city of New York this morning and received from the superintendent of police as a prisoner Edward Seymour Ruggles. Shall I send him to Fort Lafayette?

Very respectfully, your obedient servant,

C. F. SMITH,
Lieut. Col. Tenth Infantry and Brevet Colonel, Commanding.

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HEADQUARTERS OF THE ARMY,
Washington, July 20, 1861.

Col. C. F. SMITH, U. S. Army,
Commanding Fort Columbus, New York.

SIR: The General-in-Chief directs that * * * Edward Seymour Ruggles, prisoner for political offenses, be sent to Fort Lafayette and reported to Lieutenant-Colonel Burke.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

FORT COLUMBUS, N. Y., *July 24, 1861.*

Col. E. D. TOWNSEND,
Assistant Adjutant-General, U. S. Army, Washington, D. C.

SIR: I understand that writs of habeas corpus will probably be served upon me in the case of * * * Edward Seymour Ruggles, detained by me under the order of General Scott. It seems to me proper to ask instructions as to the course which it will be best for me to pursue in the event of the service of such writs.

Very respectfully, your obedient servant,
MARTIN BURKE,
Brevet Lieutenant-Colonel, Commanding.

HEADQUARTERS OF THE ARMY,
Washington, July 29, 1861.

Lieut. Col. MARTIN BURKE, U. S. Army,
Fort Hamilton, New York Harbor.

SIR: Your letter of the 24th instant has been received. Orders were sent you the 24th instant in case a writ of habeas corpus was served on you in the matter of Purcell M. Quillen to return upon it that you beg leave to decline obeying the writ at this time. The General-in-Chief directs that you make the same return in the case of Edward Seymour Ruggles.

I am, sir, very respectfully, your obedient servant,
E. D. TOWNSEND,
Assistant Adjutant-General.

DEPARTMENT OF STATE, *Washington, July 31, 1861.*

Lieut. Gen. WINFIELD SCOTT, *Washington.*

GENERAL: I inclose a copy of a private letter* to me from the U. S. consul at Panama and of the letters to which it refers relative to Edward Seymour Ruggles, who was arrested in New York and at the instance of this Department subsequently transferred to the custody of the military authorities in that quarter.

I have the honor to be, your obedient servant,
WILLIAM H. SEWARD.

HEADQUARTERS OF THE ARMY,
Washington, August 2, 1861.

Lieut. Col. MARTIN BURKE, U. S. Army,
Commanding, &c., Fort Hamilton, N. Y.

SIR: By direction of the General-in-Chief I inclose a copy of correspondence bearing on the case of Edward Seymour Ruggles, one of the political prisoners confined under your charge.

I am, sir, very respectfully, your obedient servant,
E. D. TOWNSEND,
Assistant Adjutant-General.

DEPARTMENT OF STATE, *Washington, January 14, 1862.*

Col. JUSTIN DIMICK, *Fort Warren.*

COLONEL: If you believe that Mr. E. S. Ruggles, a prisoner confined in Fort Warren, would observe his obligations you may release him from

* See Corwine to Seward, June 14, p. 359.

custody on his giving his parole of honor that he will return and surrender himself to you within thirty days from the date of his release unless within twenty days Capt. Edward Taylor should be unconditionally released from the confinement in which he is now held at Richmond and sent within the lines of the U. S. forces, and that meanwhile he (Ruggles) will not do any act hostile to the Government of the United States or give any information calculated to aid the insurgents. You will at the same time deliver to him the inclosed passport enabling him to pass through the lines of the U. S. Army.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

HEADQUARTERS, *Fort Monroe, Va., January 23, 1862.*

[Maj. Gen. B. HUGER, *Commanding, Norfolk, Va.*]

GENERAL: I send herewith by flag of truce Mr. E. S. Ruggles, who is desirous of proceeding South. I also forward a package of letters addressed South.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

DEPARTMENT OF STATE, *Washington, February 15, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: Herewith I have the honor to transmit an abstract of the proofs in the case of one Edward S. Ruggles, who is now a prisoner* at Fort Warren, Boston. It is respectfully recommended that he be tendered his release upon parole according to the terms of Executive Order, No. 1, of the War Department dated February 14, 1862. Will you have the kindness to return this inclosure?

I have the honor to be, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

WAR DEPARTMENT, *Washington, March 3, 1862.*

Col. JUSTIN DIMICK, *Fort Warren, Boston Harbor.*

COLONEL: You may release Edward S. Ruggles, a prisoner confined in Fort Warren, upon his giving his written parole of honor that he will render no aid or comfort to the enemies in hostility to the Government of the United States.

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

CONFEDERATE CORRESPONDENCE, ETC.

LOUISVILLE, KY., *April 26, 1861.*

L. P. WALKER,
Secretary of War of the Confederate States.

SIR: In accordance with your request I communicate to you on my return, as I can do so more fully and with less hazard than by telegraph. I inclose this to you in care of Mr. Edward Ruggles whom I regard as worthy of confidence. My father resigned April 9 and awaits orders from the United States Government. I have sent Mr. Ruggles to inter-

* Error; Ruggles had already been released on parole. See preceding correspondence.

cept him on his return and warn him to avoid a Northern port. Your friendly advice is solicited for him on this mission. I saw Governor Magoffin to-day (I arrived last night) and he told me of his reply communicated to you by messenger. He is satisfied that any precipitate action on the part of our friends will react and damage us. The State is unarmed with a border of 700 miles exposed to a furious foe. That such is the case is the fault neither of the governor or of our party but of those false leaders and imbeciles who preferred party advantage to the safety of our Commonwealth. Our military organizations are being perfected but we are badly armed, and I regret to say that other companies are being enrolled hostile to the South and I fear equipped with Federal gold. The governor is trying, however, to intrust our State arms only with the loyal men. The Journal and Democrat are Lincoln papers. The sentiment of the Southern States' rights men is opposed to taking action until Kentucky is armed and organized. I cannot say that my judgment disapproves of this however my heart may point. An unarmed people is a mob. Trust a little to time and be not distrustful of men who have so much at stake as the Kentucky patriots. Four hundred men left here yesterday for Virginia. I learn from Col. John S. Williams (known as Cerro Gordo Williams), lately a citizen of Southern Illinois, that he has been compelled to abandon his large estate there and that Kentuckians are no longer safe there. He has come home to excite our people to war.

The Saint Louis Arsenal has in it about 1,800 regulars, and some 8,000 Germans are armed and equipped in its immediate vicinity. Colonel Steuart (late paymaster) is the authority for this. He also informs us that Cairo has a strong body of troops stationed there who compel all boats to round-to. The roads to Saint Louis are in the hands of the Illinois (Lincoln) volunteers. In consequence of this Major Clark remains here. We hope to have his assistance in organizing our artillery and ordnance here. In Nashville he was waited on by citizens for the same purpose. Tennessee will secede immediately. If I can be of service to the cause of Southern rights you can command,

Yours, with very great respect,

WILLIAM PRESTON JOHNSTON.

RICHMOND, VA., *July 28, 1861.*

Hon. L. P. WALKER, *Secretary of War, Confederate States.*

SIR: On or about the 1st instant according to current advices my son Edward S. Ruggles returning from California by a public steamer was treacherously pursued and on his arrival in New York arrested and detained under the instructions of Mr. William H. Seward, the Secretary of State of the Federal Government, and has been since then held in duress and cut off from all communication with his friends. My son is a youth of seventeen, of excellent repute, not in public employment and under the customs of war recognized by civilized nations could not be justly held in duress by any Government claiming to represent a free people realizing the ordinary impulses. As my son was an acting midshipman at the late Naval Academy, on political [grounds] he resigned at the time of his departure for the Southern Confederacy. I respectfully ask that he may be restored to his home and his liberty by an early exchange or by the exercise of such remedial power as the President of the Confederate States may deem just and expedient.

I respectfully request prompt action in behalf of my son with the hope of removing him at an early moment from the baneful influences

by which he is surrounded under which his intellectual manhood, moral integrity and refined sense of honor as a mere youth are sensibly endangered.

Very respectfully, your obedient servant,

DANIEL RUGGLES.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., January 24, 1862.

Hon. SECRETARY OF WAR.

SIR: In a communication of this date I inclosed a letter of General Wool to myself dated 23d instant in which General W. makes no allusion to Mr. E. S. Ruggles being a prisoner of war. Mr. Ruggles has called and shown me a copy of his parole by which it appears he is released on parole for thirty days unless within that period Capt. Edward Taylor is released. General Wool's letter was forwarded on the permit or passport of the Secretary of State in which he with his usual duplicity alludes to Mr. Ruggles as a citizen of the United States. Mr. Ruggles takes this up.

Respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

[Inclosure.]

FORT WARREN, *Boston Harbor, January 20, 1862.*

I, E. S. Ruggles, a prisoner at Fort Warren, do pledge my word of honor that I will proceed without any unreasonable delay to Fort Monroe, Va., and thence by flag of truce to Norfolk, and that I will do no act hostile to the United States nor convey any correspondence or information beneficial to the insurgents, and that I will return and surrender myself to the commanding officer at Fort Warren at the expiration of thirty days unless within twenty days Capt. Edward Taylor be unconditionally released and put at liberty at Fort Monroe, Va., in which event I may consider myself discharged from my parole.

E. S. RUGGLES, *of Virginia.*

HEADQUARTERS FIRST BRIGADE, C. S. FORCES,
Camp Benjamin, La., January 24, 1862.

General S. COOPER,
Adjutant and Inspector General, C. S. Army.

SIR: I have the honor to transmit an appointment for my son Edward S. Ruggles, now at Norfolk, Va., paroled for thirty days with the expectation of being exchanged for Capt. E. Taylor, with the urgent request that it shall receive immediate attention. The commission to which he will be entitled under this appointment will I trust remove any obstructions on the score of rank in effecting an exchange within twenty days and thus prevent his being forced back to prison at Fort Warren. I respectfully urge that his case shall receive your immediate attention and the fullest protection of his Government and that he may be ordered to join me without delay. The distance interposed between myself and son and the increasing responsibility of my present position alone prevent me from giving this matter which has been quite too long neglected my personal attention.

Very respectfully, your obedient servant,

DANIEL RUGGLES,
Brigadier-General, C. S. Army.

[Indorsement.]

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
February 4, 1862.

Respectfully referred to the Secretary of War.

R. H. CHILTON,
Assistant Adjutant-General.

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AMERICAN HOTEL, *Richmond, January 25, 1862.*

Hon. J. P. BENJAMIN,
Secretary of War, Confederate States.

SIR: By direction of the President I called on E. Taylor, a Federal prisoner here, who the President said would be discharged in exchange for me, ascertaining certain facts (already transmitted to the President) in regard to his position and standing.

By order I reported at his office and there learned that you were in private conversation with the President, therefore adopt this method of addressing you to ascertain if I can immediately (say to-morrow) depart for Norfolk in charge of E. Taylor, to proceed therefrom under a truce and be released from my parole, upon the consummation of which I can communicate to you the subject upon which I spoke at your office.

I would further request that Lieut. Louis Florance, of Louisiana Zouaves, may accompany me on said duty, he being on furlough at present from the Peninsula.

Respectfully, your obedient servant,

E. S. RUGGLES.

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WAR DEPARTMENT, C. S. A.,
Richmond, January 26, 1862.

Maj. Gen. BENJ. HUGER, *Norfolk, Va.*

SIR: * * * Mr. Edward Taylor, of Cincinnati, will be sent you in exchange for Mr. E. S. Ruggles.

* * * * * * *

I am, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

Cases of Messrs. Hitchcock, Burson and Nettleton.

Thomas Hitchcock was arrested by an officer of General Smith's brigade near the Chain Bridge in Virginia the 3d of July, 1861, and having been sent to Washington was committed by Justice Donn to the District Jail and from thence transferred November 1, 1861, by order of General Porter to the Old Capitol Prison. The charges against Hitchcock were that he had conveyed information to the rebel army; with having been guilty of shooting Federal pickets, and hunting up Union men and causing them to be driven from their homes. The testimony of various persons to the above charges against Hitchcock has been taken and is said to be on file in the office of Justice Donn, of Washington. The said Thomas Hitchcock was released November 25, 1861, by order of Brigadier-General Porter, provost-marshal of Washington, on taking the oath of allegiance.

John W. Burson was arrested in Washington September 11, 1861, and committed by Justice Donn to the District Jail and from thence was transferred November 1, 1861, to the Old Capitol Prison. The charges against Burson were that he was a spy, disloyal to the United States Government and in correspondence with persons in the rebel army. It appears from the evidence taken before Justice Donn that Burson was removed from the Navy Department where he had held a clerkship for his disloyal sentiments, and that he refused to take the oath of allegiance; also that he was writing constantly and in correspondence with the rebels. A number of letters were found upon Burson at the time of his arrest written by one B. F. Lum, formerly of Washington, who joined the rebel army. These letters prove that Burson was regarded by Lum as true to the rebel cause and that a constant communication was kept up between them. The letters and the evidence taken before Justice Donn are it is stated on file in the office of the provost-marshal of Washington. The said John W. Burson remained in custody at the Old Capitol February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

Alfred Nettleton was arrested in Washington and September 11, 1861, was committed by Justice Donn to the District Jail and from thence was transferred November 1, 1861, by order of Brigadier-General Porter to the Old Capitol Prison. The charges against Nettleton were that he was a spy, disloyal to the United States Government and having aided and assisted one Lum to leave Washington for the purpose of joining the rebel army. It appears from the evidence taken before Justice Donn that Nettleton was removed from the Navy Department where he had been a messenger on account of his disloyal sentiments; that he was associated with one Burson, known to be in correspondence and sympathy with the secessionists and that he had been heard to say, "Damn the Union, the South will whip hell out of us." In a letter written to J. W. Burson dated at Wethersfield, Conn., August 13, 1861, Nettleton says he was glad to hear that the Yankees got defeated at Bull Run; "it would have suited me if every mother's son of them had been left dead on the battle-field;" that he is coming to Washington in the course of three weeks and perhaps may go farther South. The letter above referred to with others and other evidence against Nettleton are said to be on file in the office of the provost-marshal of Washington. The said Alfred Nettleton remained in custody in the Old Capitol Prison February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

Statement of Alfred Nettleton.

WASHINGTON, *Monday, October 14, 1861.*

I am thirty-nine years old; was born in Middle Haddam, Conn.; have no wife, but two children staying with my father in Hartford County. I was messenger in the Navy Department, Bureau of Construction, last Administration; resigned 20th of April fearing I would be removed and went home to my friends; remained until the fore part of September; returned here and was arrested the 11th of September charged with being in correspondence with the rebels; complaint made by one John

Hammond, a huckster in Northern Liberty Market, with whom I had some difficulty but to whom I never spoke as he is a contemptible loafer. I was always a strong Democrat and Hammond claimed to be for Lincoln. I never communicated any information to the rebels and it is the furthest from my intentions. I claim to be a Union man and will take the oath. Have never had an examination; have used every exertion to ascertain before whom I could be brought for an examination.

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HDQRS. CITY GUARD, PROVOST-MARSHAL'S OFFICE,
Washington, D. C., October 15, 1861.

Brig. Gen. A. PORTER, *Provost-Marshal.*

DEAR SIR: Inclosed I hand you reports in the cases of John S. Emerson,* Alfred Nettleton, John W. Burson and Thomas Hitchcock, now confined in the city jail on suspicion of disloyalty to the Government. Emerson and Hitchcock have been there since about the 2d and 3d of July respectively and Nettleton and Burson since the 11th of September, all being unable to obtain an examination. I submit that they are entitled to an early hearing or more properly a discharge.

From information that I have of the sanitary condition of the place in which they are confined I further deem it my duty to suggest that if it should be thought best to keep them in confinement any longer they should at least be removed to more comfortable and healthy quarters, if there are any such belonging to the Government unoccupied. I was unable to find any papers on record in the cases of Nettleton, Burson and Hitchcock.

Respectfully, your obedient servant,

E. J. ALLEN.

[Inclosure No. 1.]

HDQRS. CITY GUARD, PROVOST-MARSHAL'S OFFICE,
Washington, D. C., October 15, 1861.

Brig. Gen. A. PORTER, *Provost-Marshal.*

DEAR SIR: I have the honor to report that John W. Burson, a U. S. prisoner now confined in the city jail here, makes the following statement to an operative of mine detailed to examine him in prison. He states that he was born near Middleburg, Va.; that he is twenty-seven years of age; that he was lately a clerk in the Interior Department; that previous to getting the situation he resided at Belmont, Belmont County, Ohio; that he was in company with Mr. Nettleton and was arrested at the same time, September 11; that he has never been able to ascertain what the charge was against him; that he has never had an examination or been able to obtain one, and that he is a Union man and is perfectly willing to take the oath of allegiance.

Respectfully, your obedient servant,

E. J. ALLEN.

[Inclosure No. 2.]

HDQRS. CITY GUARD, PROVOST-MARSHAL'S OFFICE,
Washington, D. C., October 15, 1861.

Brig. Gen. A. PORTER, *Provost-Marshal.*

DEAR SIR: I have the honor to report that Thomas Hitchcock, a political prisoner confined in the city jail, states to one of my operatives detailed to examine him in prison that he lives near Vander-

* See case of Emerson, p. 354 *et seq.*

werken's, two miles beyond the Chain Bridge on the Virginia side; that he was arrested on the 3d of July by Sergeant Preston; taken as he supposed to the camp of General Smith; kept until the 13th of July when he was brought to where he now is; that he was told he was arrested for giving information to the rebels; that he never did anything of the kind; that he is entirely blind in one eye and is unable to see out of the other at night; that he is a poor man and has a wife and two little children living in a log house and depending upon him for a support; that he has used every exertion in his power to obtain an examination but has been unable to do so; that he is willing to take the oath of allegiance, and that as he is for the Union and has been in jail over three months, he thinks his case is one of great hardship, in which sentiment I heartily concur.

Respectfully, your obedient servant,

E. J. ALLEN.

[Inclosure No. 3.]

HDQRS. CITY GUARD, PROVOST-MARSHAL'S OFFICE,
Washington, D. C., October 15, 1861.

Brig. Gen. A. PORTER, *Provost-Marshal.*

DEAR SIR: I have the honor to report in the case of Alfred Nettleton confined in the city jail here since the 11th of September ultimo on a charge of being in correspondence with the rebels that he states to one of my operatives detailed to examine him in prison that he is thirty-nine years of age; that he was born in Middle Haddam, Conn.; that he has two children staying with his father in Hartford County; that he was a messenger in the Navy Department, Bureau of Construction, during the last Administration; that he resigned April 20 fearing he would be removed and went home to his friends where he remained until the fore part of September when he returned here and was arrested on the 11th of the month; that complaint was made by one John Hammond, a huckster in the Northern Liberty Market; that he was always a strong Democrat while Hammond claimed to be for Lincoln; that he never communicated any information to the rebels and that nothing could be further from his intentions; that he claims to be a Union man and is willing to take the oath of allegiance.

Respectfully, your obedient servant,

E. J. ALLEN.

DEPARTMENT OF STATE, *Washington, October 16, 1861.*

Brig. Gen. ANDREW PORTER, *Provost-Marshal, Washington.*

SIR: Let Thomas Hitchcock, a prisoner confined in your custody, be released* on taking the oath of allegiance to the Government of the United States stipulating that he will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State; and also that he will not do anything hostile to the United States during the present insurrection. You will please make the stipulations a part of the oath.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

[NOTE.—On the same day the same order was issued in the cases of John W. Burson and Alfred Nettleton.]

* But see Allen to Porter in the two following reports.

HDQRS. CITY GUARD, PROVOST-MARSHAL'S OFFICE,
Washington, D. C., October 21, 1861.

Brig. Gen. A. PORTER, *Provost-Marshal.*

DEAR SIR: I have the honor to report that on the 15th of the present month I made and submitted to you a report in the case of Thomas Hitchcock, a political prisoner then and now confined in the city jail; that since the making of said report and in obedience to an order of yourself to me to execute an order of the Secretary of State dated October 16, 1861, and addressed to you I proceeded to the city jail of Washington, D. C., for the purpose of having said Hitchcock released from custody upon his taking the oath of allegiance; that upon arriving at said jail I was informed by the keeper of the jail, Mr. Wise, that according to his understanding of the evidence against Hitchcock there was good ground for holding him in custody still; that I went to the office of Justice Thomas C. Donn, the committing magistrate, and there found such evidence against Hitchcock as convinced me that he should not be discharged until I had further reported on the case to you. Accordingly I took the responsibility of leaving him still in the city jail. The following is a copy of a letter addressed to you by Justice Donn which, with the accompanying evidence, the substance of which I herewith embody, I received from said magistrate:

WASHINGTON, *October 19, 1861.*

Brigadier-General PORTER:

SIR: Inclosed you will find the testimony taken by me in the case of Hitchcock. There could have been other testimony adduced as I was then informed, but the country being in possession of the enemy where the scene was enacted and the man who was shot having left the Army and gone home, taking said testimony with the attending circumstances and his general character as detailed to me by others caused me to make a report to Brigadier-General Mansfield and subsequently to Colonel Hamilton that I thought he was a dangerous man and recommended his imprisonment. You can judge from the testimony whether his punishment has been sufficient or not.

Respectfully,

THOMAS C. DONN,
Justice of the Peace for Washington County, D. C.

William H. Sherman (citizen) swears that up to the time of the vote when Virginia seceded from the Union he had always believed Hitchcock to be a Union man, but that at that election he voted for secession and has been a secessionist ever since.

Lieut. William McLean, Second U. S. Cavalry, swears that he knows Hitchcock; that he was arrested charged with carrying information to the enemy; with shooting pickets and hunting up Union men and causing them to be driven from their homes. There was a rumor at the time of Hitchcock's arrest that a man named Walker was driven from home on account of his Union feeling, and as deponent was informed Hitchcock was looking for Walker with a gun in his hands and that another man was seen in his company, and that in consequence Walker had to flee to the pines for protection and shelter and that Hitchcock and his nephew were, as he (Lieutenant McLean) was informed, the principal parties; that he was ordered to arrest Hitchcock and did so, and that Hitchcock thereupon denied having a gun on that day.

Taylor Sorrell (citizen) swears that Hitchcock came with another man to his father's house [and] the other man had a double-barreled gun. They inquired for Walker (who had been driven away by the disunionists); they made particular inquiry after him. "The report is general," swears Sorrell, "that Hitchcock is running about hunting up Union men." Sorrell swears further that he saw Hitchcock on the day of his arrest with a double-barreled gun in his hands.

William H. Patton swears that he was guide for the Union pickets at night when Captain Sorrell, of Maine, commanded; that he took a man with him and waited until 12 o'clock at night. They were lying near the fence and watching after persons whom they saw. Heard a rumbling noise, told his companion to lie still but instead of doing as directed he raised up by the fence and was shot through the hand. Both of them (Patton and companion) retired about 100 yards into the orchard. Patton then placed the wounded man under a haycock. In thirty minutes after five men came along. They passed without being hailed by Patton. In one hour after they passed Hitchcock came along when Patton halted him and he gave his name. This was about 2 a. m. Hitchcock said he was going to market. Patton permitted him to pass. Shortly afterward Patton went to the fence bars and was fired at from the direction in which Hitchcock had gone and from the same direction which the ball came which wounded his companion. Patton then retreated back and took another position away from the haycock where he and his companion had been seen by Hitchcock. In about half an hour after changing positions Hitchcock came along and commenced punching the haycock apparently looking for Patton and his companion. Not finding them he (Hitchcock) after having tossed the hay about returned to the bars where he had a horse and wagon and where he remained talking with some persons for ten or fifteen minutes. He then retired and in half an hour afterward Patton went toward the bars when a man snapped a gun at him. Patton went toward the man when he ran, at which time the man was fired upon by one of our pickets. Three days after Patton was out with thirty cavalry when young Sorrell told him that he had seen Hitchcock with a double-barreled gun. They then found and arrested Hitchcock, but at that time he had no gun and denied having had one but appeared a good deal flurried.

All of which is respectfully submitted.

Your obedient servant,

E. J. ALLEN.

HDQRS. CITY GUARD, PROVOST-MARSHAL'S OFFICE,
Washington, D. C., October 21, 1861.

Brig. Gen. A. PORTER, *Provost-Marshal.*

DEAR SIR: I have the honor to report that on the 15th instant I made and submitted to you a report in each of the cases of Alfred Nettleton and John W. Burson, both political prisoners then and now confined in the city jail. That since the making of said reports and in obedience to an order of yourself to me to execute two orders of the Secretary of State both dated October 16, 1861, and each addressed to you I went to the city jail on the 18th instant for the purpose of having John W. Burson and Alfred Nettleton released from custody upon their taking the oath of allegiance. That upon arriving at the said jail I was admitted to an audience with the prisoners aforesaid whom I showed the form of oath to which they would be required to subscribe before being discharged. They both expressed themselves willing to take the oath, and they went with me to Justice Donn's, the magistrate who had committed them, for the purpose of doing so. On arriving at Justice Donn's office I learned that Burson and Nettleton had been committed to jail upon testimony which in my judgment was sufficient to justify their being held in custody until I could make a further report on their cases to you. Accordingly I took the responsi-

bility of returning them both to the city jail and into the charge of the jailer. The following is a copy of a letter directed to you from Justice Donn, the original of which is on file in my office:

WASHINGTON, *October 18, 1861.*

Brigadier-General PORTER, *Provost-Marshal.*

SIR: The following is the testimony sent me by the chairman of the House investigating committee, Hon. John F. Potter:

Oath of John Hammond.—I reside in this city. I know one A. Nettleton. He was formerly a messenger in the Navy Department and was removed for his disloyal sentiments. After his removal he was engaged in this city in persuading men to go into the rebel army. I know this. He induced one Benjamin Lum to go into the rebel army. I saw him take Lum into his buggy and drive to the steam-boat wharf. Lum went on board and is now in the rebel army. Burson who now resides at Dorsey's Hotel in this city, corner of I and Seventh streets, receives letters from Lum. Burson was an intimate friend of Lum and has told me what Lum has written him. He said he (Lum) had written him when Jeff. Davis would be in Washington. Burson is writing all the time and I have no doubt but that he keeps up a constant correspondence with the rebels. Nettleton has been absent from this city for two or three months and Burson told me that he was at Richmond with Lum. He has recently returned here and is now with Burson at Dorsey's Hotel where I saw him.

I have summoned Hammond before me to testify in their cases. I also have summoned a man named James Cannon and shall take their testimony and forward it to you.

Respectfully,

THOS. C. DONN,
Justice of the Peace.

The following is the substance of an affidavit made October 18 before Justice Donn: John Hammond swears that he knows both Burson and Nettleton; knows them to be disloyal to the Government; has heard Nettleton say he would not live under the present Government; knows that he carried Ben Lum to the steam-boat wharf to send him South, and that Nettleton has said he was going South; has heard Lum say he was a secessionist and was going South; heard Burson say ten days before the raising of a rebel flag in Connecticut that it would be raised, and it was raised in accordance with his prediction. Burson also said that Nettleton was at Harper's Ferry; knew that Burson refused to take the oath of allegiance when in office.

The following is the substance of an affidavit made by James Cannon October 18, 1861, before Justice Donn: He swears that he knows both Nettleton and Burson from their conversation and conduct to be secessionists; heard Burson say that Davis would be here and would have been ere this if he could have got over the dead bodies at Bull Run; heard Burson say that within three weeks a secession flag would be raised in Connecticut and it was raised in accordance with his declaration; he said that Lincoln's effigy would be burned there; has heard Nettleton say, "Damn the Union; the South will whip hell out of us."

Jim Green, another witness sworn before Justice Donn, October 18, 1861, states in substance that he knows Nettleton and Burson; has heard Nettleton say that though Northern born he had Southern principles.

T. W. Dorsey swears in substance that he knows Nettleton, Burson and Lum, the latter of whom had gone South and said to be in the Southern Army; knows that Nettleton took Lum to steam-boat wharf when he started South. Burson boarded with Dorsey and Dorsey knows that Burson corresponded with Lum while the latter was in the Southern Army. Burson became alarmed when Dorsey told him that he must stop the correspondence. Burson was clerk in the Navy Department and was turned out because he refused to take the oath of allegiance.

There are two letters on file in my office obtained from Justice Donn which were written at Hartford, Conn., by Nettleton dated respectively May 26 and 30, 1861. In the former he says that he is out of money and that he hardly knows what to do to pay expenses; that he would be glad to have the money sent to him to aid him in getting back to Washington; that he would enlist in the army but does not like to fight against the South. Sends his best respects to Ham Hughes and requests that he be advised to "blow out his light," an expression which acquires significance from being repeated in the second letter verbatim, and in close connection with his stating he will not return to Washington under five weeks as he intends going to Richmond and will stop about a week in Washington. Both these letters are addressed to a lady in Washington whom he calls "Dearest Laura." One of my operatives learned that this "Dearest Laura" was a notorious courtesan residing in Washington.

A package of several letters was found at the room of John W. Burson at the time of his arrest which was handed by Justice Donn to one of my operatives on the 18th instant, a brief of which letters is herewith submitted, the originals being on file in my office.

All of which is respectfully submitted.

Your obedient servant,

E. J. ALLEN.

Brief of the letters found in the room of John W. Burson at the time of his arrest.

One letter dated Montgomery, Ala., April 17, 1861, addressed to John W. Burson and signed by B. F. Lum.

No. 1.—Lum acknowledges the receipt of Burson's letter of April 10. Says that he (Lum) is out of money and wishes Burson to send him some. Says things look fine since the fall of Sumter and that the excitement has died away. He tells Burson to expect lively times soon in Florida. Tells Burson he must hold on to his place and keep still about politics. (Burson was clerk in the Interior Department under Mr. Buchanan.) Lum urges as a reason why Burson should "hold on and keep still," that "ere many days you will have Jeff. Davis to preside over your welfare; you may bet your life." He says, "Old Abe has but very few days to remain in Washington, and I expect to be there to help drive him and many of his followers from every foot of sacred soil [which] belongs to the South; you may expect to see that before very long, and that will be glory enough for me." "You may say to Goodenough that he and a good many others will not be excepted." (This Goodenough appears to have been a Union man who was boarding at the same house with Burson, Emerson and Lum while they were all in Washington, and he (Goodenough) is referred to in one of Nettleton's letters as being a man standing very much in the way of their treasonable designs.) Lum says they are hourly expecting to hear of the ordinance of secession from Virginia, and that when that takes place there will be 100 guns fired in her honor for the example she sets to other border States. He says, "Tell Uncle Pres. that he is mistaken in supposing that any other element exists at the South besides that of secession." He says all lines are abolished in favor of the single idea of Southern rights; that every man is ready at a moment's warning to shoulder his musket in defense of Southern rights and Southern honor; that he expects Maryland will be all right; that General Pillow is at Montgomery offering 5,000 troops to the Confederacy, and that he can raise 20,000 in Tennessee. He closes by sending his respects to Nettleton.

No. 2.—Dated Montgomery, Ala., April 8, 1861, addressed to John W. Burson and signed by B. F. Lum. In this Lum strongly solicits Burson and Nettleton to send him money to keep him along till he can get good employ. Wishes that Burson could only be there to see the military display. He tells Burson he will tell him facts which he must keep profoundly secret; then goes on to say that as soon as any attack is made on the South President Davis will march on Washington with a large army of men; gives Burson the strongest assurances of the Southern movement on Washington. He says it is not known to many persons, and he found it out through the Department. He closes by urging Burson to write him and tell all about Washington and what is going on there.

No. 3.—Dated Montgomery, Ala., April 29, 1861, signed by B. F. Lum and addressed to John W. Burson. Lum is very sorry to inform Burson that all his efforts to get a situation have failed; that all his ——— is spent, and that no chance will open a place for him until the volunteers leave for Virginia for there are two candidates for every vacancy; that he has about concluded to enlist in a rifle regiment; he is about as well satisfied with this as with any other position because he wants the pleasure of driving the "Goths and Vandals" from Washington; tells Burson he may rest assured in this being done ere long, and that when he (Burson) sees them he will acknowledge that they far exceed any military company in the metropolis; says he has a list of names down on his book for special attention when he gets to Washington; wants Burson and all his friends to be ready to receive the Alabama chivalry and patriotism; hopes to meet some of the wide-awakes; hopes T. W. Dorsey will not let them pass without some marks of respect and gratitude. (This Dorsey is keeper of the house where Burson, Nettleton and Lum were boarding in Washington on Seventh between I and K streets.) Says that Republicanism has come to the very end that he had always expected; tells Burson that he was badly treated by them in Washington and he intends revenge; wants to meet his old friends in Washington and see how they will look in the face of an extreme Southern army; promises Burson to drop him a line as soon as he reaches Virginia.

No. 4.—Dated Montgomery, Ala., May 1, 1861. B. F. Lum to John W. Burson. He says after writing the letter of April 29 he has changed his plan and will not start as soon for Virginia as he had before expected; says Burson must tell the boys "that we are coming to help them fight the battles of our good cause." Says tell T. W. Dorsey not to be dismayed; that he will get something good from Jeff Davis; says he will make it part of his business to see that the Southern troops do Dorsey and his property no serious damage.

No. 5.—Dated May 27, 1861. B. F. Lum to John W. Burson. Tells Burson that he is coming to see him once more. He will start to Virginia on Monday morning if God spares his life; says that on reaching Virginia he will write a note to Burson to let him know how he (Lum) likes army life; if he can get a furlough he is coming from Virginia to Washington; that he is to be a second lieutenant in a rifle company. The foregoing was postmarked at Montgomery, Ala.

No. 6.—Dated Hartford, Conn., August 27, 1861. From A. Nettleton to John W. Burson. He acknowledges receipt of Burson's letter of the 20th instant, for which he tenders him thanks; was sorry to hear of Norris' death for "he was one of us," and could be illy spared; is sorry to hear that other friends were wounded in the Bull Run battle and were taken prisoners, and hopes they may yet live to have sweet revenge for all that they have suffered; is glad to hear that Dorsey is

coming to his senses, and hopes that hereafter Dorsey will see facts as they exist, and that his mind hereafter will be less changeable. He says that the action of the Administration for the last few weeks convinces him, as he has always said, that this war was one of subjugation and not restoration of the Union; that the subjugation was to abolish slavery, and this was the only object, which nobody can deny; and scoffs at the idea of this being a republican Government, and says that no crowned head in Europe would have dared to do what Lincoln had for he would lose his head in forty-eight hours; says Lincoln has committed acts that would damn him to hell; says his (Lincoln's) party will sustain him and they intend to lay aside all civil and institute military law; says that the Bridgeport (Conn.) Farmer was attacked by a mob of 500 and entirely demolished, all because it favored the rights of the South, and for favoring the close of this war by a fair and honorable compromise; says that in expectation of an attack upon the office of the Hartford Times there had been stationed in the building [men] determined to defend it while life lasted, and determined to sacrifice the three Republican offices if that of the Times was destroyed; says Burson tells him in his letter that B. F. Lum was in the battle of Bull Run, and he (Nettleton) expresses the hope that Lum enjoyed the satisfaction of knowing himself to be a good shot and that he "bagged some of the game." Sends his kindest regards to his friend Marriott, and tell him the damned abolitionists are too hard for him here. Closes in a postscript saying that he will be in Washington before long, but asks Burson not to let anybody know about it.

No. 7.—Dated Wethersfield, Conn., August 9, 1861. A. Nettleton to J. W. Burson, Thomas Dorsey, of Dorsey's Hotel, corner Seventh and I streets. Inquires if Burson is in Washington, and if not what is his address; inquires also for the post-office address of Benjamin Dorsey and James Morris; also to know where Doctor Snowden is; says if the hard times go on much longer laboring classes will revolt; inquires if Dorsey has heard of Lum lately.

No. 8.—Dated Wethersfield, Conn., August 13, 1861. A. Nettleton to John W. Burson. Acknowledges Burson's letter of the 10th; says he has done but little for three months except to drink whisky; says he was glad to hear that the "damned sons of bitches of Yankees got defeated at Bull Run." Says, "It would have suited me if every mother's son of them had been left dead on the battle-field." Thinks the Yankees as a general thing are a poor, worthless set of devils, of no use to themselves nor anybody else, and that they are worth 3 cents a pound more dead than alive; that at Bull Run they got what they justly deserved but not as much as he wished they had. Nettleton says he is coming to Washington in the course of three weeks and perhaps may go farther South.

The following is a paper found among Burson's letters and written in Burson's handwriting:

WASHINGTON, *September 5, 1861.*

Mr. JOHN W. BURSON.

DEAR SIR: You will please call at my headquarters. I wish to see you and employ you as a guide to go with me through to Fairfax as a guide and on to the Junction.

Respectfully, yours,

McCLELLAN,
General, Commanding.

No. 9.—A note dated August 3, 1861, signed by John W. Burson and addressed to Hon. Simon Cameron, Secretary of War, states that he has heard the friends of the late Colonel Cameron are anxious to obtain his remains and offers his services to obtain the same.

No. 10.—This is an anonymous letter written in pencil addressed without date to John W. Burson. The writer states that he is about to communicate information to Burson of the greatest importance to the South and that he knows Burson's sympathies to be all with the South. He then goes on to say that he feels a hearty conviction of duty to forewarn the South of their impending danger, and that he selects Burson because he knows the latter carries in his bosom a Southern heart whose sympathies are wholly identified with them. Says the writer:

> Besides I have written to other gentlemen who have not received my letters or have deemed them unworthy of notice. I wrote a letter to Governor Wise last fall prior to the invasion by John Brown, which he heeded not. More latterly I wrote one to Governor Floyd stating that there was a plot on foot in the Northwest to invade the South in case of Lincoln's election to whip them into subjection and free the slaves. Mr. Floyd has not received my letter or he has deemed it unworthy of notice. This information I now communicate to you hoping that you will place it in the hands of some Southern gentleman of influence who will exhort the South, especially Virginia, to prepare for the worst, for I call upon high heaven to witness what I have stated is true. I have traveled over the greater portions of Illinois and Ohio and heard it intimated a thousand times. A short time since in Ashtabula County, Ohio, at a political meeting resolutions were adopted to invade the State of Virginia between now and the 4th of March or about that time.

On a part of the same sheet is a note written and signed by J. W. Burson addressed to Miss Parsons apologizing for an insulting remark made about her as she was passing by where Burson and another gentleman stood. This note is dated "Washington, D. C., Wednesday morn, 31."

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DEPARTMENT OF STATE, *Washington, October 25, 1861.*

Brig. Gen. ANDREW PORTER, *Provost-Marshal, Washington.*

GENERAL: Having examined the cases of John W. Burson, Alfred Nettleton and Thomas Hitchcock I have to inform you that they cannot be released.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

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DEPARTMENT OF STATE, *Washington, December 20, 1861.*

Brig. Gen. ANDREW PORTER, *Provost-Marshal, Washington.*

GENERAL: You will please transfer * * * John W. Burson and Alfred Nettleton * * * to Fort Lafayette, New York Harbor.

I am, general, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

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OFFICE OF THE COMMISSION
RELATING TO POLITICAL PRISONERS,
Washington, March 25, 1862.

W. P. WOOD, Esq., *Superintendent, &c.*

SIR: You will please discharge Alfred Nettleton * * * prisoners confined in the Old Capitol Military Prison on their giving their paroles of honor not to render any aid or comfort to the enemies in hostility to the Government of the United States.

Very respectfully, yours,

JOHN A. DIX,
EDWARDS PIERREPONT,
Commissioners.

WASHINGTON, *March 25, 1862.*

I, Alfred Nettleton, of Hartford, Conn., do hereby give my parole of honor that I will render no aid or comfort to the enemies in hostility to the Government of the United States.

ALFRED NETTLETON.

—

OFFICE OF THE COMMISSION
RELATING TO POLITICAL PRISONERS,
Washington, March 26, 1862.

W. P. WOOD, Esq., *Superintendent, &c.*

SIR: You will please discharge John W. Burson, a prisoner confined in the Old Capitol Military Prison, on his giving his parole of honor that he will not render any aid or comfort to the enemies in hostility to the Government of the United States.

Very respectfully, yours,

JOHN A. DIX,
EDWARDS PIERREPONT,
Commissioners.

—

WASHINGTON, *March 26, 1862.*

I, John W. Burson, of the county of Loudoun, Va., do hereby give my parole of honor that I will render no aid or comfort to the enemies in hostility to the Government of the United States.

JOHN W. BURSON.

Case of Richard Thomas (Zarvona).

This person, who was indicted by the name of Richard Thomas but who signs his name as Zarvona, was arrested early in July, 1861, and imprisoned at Fort McHenry from whence he was afterward removed to Fort Lafayette. He was charged with piracy and with being a spy. He was afterward indicted in the U. S. district court for the district of Maryland for treason in committing the act of piracy alleged against him, namely, the surprise and capture of the steam-boat Saint Nicholas* by taking passage on board of her disguised in female attire, with a large force or band of Confederates disguised as laborers or mechanics, and after departure on the voyage rising upon the master and crew and taking said vessel by force into their possession and into a portion of the State of Virginia then in rebellion. The evidence upon which the said indictment is founded has not been sent to the State Department. It is not known that the defendant has been arraigned on said indictment. The military authorities at Baltimore have objected to Thomas being exchanged, preferring that he be put on trial for the offenses of piracy and being a spy to treating him as a prisoner of war. The said Thomas remained in custody at Fort Lafayette February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

* The Saint Nicholas was seized June 28, 1861, but no report of the affair can be found in the War Department. But see Naval W. R., Vol. IV, p. 549 *et seq.*

FORT MCHENRY, MD., *July 8, 1861.*

The SECRETARY OF WAR:

Four men were arrested this evening on board the Mary Washington, parties to the seizure of the Saint Nicholas. The leader is a colonel in the Virginia volunteers. His commission dates July 1, and bears address to Richard Thomas Zarvona. Richard Thomas is his true name. They were identified by officers and men of the Saint Nicholas who were on board the Mary Washington. The colonel was secreted in a bureau. He was undoubtedly on another mission. He was identified here as a West Point student.

N. P. BANKS.

FORT MCHENRY, *July 8, 1861.*

Col. E. D. TOWNSEND, *Assistant Adjutant-General:*

Four men, parties to the seizure of the Saint Nicholas, were arrested on board the Mary Washington this evening. The officers and sailors of the Saint Nicholas on board the Mary Washington identified the prisoners. The leader had a commission as colonel of the Virginia army dated July 1 and signed by Governor Letcher. He was secreted in a bureau when arrested. Captain Williams who arrested him identified him as a West Point student.

N. P. BANKS.

HEADQUARTERS DEPARTMENT OF ANNAPOLIS,
July 13, 1861.

Col. E. D. TOWNSEND, *Assistant Adjutant-General.*

SIR: * * * It is my duty to represent to the Government that such prisoners as Marshal Kane* and Colonel Thomas are not entirely safe if they should contemplate the chances of escape. No such suspicions exist as to the first, but the second is a dangerous and desperate man. He is confined in a room within twenty feet of the sallyport with seven others equally desperate and so far as we can judge his companions in the piratical acts in which he was engaged. Four of these were brought in yesterday armed with weapons and ammunition sufficient for six or eight men, and moving when arrested as we suppose for the purpose of joining other parties of the same character of whose organization and purposes we have had notice from the Government at Washington, the owners of steam-boats and many private sources. With the measures we are taking the arrests of these persons will be rapidly multiplied.

* * * * * * *

With great respect, your obedient servant,

N. P. BANKS,
Major-General, Commanding Department of Annapolis.

HEADQUARTERS DEPARTMENT OF ANNAPOLIS,
Fort McHenry, Md., July 14, 1861.

Col. E. D. TOWNSEND, *Assistant Adjutant-General.*

SIR: By direction of Major-General Banks I have the honor to report for the information of the General-in-Chief that the schooner Georgiana, owned by Thomas and his party and with which a portion of them

* See Vol. I, this series, p. 619, for case of the Baltimore police commissioners and Marshal Kane.

had been lying in wait for the capture of other steamers from Baltimore, has been taken possession of and is now at the dock of this port, having been run aground and deserted by the crew. No capture of rebels was made on board of her.

I am, very respectfully, your obedient servant,

ROBT. WILLIAMS,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., September 5, 1861.

Maj. Gen. G. B. MCCLELLAN,
Commanding Army of the Potomac.

GENERAL: * * * Two of these prisoners are confined for piracy. One is the celebrated Thomas or Colonel Zarvona, commonly known as the French lady. He is of one of the first families in Maryland; is rich, intelligent and resolute. His nervous system is much broken by confinement and want of active occupation and he has made earnest appeals to me for the privilege of walking about the garrison within the walls on his parole of honor not to attempt to escape. There is no doubt it would be sacredly respected. I have not thought proper to extend the indulgence to him, though I think his health requires it, without your direction. * * *

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General, Commanding.

HEADQUARTERS OF THE ARMY,
Washington, September 10, 1861.

Maj. Gen. JOHN A. DIX, U. S. Army,
Commanding, &c., Fort McHenry, Baltimore, Md.

SIR: Your letters of the 5th and 8th instant to Major-General McClellan on the subject of the prisoners confined in Fort McHenry have been referred to the General-in-Chief who directs me to reply as follows: * * * In regard to the prisoner Thomas the general does not think it prudent to extend his liberty. * * *

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., September 11, 1861.

WILLIAM MEADE ADDISON, *U. S. District Attorney.*

SIR: We have several witnesses detained in the case of Thomas. What is the extent of our control over them? Are they entitled to pay while detained? They are restive and were disorderly and Colonel Morris in consequence put them in a cell by night and on fatigue duty by day. They are sailors and are not very well contented on dry land. If they are entitled to pay how can they get it? Some of them have families, and as they are deprived by their detention of the power of earning anything they think the Government should pay them so that their wives and children may not suffer.

Respectfully, your obedient servant,

JOHN A. DIX,
Maior-General. Commanding.

ADJUTANT-GENERAL'S OFFICE,
Washington, September 28, 1862.

Brig. Gen. W. W. MORRIS, U. S. Army,
Fort McHenry, Md.:

Send to this office without delay all the papers on file at Fort McHenry relating to the case of Zarvona alias Thomas.

L. THOMAS,
Adjutant-General.

—

[No date.]

Col. Thomas Zarvona, confined at Baltimore as a political prisoner, was an officer in the Confederate service when captured. If evidences of this fact are needed they will be produced. His exchange for an equivalent is asked.

ROBT. OULD,
[*Confederate*] *Agent, &c.*

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HEADQUARTERS, *Baltimore, November 22, 1861.*

Hon. SIMON CAMERON, *Secretary of War.*

SIR: There are six sailors in custody at Fort McHenry detained as witnesses in the case of Thomas alias Colonel Zarvona alias the French lady, who is indicted for piracy. These men have now been in custody for several months. Their clothes are worn out. Some of them have wives and children without the means of support. They are entitled to a per diem allowance during their detention, and the U. S. district judge would have ordered it to be paid to them if they had been in the custody of the court. Will you please to give the necessary direction for the relief of these men who are detained by the Government for its own benefit and who ought at least to receive the allowance to which they are entitled by law.

I have the honor to be, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General, Commanding.

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DEPARTMENT OF STATE, *Washington, December 2, 1861.*

Maj. Gen. JOHN A. DIX, *Baltimore, Md.*

GENERAL: I have the honor to inclose herewith a memorandum* which has been submitted to me by Mr. Schleiden, the minister from Belgium, relative to John Henry Bargfried who is supposed to be in confinement at Fort McHenry. Will you please ascertain whether his testimony against Colonel Thomas is material. If it is I will thank you to see that he is provided with necessary clothing and that his confinement is made as comfortable as is consistent with his safe-keeping. If on the contrary you should come to the conclusion that his testimony is immaterial or unnecessary you may release him.

I have the honor to be, general, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

* Not found.

HEADQUARTERS, *Baltimore, Md., December 2, 1861.*

Col. W. W. MORRIS, *Commanding Fort McHenry, Baltimore.*

COLONEL: You will please have ready for embarking on the New York steamer which leaves here at 2.30 p. m. the following-named political prisoners now confined in Fort McHenry to be taken to Fort Lafayette, New York Harbor: Richard Thomas Zarvona. * * *

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General, Commanding.

FORT HAMILTON, *New York Harbor, December 3, 1861.*

Col. E. D. TOWNSEND,
Asst. Adjt. Gen., Hdqrs. of the Army, Washington, D. C.

SIR: I have this morning received from General Dix the following prisoners from Fort McHenry and have sent them to Fort Lafayette: Richard Thomas Zarvona. * * *

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

HEADQUARTERS, *Baltimore, December 9, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to inclose a copy of a letter* of the 22d ultimo addressed by me to the Secretary of War in relation to the six sailors at Fort McHenry detained as witnesses in the case of Colonel (Zarvona) Thomas. John Henry Bargfried, referred to in your letter of the 2d instant, is one of these six persons. At my request Colonel Morris, commanding at Fort McHenry, has examined the case and makes the following report:

> The within-named John Henry Bargfried is an important witness in the case of Colonel Thomas alias Zarvona. He together with the other witnesses in the same case was for a length of time after his reception at this post allowed the liberty of the public grounds and lodged and fed as comfortably as the men of the garrison. He made his escape from the post and proceeded to Baltimore where he was arrested by the police and brought back, since which he has been more closely confined but only with such restrictions as are necessary to prevent his escape. The food furnished him has been in all respects the same as that provided for the troops, but I respectfully recommend that he be furnished with suitable clothing.

In accordance with the recommendation in my letter to the Secretary of War I trust these men may receive the per diem allowance to which they are entitled as several of them have wives and children. As they are shut up and can earn nothing by their labor they ought to receive the compensation which is allowed them.

I have the honor to be, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General, Commanding.

FORT LAFAYETTE, *December 10, 1861.*

Hon. M. F. ODELL, *Member of Congress, Washington.*

DEAR SIR: * * * I see by to-day's papers that Congress is taking some steps toward an exchange. Independent from that I am well satisfied that if the authorities will consent to an exchange of one

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* Omitted here. See p. 382.

person now in confinement (not as a prisoner of war taken with arms) that for him Col. A. M. Wood and all the privates and members of the Fourteenth [Eighty-fourth] will be given. I will give the name with the understanding that no publicity shall be given but the case to be kept as secret as possible. I refer to Richard T. Zarvona confined in the next room to mine. I know of what I write. * * * Any communication in relation to the above address me and if the authorities consent obtain the necessary permit to obtain the necessary authority from him. If nothing can be done either for Colonel Wood and Fourteenth [Eighty-fourth] or the other party destroy this. I would suggest you to see personally the authorities as it is at his request that this matter be kept as secret as possible. Excuse the composition of this as I have written without copy. Please write me.

Yours, most truly,

WM. H. SUYDAM.

DEPARTMENT OF STATE, *Washington, December 11, 1861.*

Mr. R. SCHLEIDEN, *Minister Resident.*

SIR: Referring to your memorandum of the 22d ultimo I have the honor to inform you that I have made inquiries of Major-General Dix concerning John Henry Bargfried and am informed that he is regarded as an important witness in the case of Colonel Thomas (Zarvona) and that after his reception at Fort McHenry he was allowed the liberty of the public grounds and was treated in every respect as the men of the garrison were until he made his escape. Since his re-arrest he has been more closely confined but only to such an extent as is deemed necessary to prevent him from again escaping. I have also to state that General Dix informs me that he has recommended the Secretary of War to allow Mr. Bargfried a per diem for the time he is necessarily held as a witness. This if allowed will be amply sufficient to provide him with any comforts he may need. He has already been provided with clothing.

I am, sir, with high consideration, your most obedient servant,

WILLIAM H. SEWARD.

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89 MADISON STREET, *New York, December 13, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington.*

HONORED SIR: The inclosed letter from a witness confined in Fort McHenry to his wife in this city is of a character to require the immediate attention of the proper authorities. The writer is a seaman, a member of my congregation. He is not accused of crime and yet appears to be treated worse than those who are traitors to our Government. Will you for the sake of his wife and three children who are now suffering for bread and for the sake of our common humanity read this letter and see that inquiry is made into the case?

Very respectfully, your obedient servant,

CHAS. J. JONES,
Pastor of the Mariners' Church.

[Inclosure.]

FORT MCHENRY, *November 26, 1861.*

MY DEAR WIFE: In my last I informed you that the trial was put back until next April and that I had promise of having something done for us, but as yet nobody has been here and I am at a loss what

to do. Dear Ann, knowing that you had trouble enough to contend with I have kept all my own sufferings locked in my own bosom, thinking it would be time enough for you to know all after I had been released, and the hope of having both your and my miseries ended this month has kept me in pretty good spirits although many times I have cursed the hour that brought me to this place of misery.

My dear wife, I now send you a true statement of my treatment since I have been here, and I think if you could manage to get it published in one of the daily papers it could not fail to come before the eyes of some kind person who would have both power and the will to investigate our case and have justice done us, for I do not believe that by the laws of a civilized country innocent men can be imprisoned for months without support for themselves or their families.

On the 8th day of July six of the crew of the different vessels taken by the Confederates on the 28th of June were detained as witnesses against Colonel Thomas under promise of kind treatment and $2 per day. As you know I am one of this unhappy number, and how this promise has been kept I will now state: We arrived here in very destitute condition, having lost nearly everything on our journey from Richmond here. From the outsetting we had to sleep on bare boards, but being warm weather we did not mind it much; and as we expected to be sent to Fort Lafayette we did not apply for anything until the latter part of August when our case was stated to the commanding officer, Colonel Morris. He returned us as answer that he never heard of such a thing as witnesses receiving any pay but that he would see about blankets. At the same time he told us he would have to give us something to do or we would spoil, and true to his word shortly after orders were given for one of us every day to assist in the kitchen. We at first refused, and for our pains we were locked up in dark cells for five days during the day and at night were turned out to sleep in the yard. We were then released, and had to assist in the kitchen for fear of similar treatment.

We have stated our case to General Dix repeatedly, but he says we are under Colonel Morris' charge and he has nothing to do with us. About the last of September one of our number who slept near the door was told by the sergeant of the room (we were kept among the soldiers) not to show himself again in the room because a dog belonging to the fort had dirtied the floor. The man not knowing where to go made his escape out of the fort into the city where he was arrested and brought back and handcuffed. Since then we have been kept in the prisoners' department, which is a stable in not the best condition. Every breath of wind goes right through and no sunshine can get through. After we had been there about a fortnight Colonel Morris gave orders for two of us every week to cook for the outside prisoners consisting of from twenty to forty men. We refused, not caring what would be the result. Since then we have received our rations raw and have to get them cooked ourselves the best way we can.

I would say a great deal more but I think this enough to show that a cell in a city prison would be far preferable to our present condition. I have applied by letter to both of the officers who detained us here, and the marshal of the city has been applied to, so far without success, and I give up all hope of having anything done for us.

We are almost naked, and if it were not for some old clothes that I have received from the soldiers I should have to paint my body and go naked. We have no fire or any blankets, so you may judge what a life

we lead. If you could get a lawyer to take your case in hand I think the Government would have to support you. I continue to enjoy good health, and I hope this will find you all well.

I remain, your affectionate husband,

CHARLES WILSON.

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HEADQUARTERS, *Baltimore, December 16, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to return papers inclosed to me in relation to Charles Wilson and M. J. Koldenback.* Of the latter we have no knowledge whatever. He has never been confined at Fort McHenry. May he not be at the Old Capitol Prison in Washington? Wilson is one of the witnesses detained by the Government in the case of Thomas alias Zarvona, referred to in my letter to you of December 9 and in my letter to the Secretary of War of the 22d of November last, inclosed in mine to you.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

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FORT LAFAYETTE, *December 22, 1861.*

Hon. SECRETARY OF STATE, U. S. A.

SIR: I have been held as a prisoner of state as I have been unofficially informed for five months and a half. My health which for several years has been delicate now causes me great suffering. I request you to release me upon parole. I will offer you guarantees which I believe you will consider sufficient that any obligation which I enter upon will be faithfully kept.

Respectfully, the colonel,

ZARVONA.

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No. 9 MONROE STREET, *New York, January 3, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Please excuse me, but necessity compels me to call your attention once more to the case of Charles Wilson, my husband, now in prison to wait the trial of Thomas the rebel. He is witness against him, and has been in prison at Baltimore since July last. The particulars of the case were sent to you some time in November last by Capt. Joseph O'Donoghue, of Company C, Eighty-eighth Regiment New York Volunteers, and I have been patiently waiting ever since for his release. Wilson was a hand on board of the schooner Margaret, of Boston, when taken by Thomas. Please let him come home or please let me know why not. My three children have been sick for some time and two at present lie at the point of death, and myself in a state of destitution, and have I might say no aid at all. It depends on you whether we live or die. For God's sake let my husband come home.

MRS. C. A. WILSON.

* No papers found relating to Koldenback.

DEPARTMENT OF STATE, *Washington January 6, 1862.*

Maj. Gen. JOHN A. DIX, *Baltimore, Md.*

GENERAL: Application has been made for the release of Charles Wilson, who is confined in Fort McHenry as a witness against Thomas Zarvona. If there is no objection within your knowledge you will please release Wilson on his giving assurances satisfactory to yourself that he will appear and give his testimony against the prisoner Thomas Zarvona whenever required to do so.

I am, general, very respectfully, your obedient servant,

F. W. SEWARD,
Acting Secretary of State.

—

FORT LAFAYETTE, *January 9, 1862.*

Hon. SECRETARY OF STATE OF THE UNITED STATES.

SIR: I addressed to you a letter on the 22d day of December, 1861. A response is requested.

Respectfully, the colonel,

ZARVONA.

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HEADQUARTERS, *Baltimore, January 11, 1862.*

Hon. F. W. SEWARD, *Acting Secretary of State.*

SIR: I have the honor to acknowledge your letter of the 6th instant relating to the release of Charles Wilson, confined at Fort McHenry as a witness in the case of Zarvona, and have referred it to Colonel Morris, commanding at Fort McHenry, who has made to me the following report:

> Wilson is an important witness in the case of Zarvona, and states that he is unable to give security for his appearance. He did not apply himself for his release and supposes that his wife made the application. He is willing to remain here provided some means of support are furnished his family which is in destitute circumstances.

Permit me in this connection to call your attention to my letter of the 9th of December last in which I recommended the payment to all these witnesses of the per diem allowance to which they are entitled that their wives and children might not suffer.

I am, respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

—

FORT LAFAYETTE, *February 3, 1862.*

Hon. JAMES A. PEARCE, *Washington, D. C.*

DEAR SIR: I notice in the daily papers that application has been made to authorities of the South for the exchange of Colonel Corcoran, of the Federal Army; also notice his friends are exceedingly anxious to obtain the presence of Colonel Corcoran among them once more. Now in my opinion this object could be soon effected if Colonel Zarvona, of the Confederate Army, at present in confinement at Fort Lafayette, were offered in exchange for Colonel Corcoran, of the Federal Army. Colonel Zarvona has been a prisoner since July last and has been subject to illness during the whole of that time. I would have you to understand that this proposition comes from myself and not from Colonel Zarvona. I respectfully ask you to consider the above,

and if you can conscientiously do so aid the cause of humanity by laying the matter before the Secretaries of War and State at Washington.

Your friend and obedient servant,

R. W. RASIN.

DEPARTMENT OF STATE, *Washington, February 4, 1862.*

Hon. CALEB B. SMITH, *Secretary of the Interior.*

SIR: Herewith I have the honor to inclose a letter from William Gitting, who is detained at Fort McHenry, Baltimore, by the Government of the United States as a witness against Colonel Thomas alias Zarvona alias the French lady. There are other persons similarly detained in the same case all of whom are represented to be poor men, and some of them having families that are in a suffering condition. General Dix recommends the payment to all of these witnesses of a per diem allowance to which they are entitled. It seems to me that this recommendation is reasonable and that the payment should be promptly made. I inclose also a letter* from Captain O'Donoghue relative to the case of Charles Wilson, another witness similarly detained. Will you have the kindness to return these inclosures?

I have the honor to be, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

[Inclosure.]

FORT MCHENRY, MD., *February 4, 1862.*

Maj. Gen. JOHN A. DIX.

HONORABLE SIR: I respectfully solicit your kind attention after a confinement of seven months, as I am entirely destitute of clothing and other necessaries of life. I am held as a witness against Colonel Thomas, of the rebel army, who stands indicted for piracy. I lost a great amount of my clothing when he took possession of the vessel where I was employed, and since being detained in this fort I have not received the least piece of clothing or one cent of money. I pray that you may kindly intercede in my behalf and please let me know whether anything can be done.

With the greatest respect, your humble servant,

W. GITTING,
Witness against Colonel Thomas.

FORT MCHENRY, *February 4, 1862.*

FREDERICK BERNAL, Esq., &c.

DEAR SIR: I, the undersigned, most respectfully inform you that on the 8th of July, 1861, I was detained here as a witness against Colonel Thomas (the French lady). I was a seaman on board the schooner Mary Pierce, of Boston, which was captured by Colonel Thomas on the 29th of June in the Chesapeake and made a prize to the Confederates. On my return here in the steamer Mary Washington Colonel Thomas was a passenger in her likewise. He was arrested here and myself and five others were kept as witnesses against him. During all this time, now near seven months, I have not been able to receive any money or clothing although I have often made application for it and I am now in most destitute circumstances. I most humbly beg of you, sir, if it be in your power to interfere for me and if possible get me part of my pay.

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*Not inclosed.

I am a British subject, born in Halifax, Nova Scotia. Hoping you will kindly take my case in hand and relieve me from suffering,

I am, &c.,

THOMAS INGRAM.

FORT LAFAYETTE, *February 6, 1862.*

WILLIAM H. SUYDAM, Esq.,
Howard House, East New York.

DEAR SIR: When I last saw you in this fort you made a proposition to exchange a friend of yours for Colonel Zarvona. I then said I could not mention it to the colonel, but if you could do so I would answer for the colonel. I now say if Colonel Corcoran is the friend I can get the exchange if permitted to go to Richmond. I am as confident as I exist that if there is a man the colonel is that man. I write without his knowledge. Please answer as soon as possible.

Very respectfully, yours,

R. W. RASIN.

HEADQUARTERS, *Baltimore, February 14, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to inclose a letter* from one of the sailors who have been held in confinement at Fort McHenry for several months as witnesses in the case of Colonel Zarvona alias Thomas, and to renew my repeated requests that these unfortunate men may be paid in order that they may provide themselves with necessary clothing and do something for the support of their families.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

WAR DEPARTMENT, *Washington, February 17, 1862.*

Maj. Gen. JOHN A. DIX, *Baltimore.*

GENERAL: Will you have the kindness to inform this Department whether in your judgment Colonel Thomas alias Zarvona alias the French lady ought to be transferred to the list of prisoners of war?

I have the honor to be, &c.,

EDWIN M. STANTON,
Secretary of War.

HEADQUARTERS, *Baltimore, February 20, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to return the letter of Colonel Thomas (or Zarvona)† referred to me on the 10th instant. I did not report on it in consequence of the illness of the U. S. district attorney whom I wished to see. Two days ago the Secretary of War submitted to me the inquiry whether Thomas should be transferred to the list of pris-

* Omitted as unimportant.

†Not found, but see Zarvona to Secretary of State, December 22, 1861, p. 386, and also of January 9, 1862, p. 387.

oners of war. I have replied that he ought not. I suppose this answer accompanied by my reasons renders any report to you unnecessary.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

HEADQUARTERS, *Baltimore, February 20, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: Your letter of the 17th instant asking whether Colonel Thomas alias Zarvona alias the French lady ought to be transferred to the list of prisoners of war is received. I think not. He went in the disguise of a woman on board the steamer Saint Nicholas, running as a passenger vessel between this city and the Potomac, and with the assistance of a number of other persons disguised as mechanics seized the vessel and carried her into Virginia as a prize. He afterward returned to Maryland with a commission as colonel in the service of Virginia and was detected and arrested on the Patuxent River in this State. These transactions took place before I was placed in command here.

It was understood that he was confined on the charge of piracy but he was indicted for treason only. I inclose a copy of the indictment. Major-General Banks never recognized these proceedings. In a letter to the General-in-Chief of the 13th of July he designates the crime of Zarvona as "piracy of the worst form." It appears to me that he should have been treated as a pirate and a spy and that he ought not to be classed with persons captured in open warfare. This course was not taken with him.

He was not indicted for piracy and he has been held under arrest like other prisoners of state. Still I see no propriety in transferring him to the list of prisoners of war.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

[Inclosure.]

In the district court of the United States of America in and for the Maryland district.

UNITED STATES OF AMERICA, *Maryland District, to wit:*

The jurors of the United States of America in and for the body of the Maryland district do on their oath and affirmation present that Richard Thomas, late of the district aforesaid, gentleman, being an inhabitant of and resident within the United States of America and under the protection of the laws of the United States of America and owing allegiance and fidelity to the United States of America, not weighing the duty of his said allegiance but wickedly devising and intending the peace and tranquillity of the United States of America to disturb and to stir, move, excite, levy and carry on war, insurrection and rebellion against the United States of America on the 28th day of June, in the year of our Lord 1861, at the district aforesaid and within the jurisdiction of this court and of the circuit court of the United States for the fourth circuit in and for the Maryland district, unlawfully, falsely, maliciously and traitorously with force and arms did compass, imagine and intend to raise and levy war, insurrection and rebellion against the United States of America; and in order to fulfill and bring to effect the said traitorous composings, imaginations and

intentions of him the said Richard Thomas, he the said Richard Thomas afterward, to wit, on the 28th day of June, in the year of our Lord 1861, at the district aforesaid and within the jurisdiction of this court and of the circuit court of the United States for the fourth circuit in and for the Maryland district, with a great multitude of persons (whose names to the jurors aforesaid are at present unknown) to the number of fifty persons and upward armed and arrayed in a warlike manner—that is to say, with guns, pistols, bowie knives and stones and other warlike weapons as well offensive as defensive—being then and there unlawfully, maliciously and traitorously assembled and gathered together, did then and there falsely and traitorously join and assemble themselves together against the United States of America, and then and there with force and arms did falsely and traitorously and in a hostile and warlike manner array and dispose themselves against the United States of America; and then and there on the said 28th day of June, 1861, at the district aforesaid and within the jurisdiction of this court and of the circuit court of the United States for the fourth circuit in and for the Maryland district, in pursuance of such their traitorous intentions and purposes aforesaid, he the said Richard Thomas with the said persons so as aforesaid traitorously assembled, armed and arrayed in manner aforesaid, most wickedly, maliciously and traitorously did ordain, prepare and levy war against the United States of America contrary to the duty of the allegiance and fidelity of the said Richard Thomas against the form of the statute in such case made and provided and against the peace, government and dignity of the United States of America.

And the jurors aforesaid upon their oath and affirmation aforesaid do further present that on the 28th day of June, in the year of our Lord 1861, and long before and continually thence hitherto an open and public insurrection, rebellion and war was and yet is prosecuted, levied and carried on against the United States of America by divers large bodies of evil-disposed persons, citizens of the United States of America and residing therein and owing allegiance to the United States of America, contriving and with all their strength intending traitorously to break and disturb the peace and common tranquillity of the United States of America, and to stir up, move and excite insurrection and rebellion and to levy war against the United States of America, and to subvert, alter and overthrow by force of arms the Government established in the United States of America; and that the said Richard Thomas, being an inhabitant of and resident within the United States of America and under the protection of the laws of the United States of America and owing allegiance and fidelity to the United States of America, not weighing the duty of his said allegiance but wickedly devising and intending the peace and tranquillity of the United States of America to disturb and by all the means in his power to aid and assist the aforesaid evil-disposed persons and bodies of men so as aforesaid levying war, insurrection and rebellion against the United States of America in the prosecution of the said war, insurrection and rebellion against the United States of America on the said 28th day of June, in the year of our Lord 1861, he the said Richard Thomas, with force and arms at the district aforesaid, maliciously and traitorously did compass, imagine and intend to raise and levy war against the United States of America; and that the said Richard Thomas in the prosecution, performance and execution of his the said Richard Thomas' traitorous compassings, imaginations and intentions

and to fulfill, perfect and bring the same to effect, he the said Richard Thomas as such traitor as aforesaid during the said war, insurrection and rebellion to wit, on the day and year aforesaid at the district aforesaid, and within the jurisdiction of this court and of the circuit court of the United States for the fourth circuit in and for the Maryland district, with a great multitude of persons (whose names to the jurors aforesaid are at present unknown) to the number of thirty persons and upward, armed and arrayed in a warlike manner—that is to say with guns, pistols, swords, bowie knives and other warlike weapons—being then and there maliciously, unlawfully and traitorously assembled and gathered together, did falsely and traitorously join and assemble themselves together against the United States of America, and then and there with force and arms did falsely and traitorously and in a hostile and warlike manner array and dispose themselves against the United States of America; and on the said 28th day of June, in the year of our Lord 1861, at the district aforesaid and within the jurisdiction of this court and of the circuit court of the United States for the fourth circuit in and for the Maryland district and in pursuance of such their traitorous intentions aforesaid, he the said Richard Thomas, with the said persons so as aforesaid traitorously assembled, armed and arrayed in manner aforesaid, most wickedly, maliciously and traitorously did ordain, prepare and levy war against the United States of America.

And further to perfect, fulfill and bring to effect the said treason of him the said Richard Thomas, he the said Richard Thomas being such false traitor as aforesaid, with divers other false traitors to the number of twenty and upward (whose names to the jurors aforesaid are unknown), on the day and year aforesaid at the district aforesaid, with force and arms did seize, take, capture and convey away a certain steamboat then and there being called the Saint Nicholas, together with a valuable cargo of merchandise then and there being on board of the said steam-boat, said cargo being then and there the property of loyal citizens of the United States (whose names to the jurors aforesaid are unknown), with the intent that the said steamer and cargo should be used and appropriated toward carrying on the war, insurrection and rebellion so as aforesaid levied and carried on against the United States of America, and did carry and deliver said steam-boat and cargo to the said evil-disposed persons and bodies of men so as aforesaid levying war and exciting insurrection and rebellion against the United States of America contrary to the duty of the allegiance and fidelity of the said Richard Thomas against the form of the statute in such case made and provided and against the peace, government and dignity of the United States of America.

And the jurors aforesaid upon their oath and affirmation aforesaid do further present that on the 28th day of June, in the year of our Lord 1861, and long before and continually thence hitherto an open and public insurrection, rebellion and war was and yet is prosecuted, levied and carried on against the United States of America by divers large bodies of evil-disposed persons, citizens of the United States of America and residing therein, and owing allegiance to the United States of America, contriving and with all their strength intending traitorously to break and disturb the peace and common tranquillity of the United States of America, and to stir up, move and excite insurrection and rebellion and to levy war against the United States of America, and to subvert, alter and overthrow by force of arms the Government established in the United States of America.

And that the said Richard Thomas, being an inhabitant of and resident within the United States of America, and under the protection of the laws of the United States of America and owing allegiance and fidelity to the United States of America, not weighing the duty of his said allegiance but wickedly devising and intending the peace and tranquillity of the United States of America to disturb, and by all the means in his power to aid and assist the aforesaid evil-disposed persons and bodies of men so as aforesaid levying war, insurrection and rebellion against the United States of America and being enemies of the United States of America in the prosecution of the said war, insurrection and rebellion against the United States of America, on the said 28th day of June, in the year of our Lord 1861, he the said Richard Thomas with force and arms at the district aforesaid maliciously and traitorously did adhere to and give aid and comfort to the said evil-disposed persons then and there being enemies of the United States of America levying war, insurrection and rebellion against the United States of America.

And that the said Richard Thomas in the prosecution, performance and execution of his, the said Richard Thomas' treason and traitorous adhering aforesaid and to fulfill, perfect and bring the same to effect, he the said Richard Thomas as such traitor as aforesaid during the said war, insurrection and rebellion, to wit, on the day and year aforesaid at the district aforesaid, and within the jurisdiction of this court and of the circuit court of the United States for the fourth circuit in and for the Maryland district, with a great multitude of persons (whose names to the jurors aforesaid are at present unknown) to the number of thirty persons and upward armed and arrayed in a warlike manner—that is to say with guns, pistols, swords, bowie knives and other warlike weapons—being then and there maliciously, unlawfully and traitorously assembled and gathered together did falsely and traitorously join and assemble themselves together against the United States of America, and then and there with force and arms did falsely and traitorously and in a hostile and warlike manner array and dispose themselves against the United States of America.

And on the said 28th day of June, in the year of the Lord 1861, at the district aforesaid and within the jurisdiction of this court and of the circuit court of the United States for the fourth circuit in and for the Maryland district, and in pursuance of such their traitorous intentions aforesaid, he the said Richard Thomas with the said persons so as aforesaid traitorously assembled, armed and arrayed in manner aforesaid, most wickedly, maliciously and traitorously did ordain, prepare and levy war against the United States of America.

And further to perfect, fulfill and bring to effect the said treason and traitorous adhering of him, the said Richard Thomas, he the said Richard Thomas with divers other false traitors to the number of twenty and upward on the day and year aforesaid at the district aforesaid, with force and arms did seize, take, capture and carry away a certain steam-boat then and there being called the Saint Nicholas, together with a valuable cargo of merchandise then and there being on board of said steam-boat (the said steam-boat and cargo then and there being the property of loyal citizens of the United States whose names to the jurors aforesaid are unknown) with the intent that the said steam-boat and cargo should be used in carrying on the war, insurrection and rebellion as aforesaid levied and carried on against the United States, and did deliver said steam-boat and cargo to the said evil-disposed

persons and bodies of men so as aforesaid levying war and exciting insurrection and rebellion against the United States of America contrary to the duty of the allegiance and fidelity of the said Richard Thomas, against the form of the statute in such case made and provided and against the peace, government and dignity of the United States of America.

WILLIAM MEADE ADDISON,
U. S. Attorney for the Maryland District.

WAR DEPARTMENT, *Washington, February 25, 1862.*

Maj. Gen. JOHN A. DIX, *Baltimore.*

GENERAL: Unless in your judgment the testimony of James Ingram is absolutely necessary to the proper administration of justice in the case of Colonel Thomas alias Zarvona you may release him from confinement.

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

WAR DEPARTMENT, *Washington, February 28, 1862.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette.*

COLONEL: Herewith I transmit for your information a copy of a note from Col. E. D. Townsend, assistant adjutant-general, relative to the correspondence of Colonel Thomas alias the French lady, who is now confined at Fort Lafayette, New York Harbor. It is deemed advisable under all the circumstances connected with his arrest and the developments which are made in this note to request that he be placed in close confinement and that a strict surveillance be kept over his correspondence.

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

[Inclosure.]

ADJUTANT-GENERAL'S OFFICE, *February 27, 1862.*

[Adjt. Gen. L. THOMAS.]

DEAR SIR: I have been informed that Thomas, the French lady imprisoned at Fort Lafayette, has a cipher by which his correspondence with a Mrs. Norris and others in Baltimore passes without suspicion. For instance his quotation of a line of poetry will in some way convey a request for acids, files or anything he may desire and which will be conveyed to him under the case of a breast-pin or something apparently harmless. He is a desperate man and very restless under his confinement, and designs escaping if he can. My informant was lately released from Fort Lafayette, where he seems to have been confined under a misapprehension and where he says he became acquainted with the above fact.

Very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

HEADQUARTERS, *Baltimore, March 1, 1862.*

Col. W. W. MORRIS, *Commanding Fort McHenry.*

COLONEL: If you have the commission of Colonel Zarvona* in your possession Major-General Dix would be glad to be informed what is the date of that commission.

By order of Major-General Dix:

JOHN A. BOLLES,
Captain and Aide-de-Camp.

—

FORT HAMILTON, *New York Harbor, March 5, 1862.*

Brig. Gen. L. THOMAS,
Adjutant-General of the Army, Washington, D. C.

SIR: Inclosed you will receive papers† in reference to yours of the 28th ultimo about Colonel Zarvona alias the French lady. His peculiarity in writing has been noticed here for some time. * * *

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

[Inclosure No. 1.]

FORT LAFAYETTE, *February 25, 1862.*

Box received. Box inclosed for Mr. H. delivered. Your letters not received. Have you signed in language? My love and thanks to you and Mrs. G. Won't you write soon?

Affectionately,

R[ICHARD].

[Inclosure No. 2.]

FORT LAFAYETTE, *February 26, 1862.*

See to-day's Herald, column 6, pages 1 and 2. Please inform me if any books or letters from France for me addressed to care of J. have arrived. Please thank little Mary and give her my love, and my love to you also.

Affectionately,

R[ICHARD].

[Inclosure No. 3.]

FEBRUARY 28, 1862.

Mails unpropitious for nearly three weeks.

R[ICHARD].

—

WAR DEPARTMENT, *Washington, March 10, 1862.*

Lieut. Col. MARTIN BURKE,
Fort Lafayette, New York Harbor.

COLONEL: I have to acknowledge the receipt of your letter and its inclosures of the 5th instant relative to Zarvona and to inform you that the Government approves your proceedings.

I am, colonel, very respectfully, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

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*For copy of the commission see inclosure Morris to Thomas, September 28, 1862, p. 399.

† Several inclosures omitted as unimportant.

BALTIMORE, *April 3, 1862.*

Colonel BURKE.

SIR: I have written to Colonel Wood, also Lieutenant Wood, to know how my son, Colonel Zarvona, is situated. My letters have not been noticed by either Colonel or Lieutenant Wood. Excuse a mother's anxiety in requesting you to inform me of the situation of my son; also the state of his health. Knowing the active mind that my son has I fear much the effect of solitary confinement on his mind. Direct Mrs. R. Thomas, care of St. George W. Teackle, corner of Courtland and Lexington streets, Baltimore, Md.

Yours, respectfully,

MRS. R. THOMAS.

P. S.—Please let me know if he received my several letters dated March, &c., a suit of clothes, &c., sent by Adams Express March 22, 1862.

—

APRIL 9, 1862.

Major-General DIX and Hon. Mr. PIERREPONT.

SIRS: Presuming that you have no idea where I am I inform you that I am at the house of detention. I am subject to additional inconveniences and am very unwell. I request you to return me to my former prison. You will oblige me by allowing me to go unattended, and I will report myself this day to the lieutenant commanding, Wood.

Respectfully,

ZARVONA.

—

FORT HAMILTON, *New York Harbor, April 22, 1862.*

Brig. Gen. L. THOMAS,

Adjutant-General of the Army, Washington, D. C.

SIR: Inclosed you will receive the report of an attempt to escape by a well-known state prisoner from Fort Lafayette. Not the slightest blame in my opinion can be imputed to my officer in command of that post. Unfortunately or fortunately one of the new soldiers instead of one of the old garrison was sent with him to the water closet by the sergeant of the guard. Had it been one of the latter he would have been shot at once. It was a stormy night, tide ebb and the wind blowing out of the harbor; a few minutes more and he must have been drowned, and it was not by any means a night suitable for lowering a boat.

Very respectfully, your obedient servant,

MARTIN BURKE,

Lieutenant-Colonel Third Artillery.

[Inclosure.]

FORT LAFAYETTE, *New York Harbor, April 22, 1862.*

Lieut. Col. M. BURKE, Third Artillery, U. S. Army,

Fort Hamilton, New York Harbor.

COLONEL: I have the honor to make the following report: At half-past 9 o'clock last night Richard Thomas Zarvona, the French lady, a prisoner in close confinement at this post, informed the sergeant of the guard that he wanted to go to the water closet. The sergeant sent him out attended by a member of the guard; when he had reached the water closet (which is situated on the sea-wall) instead of entering it he

jumped overboard and attempted to escape by swimming to the Long Island shore. The guard immediately gave the alarm, when the barge belonging to the post was manned and he was recaptured before he had succeeded in getting but a short distance. To prevent a recurrence of this I have had a police tub placed in his room.

I am, colonel, very respectfully, your obedient servant,

CHAS. O. WOOD,
First Lieutenant, Ninth Infantry, Commanding Post.

—

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, June 27, 1862.

Lieut. Col. MARTIN BURKE, U. S. Army,
Commanding, &c., Fort Lafayette, N. Y.

SIR: In reply to your letter of June 24 concerning a pass said to have been given Mrs. Thomas to visit her son, the French lady, the Secretary of War directs that you revoke and take up the pass referred to and hold as before the prisoner Zarvona in close confinement; also that should any passes be presented to visit the said Zarvona you transmit them to Washington for authentication and instructions before permitting them to go into effect.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

—

FORT HAMILTON, *New York Harbor, July 8, 1862.*

Brig. Gen. L. THOMAS,
Adjutant-General of the Army, Washington City, D. C.

SIR: In obedience to instructions from the War Department dated June 27, 1862, Washington City, signed E. D. Townsend, assistant adjutant-general, directing all passes for the French lady to be sent to Washington City for verification, I herewith inclose one from the War Department allowing Mrs. Richard Thomas and Mrs. Henry W. Thomas to visit Zarvona, a prisoner at Fort Lafayette. Please telegraph an answer.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel Third Artillery.

—

WASHINGTON, *July 10, 1862.*

Col. MARTIN BURKE, *Fort Hamilton:*

Two passes have been issued to enable parties to see a prisoner at Fort Lafayette,—one of them calling himself Thomas, which you declined to recognize because as is said he had been committed by the name of Zarvona, and the other calling him Zarvona which it is alleged you have also refused to recognize. Please advise the Department of the difficulty in the premises.

By order of the Secretary of War:

C. P. WOLCOTT,
Assistant Secretary of War.

FORT HAMILTON, *July 10, 1862.*

Hon. C. P. WOLCOTT, *Assistant Secretary of War:*

In answer to your dispatch asking why I refuse to recognize a pass permitting certain parties to see a prisoner at Fort Lafayette named Zarvona I have the honor to transmit the following letter:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE, *Washington, June 27.*

Lieut. Col. MARTIN BURKE, *Commanding Fort Lafayette.*

SIR: In reply to your letter of June 24 concerning a pass said to have been given Mrs. Thomas to visit her son, the French lady, the Secretary of War directs that you revoke or take up the pass referred to; hold as before the person Zarvona in close confinement; also that should any passes be presented to visit the said Zarvona you transmit them to Washington for authentication and instructions before permitting [them] to go into effect.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

MARTIN BURKE,
Lieutenant-Colonel Third Artillery, Commanding.

—

WASHINGTON, *July 10, 1862.*

Col. MARTIN BURKE, *Fort Hamilton:*

Your course in not recognizing the permits given to Mrs. Thomas to visit her son was perfectly right. I had not been informed of the order issued on the 24th of June nor did it even occur to me that the prisoner in question was the French lady. From representations made to me I supposed there was simply some mistake about the name and my telegram was designed merely to learn whether this was so.

C. P. WOLCOTT,
Assistant Secretary of War.

—

FORT HAMILTON, *New York Harbor, July 14, 1862.*

Brig. Gen. L. THOMAS,
Adjutant-General, U. S. Army, Washington, D. C.

SIR: I have received an application from Mrs. Thomas (mother of the prisoner at Fort Lafayette called the French lady) asking that she may send books and papers to him. I shall await your decision in regard to the application before giving her an answer.

I am, sir, very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel Third Artillery.

[Indorsement.]

WAR DEPARTMENT, *October 4, 1862.*

Permission refused.

By order of the Secretary of War:

P. H. WATSON,
Assistant Secretary of War.

—

HEADQUARTERS SEVENTH ARMY CORPS,
Fort Monroe, Va., September 27, 1862.

Adjutant-General THOMAS.

GENERAL: Will you be so kind as to send me a copy of the letter from Mr. Ould in reference to the release of General Pope's officers? Mr. Ould seems to take a deep interest in the release of Zarvona. If

compatible with the public interests an advantageous exchange can be effected for him. I understand from Captain Mulford, the officer who brought down General Pope's officers, that Mr. Ould informed him an exchange could be speedily effected for them.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,
Lieutenant-Colonel and Inspector-General, Seventh Army Corps.

HEADQUARTERS, *Fort McHenry, Md., September 28, 1862.*

Brig. Gen. L. THOMAS,
Adjutant-General, U. S. Army.

GENERAL: I have the honor to acknowledge the receipt of your telegram received this moment, 5.30 p. m., and inclose you the papers relating to the case of Zarvona alias Richard Thomas, of Maryland. The paper signed "R." and addressed to "Dear John," supposed to be his cousin, was found in a book belonging to Zarvona. The handwriting I think can be proved to be Zarvona's. The witnesses in the case are here and ready at any time to give testimony to the capture of the steamer Saint Nicholas, &c., by Colonel Thomas alias Zarvona. Lieutenant Kibbe will hand you this.

Respectfully,

W. W. MORRIS,
Brevet Brigadier-General, U. S. Army, Commanding.

[Inclosure No. 1.]

THE COMMONWEALTH OF VIRGINIA TO RICHARD THOMAS ZARVONA, greeting:

Know you that from special trust and confidence reposed in your fidelity, courage and good conduct our governor in pursuance of the authority vested in him by an ordinance of the convention of the State of Virginia doth commission you a colonel in the active volunteer forces of the State to rank as such from the 1st day of July, 1861.

In testimony whereof I have hereunto signed my name as governor and caused the seal of the Commonwealth to be affixed this 2d day of July, 1861.

JOHN LETCHER.

CITY OF RICHMOND, VA., *to wit:*

This day appeared before me, Joseph Mayo, mayor of the city of Richmond, Richard Thomas Zarvona and qualified to the within commission by taking the oaths prescribed by law.

Given under my hand this 2d day of July, A. D. 1861.

JOSEPH MAYO,
Mayor.

[Inclosure No. 2.]

EXECUTIVE DEPARTMENT, *Richmond, July 3, 1861.*

Permit Col. R. T. Zarvona, of the Potomac Zouaves, to pass at will free over the roads and rivers of this Commonwealth upon his own certificate, and upon like certificate pass his men and baggage. All officers, civil and military, will respect him and give him such facilities as he may require in their power to afford.

By order:

S. BASSETT FRENCH,
Aide-de-Camp to Governor of Virginia.

Approved:

JOHN LETCHER.

[Inclosure No. 3.]

MATTAPONY, *April 26, 1861.*

DEAR JOHN: I expected to leave for Baltimore to-morrow to join some active force, but upon my mentioning the subject to George he told me that he had already determined to go and that it was my imperative duty to remain here as mother is so disabled by the accident which she lately met with. In a word the matter was so presented to me that I who of all my family can be spared with the least loss am left here to sun myself. One argument of George's had some strength—that I could not stand the exposure. Very good; but I am told that something may be done in a week and I could last that long. To avoid the fatigues of a private's life which I admit I am little prepared for I wrote for information as to means necessary to procure a commission on the staff either as engineer or topographical engineer and for recommendations as to my capabilities to an old friend of mine, Col. Henry Washington, of Virginia. I am sure the letter did not reach him. It would not matter now if it had reached him for time is precious. Mother now tells me that as I am so uneasy and if I must go she will write to her brother to come on here with her. If that can be managed perhaps I can be put somewhere so as to be of use. I believe you are willing to help me; is it possible to get either of these,—staff, engineer or topographical corps, armed ship of Maryland or any Southern State, private armed vessel bearing the Confederate flag? If not, anything else? I probably would be better afloat. If Maryland raises no navy will not some one be willing to fit out a small, strong and swift propeller carrying two (or even one) 10 or 11 inch guns mounted upon the patent carriage—boat, guns, ammunition? As for men I believe I can get 150 in one day—seamen who will and can board; and as for working guns I can get a few who know that and the rest will soon learn. In addition to the large guns the men will require revolvers (can get them in the North), cutlasses, knives and about two dozen carbines. If we can arm in this way and the vessel is good, steams fast and draws but little water some damage will be scattered around. If it is possible to communicate please do so. To-day a steamer went down with the Constitution (I suppose) in tow. It was a tantalizing sight for I am confident that a gun-boat as above could have taken both. As the Constitution mounts forty guns and the steamer may have a few small ones this may appear visionary, but here is how it would be done: The gun-boat would steam twice as fast as the tow possibly could. The Constitution does not steam; her sails appeared to be unbent. Certainly her light yards were struck and under other circumstances she could not have acted for there was no wind. Under these circumstances if the gun-boat had ranged ahead bringing the steamer and frigate in range she could have worked her stern gun playing upon the steamer's bow exposed only to return fire from her; then about quick, board, cut tow-line and get out of the way if necessary, leaving the frigate perfectly helpless exposed as long as necessary to the rake of the gun-boat, the latter all safe except from her bow guns for a few minutes; then the gun-boat steaming away and playing upon the frigate with stern gun until beyond range; then lie too and play upon with bow gun as long as her flag was up. That down steam for her, the bow gun always ready in case of deception, bearing in mind to never let the frigate present her broadside which she could not possibly do if the gun-boat is near her and managed with ordinary skill.

Can anything be done? Mother sends love to Cousin May and Chase.

Your affectionate

R.

FORT MONROE, *September 29, 1862.*

General THOMAS:

* * * In regard to Zarvona please say to the Secretary of War that he is a crack-brained fellow who can do no mischief beyond his individual capacity, mental and physical, which is constitutionally small. I only make the suggestion in case there are no public considerations involved in the question of his release.

JOHN A. DIX,
Major-General.

EXECUTIVE DEPARTMENT, *Richmond, Va., January 2, 1863.*

His Excellency ABRAHAM LINCOLN,
President of the United States.

SIR: On the 17th of April, 1861, the convention of the Commonwealth of Virginia representing the sovereignty of the State passed "An ordinance to repeal the ratification of the Constitution of the United States of America by the State of Virginia, and to resume all the rights and powers granted under said Constitution." In this ordinance it is declared that "the union between the State of Virginia and the other States under the Constitution aforesaid is hereby dissolved, and that the State of Virginia is in the full possession and exercise of all the rights of sovereignty which belong and appertain to a free and independent State." This action of the convention was subsequently ratified by an overwhelming majority of the people of the State, and the Commonwealth was thereafter absolutely separated from the Government of the United States and became to that Government an independent and foreign power. The State subsequently by its solemn acts became a member of the Confederate States of America.

Against this Confederacy the Government of the United States declared war by levying troops to conquer and reduce them to subjection, and has been since waging with unabating fury this unnatural war. The sovereign States of this Confederacy in pursuance of conventions between themselves and the Government of the Confederacy bound themselves to make common cause in this contest, and have since prosecuted the war with all the vigor in their power, and by the help of God will continue to do so until their independence is unconditionally recognized and their ancient boundaries fully and incontestably established.

In the prosecution of this purpose Col. Richard Thomas Zarvona, an officer with others under his command with the authority and by express orders from the executive of this State, planned and executed an expedition by which the steamer Saint Nicholas and other vessels belonging to the marine of the United States were captured and brought as prizes into the waters of this State. In a subsequent expedition undertaken under the same authority, and while bearing on his person a commission from the governor of this State appointing him a colonel of volunteers and with orders of a warlike character, he was arrested by the police on board the steamer Mary Washington on her trip to Baltimore and carried a prisoner to Fort McHenry; from thence he was removed and is now confined at Fort Lafayette as a felon in a dungeon, and subjected to the greatest inhumanity. That he was under these circumstances rightfully a prisoner of war is not denied, and that he might be held as such until exchanged under some cartel for the purpose I do not controvert. He had been known to be in hos-

tility to the Government of the United States, and was liable therefore to be captured wherever found. But he was not in any sense to be regarded as a felon, holding as he did the military commission of the State of Virginia and in the execution of her military and naval orders. If he was regarded in any other light than as a colonel in the service of the State then he was in the language of the Constitution of the United States entitled "to a speedy and a public trial by an impartial jury of the State and district wherein the crime [shall have] had been committed, which district [shall] should have been previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor and to have the assistance of counsel for his defense." Notwithstanding this express clause he has now been confined for eighteen months, and not one of the provisions contained in it has been attempted to be complied with.

The only cause that I have seen assigned for his incarceration was announced in a paper printed in the city of Baltimore on the 9th of July, 1861, immediately after his arrest, in which it is stated "that Mr. Richard Thomas and five or six other persons were arrested on board the steamer Mary Washington as she was coming up the bay yesterday. The charge against them we believe to be that they were concerned in the seizure of the Saint Nicholas a few days since. The party were coming up to the city as passengers when they were pointed out by two spies on board the boat, and as she reached the wharf at Fort McHenry the boat rounded to and they were delivered up to the officer in command." If his offense was the seizure of the Saint Nicholas that seizure was accomplished by a justifiable stratagem by naval and military officers of this State in company with Colonel Zarvona, and with a design to carry out a bolder and more daring military and naval enterprise the success of which would have been beyond doubt if Virginia's action had not been thwarted by circumstances beyond her control. When the Saint Nicholas was taken Colonel Zarvona was an officer appointed by and in the service of Virginia, and was in *flagrante bello* engaged in a hostile act and entitled to be considered if taken as a prisoner of war, and if taken afterward for the offense then committed he could only be so considered and so treated.

Under the cartel for the exchange of prisoners entered into between the Governments of the United States and the Confederate States all prisoners of war were to be exchanged upon certain agreed terms. Why Colonel Zarvona has not been exchanged under this agreement it is for the Government of the United States to explain. Why he has been subjected to indignities that no other prisoners have been compelled to undergo is not for me to consider. It is sufficient for the executive of this State to be apprised of the fact to induce him for the sake of humanity and for the sake of the usages of civilized nations to ask that such severity should not be practiced upon an officer in the service of this State for his obedience to orders emanating from her authority.

It is proper under all the circumstances of this case that I should inform you distinctly of the course I have taken and the policy I intend to pursue.

Independent of the forces which have been contributed by this State to the armies of the Confederate States Virginia has a force of her own operating under the command of Maj. Gen. John B. Floyd, by whom there have been captured 201 prisoners, most of whom have been brought to the city of Richmond for safe custody. From these prisoners I have taken two of the officers belonging to the Fourth Regiment

of troops under the usurped government of Virginia, to wit, Capt. Thomas Damron and Lieut. Wilson Damron, and have ordered them to be imprisoned in the penitentiary of this State and to be kept in solitary confinement, and I have further ordered that the following privates, to wit, John W. Howe, Isaac Goble and David V. Auxier, who belonged to the Thirty-ninth Kentucky Regiment, and Samuel Pack, also from Kentucky, and William S. Dils, from Ohio, both of the Fifth Regiment of troops under the usurped government, to be also kept in the penitentiary in solitary confinement, all of them there to remain until Colonel Zarvona is properly exchanged under suitable agreement or discharged and permitted to return to this city.*

* * * * * * *

Respectfully,

JOHN LETCHER,
Governor of Virginia.

OFFICE OF THE COMMISSARY-GENERAL OF PRISONERS,
Washington, January 27, 1863.

Lieut. Col. W. H. LUDLOW,
Agent for Exchange of Prisoners, Fort Monroe, Va.

COLONEL: * * * We hold at Fort Lafayette I believe Zarvona alias Mr. Thomas, who attempted to capture a steam-boat at Baltimore, who I understand is a man of note with the rebels and that they hold seven officers in close confinement as hostages for him. I don't know whether this man is for exchange, but I will inquire and let you know. * * *

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry, Commissary-General of Prisoners.

Resolution adopted by the U. S. Senate January 28, 1863.

Resolved, That the Committee on Military Affairs and the Militia be instructed to inquire for the purpose of extending such relief as the circumstances may require into the case of Mr. Thomas [Zarvona], of Maryland, now a prisoner of war at Fort Lafayette, who it is represented has been confined in a dungeon of that fortress since June last and is now hopelessly insane by reason of his sufferings.†

WASHINGTON CITY, D. C., *February 2, 1863.*

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: I have the honor to ask whether Zarvona alias Thomas, now in confinement at Fort Lafayette (taken in woman's clothes), is a subject for exchange. I have understood that the State Department of the Government does not propose to prosecute him for an offense against the civil law.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,
Maj. Gen. of Vols., Commissioner for Exchange of Prisoners.

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*Omitted portion relates to cases of prisoners held in the Albany (N. Y.) penitentiary convicted of robbing the mails.

†Introduced by Mr. Wall and unanimously adopted.

WAR DEPARTMENT, *Washington, February 10, 1863.*

Hon. HENRY WILSON,
Chairman Committee on Military Affairs, U. S. Senate.

SIR: I have the honor to transmit in answer to the resolution of the Senate of the 28th of January last the reports of the commanding officer and surgeon at Fort Lafayette, New York Harbor, in relation to the confinement, treatment, health and mental condition of Mr. Thomas, of Maryland.

I also [inclose] the report of the Adjutant-General giving the reasons for subjecting him to close confinement after the 3d of March last.

Very respectfully, sir, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

[Inclosure No. 1.]

ADJUTANT-GENERAL'S OFFICE,
Washington, February 10, 1863.

Hon. E. M. STANTON, *Secretary of War.*

SIR: In compliance with your instructions I have the honor to report that Col. Richard Thomas alias Richard Thomas Zarvona was captured on board the steamer Mary Washington near Annapolis July 7, 1861, and confined at Fort McHenry, Baltimore, Md. He was recognized as the man who headed a party which captured the steamer Saint Nicholas plying between Baltimore and the Potomac, and was indicted by the grand jury of Maryland district for this offense and for treasonable conduct.

When search was made for him on the Mary Washington he was found dressed in female apparel and concealed in a bureau in one of the state-rooms. General Dix in his report of February 20, 1862, thinks he should have been treated as a "pirate and a spy." There are four witnesses against him as to the first crime who were at Fort McHenry the last of September. The evidence of his being a spy consists in his having been taken in disguise as a female with a commission of colonel in the active volunteer forces of Virginia upon his person at the time.

In consequence of the report made in his case he has not been placed on the list of prisoners of war but is held confined at Fort Lafayette. He was placed in close confinement for trying to make arrangements to escape and while so confined did make a desperate attempt to escape by breaking away from the guard and jumping overboard on the night of April 21, 1862.

Respectfully submitted.

E. D. TOWNSEND,
Assistant Adjutant-General.

[Inclosure No. 2.]

FORT HAMILTON, *New York Harbor, February 2, 1863.*

Brig. Gen. L. THOMAS,
Adjutant-General, U. S. Army, Washington, D. C.

SIR: Inclosed herewith you will please receive papers marked 1 to 3, being communications made to General Canby about a resolution passed by Congress in regard to the health, situation and treatment of Mr. Thomas, of Baltimore, now a prisoner at Fort Lafayette.

I am, very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel Third Artillery.

[Sub-inclosure No. 1.]

FORT HAMILTON, *New York Harbor, February 2, 1863.*

Brig. Gen. E. R. S. CANBY, U. S. Army,
Washington City, D. C.

SIR: I have to acknowledge the receipt of yours of the 30th day of January, 1863, inclosing a resolution* of Congress. I have the honor herewith to forward an answer to that communication accompanied by a surgeon's certificate with regard to the health of Mr. Thomas.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel Third Artillery.

[Sub-inclosure No. 2.]

FORT LAFAYETTE, *New York Harbor, February 2, 1863.*

Col. M. BURKE, *Commanding, &c., Fort Hamilton.*

COLONEL: In obedience to the instructions this day received from you I have the honor to report the following, viz:

Richard Thomas Zarvona was committed to this fort on the 3d day of December, 1861, and was allowed the same privileges as the other prisoners until the 3d day of March, 1862, on which date he was placed in close confinement by order of the Secretary of War dated 28th day of February, 1862; after that date he was not allowed to leave his room except to go to the water closet (which is situated on the sea-wall) in charge of a member of the guard, of which privilege he took advantage on the night of the 30th day of April, 1862, and attempted to escape by jumping overboard and swimming to the Long Island shore. Since that time he has not been out of his room except to see his mother who visited him in October last by permission of the Secretary of War.

The room he is confined in is one of those intended for quarters, twenty-five feet long and fifteen feet wide, with three windows, one of which is closed because it opens upon the court where the other prisoners exercise; the others are open. The room is the same which Senator Wall (with several others) occupied while confined here. He is not allowed communication with any one except the officers of the post and non-commissioned officers of the guard.

He is permitted to supply himself through the commanding officer of the post with anything he may wish in the way of food, in addition to the regular ration which is issued to him, and clothing. He is not permitted the use of paper or books as he has taken advantage of these privileges to communicate with parties outside.

As regards his health I have the honor to transmit herewith the report of Acting Assistant Surg. W. H. Studley who is surgeon of the post.

I am, colonel, very respectfully, your obedient servant,

CHAS. O. WOOD,
First Lieutenant, Ninth Infantry, Commanding Post.

[Sub-inclosure No. 3.]

FORT LAFAYETTE, *February 2, 1863.*

Col. M. BURKE:

In obedience to your orders I have this day examined Col. Richard Thomas Zarvona, C. S. Army, and find that his health is generally good; according to his own admission that it is better than when he entered the fort.

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* See Senate resolution, p. 403.

In reference to his mental condition I find him social and rational, but somewhat eccentric in some of his ideas, and yet no more so than in thousands who may be said to be born with a certain turn of character.

Therefore in my opinion I should deem his peculiarities perfectly consistent with sanity of mind.

Respectfully, yours,

W. H. STUDLEY, M. D.,
Acting Assistant Surgeon, U. S. Army.

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HOUSE OF REPRESENTATIVES, *February 12, 1863.*

Hon. E. M. STANTON, *Secretary of War.*

SIR: About a month since I cut from the Chronicle of this city the following purporting to [be] the latest news from Richmond:

One hundred and eighteen men captured by the Virginia Line at Petersburg and at Pikeville, Ky., are confined at Richmond, and the governor has announced to President Lincoln* the terms upon which such exchange can alone be made. * * *

He also holds in solitary confinement Capt. Thomas Damron and Lieut. W. Damron, and Privates John W. Howe, Isaac Goble, David B. [V.] Auxier, Samuel Pack, and William S. Dils as hostages for Zarvona. * * *

Very respectfully,

JAMES R. MORRIS.

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HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, February 16, 1863.

Col. WILLIAM HOFFMAN, *Commissary-General of Prisoners.*

COLONEL: I shall go to City Point to-morrow to meet Mr. Ould. * * * The Secretary of War desired me to ascertain the best exchange for Zarvona. * * *

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,
Lieut. Col. and Inspector-General Seventh Army Corps,
Agent for Exchange of Prisoners.

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HOUSE OF REPRESENTATIVES,
Washington, D. C., February 27, 1863.

Hon. JUDGE-ADVOCATE-GENERAL.

SIR: The foregoing list,† names of prisoners captured in Wayne County, Va., and Lawrence County, Ky.; the first mentioned are confined in the penitentiary, held as hostages for prisoners confined by our Government. Captain Damron's letter from Richmond does not state for whom they are held, except the two first mentioned. I am acquainted with most of the persons named in the list and know that they have served as home guards and have been of great service to the Union cause in that vicinity by scouting and watching rebel cavalry and giving information to officers of the regular troops, and they probably can only be exchanged for guerrillas confined by our Government.

Very respectfully, your obedient servant,

K. V. WHALEY.

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*See p. 401, *et seq.*, for letter to Lincoln, January 2, 1863.
† Omitted. See inclosure following.

[Inclosure.]

PENITENTIARY OF VIRGINIA, *Richmond, February 5, 1863.*

Hon. G. W. DUNLAP.

SIR: Your petitioners are prisoners of war confined in the penitentiary of this city. We are held as hostages for one Colonel Thomas, who we understand is confined in Baltimore or some other place. We have been prisoners more than three months, one and a half of which has been in this loathsome place where we have suffered extremely. We were brought to this place on the 31st of December last, since which time we have been kept in close confinement. Our rooms are very small and of course not very comfortable. Our diet is the same as the convicts. We were captured by General John B. Floyd, commanding the Virginia State Line, in consequence of which we are deprived of the cartel for the exchange of prisoners between the two Governments. There are seven of us held for the release of one man. We should think our Government ought to make the exchange without hesitation. It would certainly be to their advantage to get seven men in place of one. There are four officers among us and very gallant ones, too, at that, viz, Captain Damron, of Western Virginia State Guards; Lieutenant Damron, Western Virginia State Guards; Isaac Goble, first lieutenant Thirty-ninth Regiment Kentucky Volunteers; David V. Auxier, second lieutenant Thirty-ninth Regiment Kentucky Volunteers. The privates are Samuel Pack, Virginia State Guards; William S. Dils, Lawrence County, Ohio, and John W. Howe, Johnson County, Ky. Goble and Auxier are residents of Johnson County, Ky.

We have written several letters to Secretary Stanton upon the subject but have received no reply; we therefore concluded to write to you as our representative, imploring you to aid us in our present suffering condition. The whole matter is at the discretion of our Government. Governor Letcher has long since notified our Government of his readiness to exchange us.

Capt. Thomas Damron, W. S. Dils and S. Pack request that you show this letter to Hon. Kellian V. Whaley, of Virginia, for perusal, request that he aid you in our release. Please write to my father, and Nathaniel Auxier, Johnson County, Penceville Post-Office, Ky., and acquaint him of my situation and you will greatly oblige his son David V. Auxier. Please write us as soon as possible and let us know whether we will be exchanged or not.

Very respectfully, your obedient servants,

DAVID V. AUXIER.
ISAAC GOBLE.
J. W. HOWE.
W. S. DILS.
SAMUEL PACK.
THOMAS DAMRON.
WILSON DAMRON.

FORT LAFAYETTE, *New York Harbor, March 4, 1863.*

Col. W. HOFFMAN, Third Infantry,
Commissary-General of Prisoners, Washington City.

SIR: I have the honor to acknowledge the receipt of your telegram of this date and in reply respectfully report as follows: R. T. Zarvona

days while at Fort McHenry he gave Richmond, Va., as his address. He was born in Saint Mary's County, Md. * * *

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel Third Artillery, Commanding Post.

OFFICE OF COMMISSARY-GENERAL OF PRISONERS,
Washington, March 6, 1863.

Lieut. Col. W. H. LUDLOW,
Agent for Exchange of Prisoners, Fort Monroe, Va.

COLONEL: Fearing that my letter of the 28th ultimo addressed to —— may not reach you I inclose a copy herewith. Since its date I have consulted the Secretary of War in relation to Zarvona and he declines to authorize his exchange. * * *

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

[Extract from inclosure.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, February 28, 1863.

Lieut. Col. W. H. LUDLOW,
Agent for Exchange of Prisoners, New York City.

COLONEL: Your letter of the 25th instant is received. * * * I will consult the Secretary of War in relation to the exchange of Zarvona and if approved will have him accompany the other prisoners. * * *

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

JUDGE-ADVOCATE-GENERAL'S OFFICE, *March 12, 1863.*

WILLIAM PRICE, Esq., *U. S. Attorney.*

DEAR SIR: Your telegram in relation to the criminal proceedings pending against Thomas has been received. My purpose in addressing you on the subject was this: At the time of Thomas' arrest six persons supposed to have knowledge of the crimes he had committed were also arrested and placed in confinement at Fort McHenry as witnesses on behalf of the Government. One of these has escaped; another was released by order of Major-General Dix, while the remaining four are still continued in confinement. They have thus been deprived of their liberty for about twenty months and have had no allowance made them beyond the daily rations which they have consumed. Their families as is represented to me are without the means of support, and one of them at least has suffered for want of the necessaries of life, and one of the children it is alleged has actually died from the inability of her mother to procure medicines and proper medical attention. This strikes me as a case of extreme hardship and altogether without precedent. Under these circumstances as there seems to be no probability of the early trial of Thomas I would ask your opinion as to whether the purposes of public justice will not be fully subserved by an immediate discharge of these men on their personal recognizance to appear and testify in the case at the next term of the court in which the indictment is pending. If you are not already in possession of their names they can be obtained from General Schenck's office, and you could easily learn from the persons themselves the nature of the testimony they are able to give.

Should not Thomas have been indicted for piracy also? In the divided condition of public sentiment a conviction for treason no matter how clearly the crime may be proved is extremely difficult. The same prejudice might not be encountered in a prosecution for piracy, of which if the facts have been correctly reported to me the prisoner is undoubtedly guilty.

Very respectfully, your obedient servant,

J. HOLT,
Judge-Advocate-General.

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JUDGE-ADVOCATE GENERAL'S OFFICE, *March 18, 1863.*

SECRETARY OF WAR:

Charles Wilson and three others committed as witnesses against one Col. Thomas Zarvona, charged with having committed piracy, have been in confinement at Fort McHenry since July, 1861. There were originally six of them, but one was released by General Dix and one escaped. The remaining four have been imprisoned for about twenty months without any pay or allowance except their daily rations. One of them, Charles Wilson, states that he has a wife and children in New York without support from any one, suffering all the miseries of poverty; so much so that one of his children perished the last winter for want of medical aid. In the meanwhile Thomas Zarvona, though long since indicted and still confined, has not been tried. The cause of this delay is stated to be the continued ill health of Chief Justice Taney, and in consequence there seems to be no prospect of an early trial of the case.

The imprisonment of a witness for so long a period of time and under such circumstances is without a precedent and should not be long permitted. I therefore recommend, as has been done by Brigadier-General Morris, that these four persons be at once discharged on their giving their personal recognizance to appear and testify against Thomas Zarvona when summoned on behalf of the United States to do so. I would further urge as an act of simple justice that these men be paid a reasonable compensation for the time which they have lost by the confinement to which they have been subjected. No allowance can be made by the court, as has been determined, because they have never been formally summoned, and could not be, because held in military custody, and like Thomas Zarvona himself beyond the reach of civil process. The position in which they have been placed and held they have been forced to occupy by action of the War Department and to it they must look for a fair remuneration for the time they have lost. The U. S. attorney at Baltimore should be instructed to have a subpœna issued for these witnesses and served before their discharge which will render formal and obligatory the recognizance which it is proposed they shall then execute.

J. HOLT,
Judge-Advocate-General.

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FORT LAFAYETTE, *New York Harbor, March 19, 1863.*

Brig. Gen. L. THOMAS,
Adjutant-General, U. S. Army, Washington City.

SIR: I have to report that Colonel Zarvona (the French lady), now in close confinement at this post, wishes to give the following parole,

viz: That he will not escape from the fort or hold communication with any one except through the authorities of the post and that there shall be no secret meaning to any communication so held. He wishes to give this that he may be released from close confinement and allowed the privileges of exercise in the parade of the post. I would respectfully recommend that his request be granted.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel Third Artillery, Commanding Post.

—

FORT LAFAYETTE, *New York Harbor, March 24, 1863.*

Brig. Gen. L. THOMAS,
Adjutant-General, U. S. Army, Washington, D. C.

SIR: I wrote you some days since in regard to a parole for R. T. Zarvona (the French lady). He now desires me to say that if released he will leave the country and give his parole of honor not to return to the United States or the Confederate States during the war, and that he will not take part in the rebellion. He says he will do this because his health is destroyed by the confinement he has undergone.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel Third Artillery, Commanding Post.

—

HEADQUARTERS SEVENTH ARMY CORPS,
Fort Monroe, Va., April 11, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners.

COLONEL: * * * The Secretary of War has authorized me to exchange Zarvona. Please send him with the other officers. * * *

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,
Lieutenant-Colonel and Agent for Exchange of Prisoners.

—

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, April 11, 1863.

Lieut. Col. MARTIN BURKE,
Commanding Fort Hamilton, New York Harbor.

COLONEL: By direction of the Secretary of War you will forward without delay the prisoners of war named on the accompanying list. * * * You will also forward to Fort Delaware at the same time Thomas alias R. T. Zarvona. * * *

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

—

HEADQUARTERS DISTRICT OF EASTERN KENTUCKY,
Louisa, Ky., May 11, 1863.

Colonel HOFFMAN, *Commissary-General of Prisoners.*

COLONEL: I have the honor to inquire whether the following-named persons who were understood to be held in close confinement at Richmond as hostages for Colonel Zarvona alias Thomas have been released, viz: Capt. Thomas Damron, West Virginia Home Guards; Lieut. Wilson Damron, West Virginia Home Guards; Lieut. Isaac Goble, Thirty-ninth

Kentucky Volunteers; Lieut. David V. Auxier, Thirty-ninth Kentucky Volunteers; Privates J. W. Howe, Thirty-ninth Kentucky Volunteers; William S. Dils, Thirty-ninth Kentucky Volunteers; Samuel Pack, Thirty-ninth Kentucky Volunteers.

Very respectfully, your obedient servant,

JULIUS WHITE,
Brigadier-General, Commanding District.

[First indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
May 21, 1863.

Respectfully referred to Lieutenant-Colonel Ludlow, agent for exchange of prisoners.

I am unable to find anything on the records to show whether the within named have been delivered or not.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

[Second indorsement.]

FORT MONROE, *May 26, 1863.*

The officers and men within named have been released and declared exchanged.

WM. H. LUDLOW,
Lieutenant-Colonel and Agent for Exchange of Prisoners.

CONFEDERATE CORRESPONDENCE, ETC.

RICHMOND, *July 25, 1861.*

[Governor JOHN LETCHER.]

SIR: I was requested before leaving Baltimore on the 17th instant by John L. Thomas, esq., counsel of Col. Richard Thomas Zarvona, to make to you the following statement of the treatment he has received of the Federal officers since his capture and confinement in Fort McHenry:

He with six others is confined in a dungeon having no ventilation except through the door, and from 7 p. m. to 7 a. m. is locked up in a cell opening from the same dungeon. The only aperture to this cell by which light and air are admitted is a square of rather less than a foot in the door covered with zinc through which small holes are punched. His commission was taken from him at the time of his seizure. He declined to accept the privilege of the fort on his parole saying he desired to have a precedent established by the Federal authorities of the treatment of officers of his rank. On being remonstrated with for the unnecessary strictness of his confinement Major Morris, commandant, styled him a pirate and thought the treatment better than he deserved. His meals are served from the officers' mess.

Very respectfully,

W. C. HALL.

FORT LAFAYETTE, U. S. A., *December 7, 1861.*

Hon. Mr. BENJAMIN, *Secretary of War, C. S. A., Richmond, Va.*

SIR: I am compelled by the state of my health to call your special attention to my case. For about five months I have been in close confinement and recently with winter fast approaching have been transferred to this fort. My health for some years past delicate is failing

and unless some arrangements can be made to effect my early exchange I have great cause for serious apprehensions. I was arrested while on special duty, and there is no reason why I should be treated in any way different from a prisoner of war. My services to my Government are well known and I think might reasonably entitle me to an early exchange. His excellency Governor Letcher is acquainted with the circumstances of my case and I take the liberty of referring to him as to the justice of my claims for some special effort in my behalf. I desire that my name be placed among the first on the list of prisoners to be exchanged and that I shall have the full benefit of the long time I have been already a prisoner.

I am, with great respect, your very obedient servant, the colonel,

ZARVONA.

—

FORT LAFAYETTE, U. S. A., *December 7, 1861.*

His Excellency Governor LETCHER.

DEAR SIR: I have been transferred to this fort as you may possibly have heard. My health is seriously affected and the prospect of passing the winter in this climate far from satisfactory. I have this day addressed a communication to Mr. Secretary Benjamin requesting that my name should be placed in the list of prisoners to be exchanged, and that some special effort should be made in my behalf. You know how far I am entitled to this consideration, and I would respectfully request you to see the President and the Secretary of War and endeavor to have something done for me.

With regards to my friends, I am, with just respect, yours, truly, the colonel,

ZARVONA.

—

CAMP MARYLAND,
Near Winchester, Va., November 18, 1862.

Lieut. Gen. T. J. JACKSON,
Commanding Second Corps, Army of Northern Virginia.

SIR: I have the honor to request for my brother, Sergt. J. William Thomas, Company A, First Maryland Battalion, such assignment to special duty or leave of absence as will enable him to visit Richmond for the purpose of seeing Mr. Davis relative to the case of our brother, Colonel Zarvona, now for more than sixteen months an inmate of a Northern prison, and subject to more of maltreatment and cruel hardship than one could deem possible as coming from a people claiming Christianity and civilization did not testimony not to be doubted proclaim it.

It may be proper for me to mention that I have seen Mr. Davis several times upon the subject but have never been able to get anything more satisfactory than a formal demand on the part of our agents under the cartel for the exchange of prisoners for the release of my brother. This demand was made about the latter part of August last. I immediately notified my friends in Maryland of the fact, requesting them to bring what influence they could to bear upon the Government at Washington. They were told through the present representative of my district in the Federal Congress (Charles B. Calvert) that "the Government had decided not to release Colonel Zarvona." I have within the past few days received letters from home giving in part an account of a visit my mother was permitted to pay her son after so long a time of painful separation. I

beg to inclose you an extract from the same. I think, sir, you will feel that this matter appeals most strongly to our Government for prompt action. My brother and I both think that the presence of one or the other of us might be of avail in Richmond toward such action. I trust you will find it agreeable to your sense of duty to grant this request and I will further ask that you furnish my brother with such letters as will tend to facilitate his efforts in Richmond.

I hope I do not ask too much for I speak to you not only as to my commanding officer but as to one of influence who can do much toward relieving the unmerited sufferings of a noble-hearted man who risked very much for the cause in which we are now enlisted, and who is now and has been for a long time treated as a common felon for doing what his country applauded.

I have the honor to be, with great respect, sir, your obedient servant,

GEO. THOMAS,
First Lieut. and Acting Adjutant First Maryland Battalion.

[Inclosure.]

Your mother obtained last week a permit to visit Cousin Dick. They would allow no one else to see him. * * * When she got to Fort Lafayette she was taken to Wood's (the commander) office. * * * When he came in she did not recognize him at first he was so changed. He looked so tall and was very thin and emaciated and had hardly strength to speak. His hand which you know was short and plump is now long and bony. He held her hand all the time. She asked him how he was. He said he was as well as could be expected shut up without light or air, his cell partly under water, with a place about the size of a dollar to admit the light; on cloudy days he could not see to walk about his room. * * * Aunt Jane has been sending him money all the time and he would never have known it if she had not seen him. At the end of half an hour she was told that the time was out; she asked if she could not stay longer. They said no, and he was marched off to his dark and gloomy cell. Aunt Jane says if he is kept there two months longer he cannot stand it; it must kill him. * * * It is your mother's request that I write you. She is too sick to write herself. She has been sick ever since her return. * * *

SENATE CHAMBER, *Richmond, Va., March 12, 1863.*

Hon. JAMES A. SEDDON.

SIR: The Committee on Confederate Relations of this body would feel obliged (if convenient to yourself) that you would respond to the inquiry whether in the event of the transfer of prisoners held by the State authorities to the Confederate Government a sufficient number of officers will be held as hostages for the release of Colonel Zarvona, Captain Duskey and Lieutenant Varner. An early reply will oblige the committee.

Respectfully, &c.,

A. D. DICKINSON,
Chairman of Committee.

[Indorsement.]

No officers set apart as hostages for Colonel Z. as I had supposed. We suggest that officers be selected, set apart by State government, before turning over prisoners to Confederate Government. This course would relieve the subject of difficulty.

J. A. SEDDON.

WAR DEPARTMENT, C. S. A., *Richmond, March 13, 1863.*

A. D. DICKINSON, Esq., *Chairman, &c., Virginia Senate.*

SIR: In reply to your letter of the 12th instant I have the honor to say that on inquiry I learn from Mr. Ould, commissioner of exchange, that no officers have been set apart as hostages for Colonel Zarvona as I had supposed. I would suggest that officers be selected by the State authorities as hostages for Colonel Zarvona, Captain Duskey and Lieutenant Varner before the prisoners are turned over to the Confederate Government. This course would relieve the Department of considerable difficulty, as the persons selected would come into our possession with the liability attached to them by the State government.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

—

WAR DEPARTMENT, C. S. A., *Richmond, May 2, 1863.*

Hon. JAMES A. SEDDON, *Secretary of War.*

SIR: I respectfully recommend that of the Federal officers now held by us a sufficient number be set aside to retaliate for the unjust detention of the following-named persons, all of whom have been in prison for more than six months and all of whom are already declared exchanged by the Federal agent of exchange, to wit: * * * Colonel Zarvona (Thomas), Fort Delaware. * * *

Respectfully, your obedient servant,

ROBERT OULD,
Agent of Exchange.

—

EXECUTIVE DEPARTMENT, *Richmond, May 16, 1863.*

ROBERT OULD, Esq., *Agent for Exchange of Prisoners.*

SIR: Your letter to the governor* dated the 13th instant has been received at this department, and in the absence of the governor I have the honor to state that on the 6th instant the governor transmitted to the superintendent of the penitentiary the following paper:

MAY 6, 1863.

Hostages for Colonel Zarvona: Capt. Thomas Damron, Lieut. Wilson Damron, Lieut. David V. Auxier, Lieut. Isaac Goble, Privates Samuel Pack, William S. Dils, J. W. Howe. Colonel Bass will at once release the prisoners named herein and hand them over to the Confederate authorities for exchange for Zarvona.

JOHN LETCHER.

Upon this paper is indorsed the following:

C. S. MILITARY PRISON, *Richmond, Va., May —, 1863.*

Will Colonel Bass please deliver to bearer, Sergeant Hite, the within-named prisoners?

Respectfully,

T. P. TURNER,
Captain, Commanding.

Upon the same paper is the following:

MAY —, 1863.

Received the within-mentioned prisoners.

T. P. TURNER,
Captain, Commanding.

*Not found.

The superintendent of the penitentiary, Colonel Bass, informs me that the prisoners were delivered according to the copy of the foregoing receipt. He states that the men all answered to their names in the order in which they stand on the preceding list. The only discrepancy being that the man who is designated by you as William G. Dils answered to his name as William S. Dils. These papers show that the prisoners were turned over by order of the governor to the Confederate authorities to be exchanged. I presume therefore the exchange has been made, or if not that Captain Turner can give the necessary explanation.

Very respectfully,

GEORGE W. MUNFORD,
Secretary of the Commonwealth.

[First indorsement.]

OFFICE EXCHANGE OF PRISONERS,
Richmond, Va., May 16, 1863.

Respectfully referred to Capt. Thomas P. Turner, commanding Libby Prison.

ROBERT OULD,
Agent of Exchange.

[Second indorsement.]

C. S. MILITARY PRISON, *May 17, 1863.*

The within-mentioned officers were paroled May 5, 1863. The men mentioned within as privates gave in their names as citizens when they were received at this prison. They were paroled and sent home by flag of truce May 15, 1863, as citizen prisoners. They were captured in Floyd County, Ky., December 4, 1862.

THOS. P. TURNER,
Captain, Commanding.

[Third indorsement.]

OFFICE EXCHANGE OF PRISONERS,
Richmond, Va., May 18, 1863.

Respectfully referred to Lieut. Col. William H. Ludlow, agent of exchange.

ROBERT OULD,
Agent of Exchange.

Case of Purcell M. Quillen.

Purcell M. Quillen was arrested in Washington by order of General Scott and forwarded to Fort Lafayette where he was committed July 22, 1861. He was charged with being a rebel spy and coming North from his home in Charleston, S. C., for the purpose of purchasing military equipments and engaging workmen to go South to manufacture knapsacks. Quillen confessed to a Government employé while en route to New York that he served for three months in the Confederate Army and participated in the bombardment of Fort Sumter, but claimed that he was pressed into the service by the vigilance committee of Charleston, and although a British subject was informed by Mr. Bunch, the British consul, that he must obey the committee. He was released August 7, 1861, by order of General Scott on the ground that he was a British subject.—*From Record Book, State Department, "Arrests for Disloyalty."*

OFFICE UNION DEFENSE COMMITTEE
OF THE CITIZENS OF NEW YORK,
New York, June 17, 1861.

Hon. SIMON CAMERON, *Secretary of War, Washington, D. C.*

DEAR SIR: Lord Lyons upon a letter of recommendation from Mr. Bunch, consul at Charleston, S. C. (or perhaps a pass or passport from him), has given a pass to a young man by the name of Quillen, who resides at Charleston, S. C., and is in the employ of Lambert & Howell, of that city. Mr. Quillen is here endeavoring to get a supply of military equipments to send to the South and has made arrangements with several men to go South and manufacture knapsacks, &c. There are he says many men sent here in this way under the passport of Mr. Bunch and with the indorsement of Lord Lyons. I presume they have deceived the representatives of Great Britain but it can do no harm to let them know of this abuse of their complaisance.

Your obedient servant,

S. DRAPER.

—

DEPARTMENT OF STATE, *Washington, June 18, 1861.*

SIMEON DRAPER, Esq., *New York:*

No passport is a protection for treason. If you have reliable evidence of facts arrest Quillen, passport or no passport. Hereafter no diplomatic or consular passport will be good unless countersigned by me.

WILLIAM H. SEWARD.

—

[JUNE —, 1861.]

Mr. MONSON, *British Legation.*

DEAR SIR: I called at the State Department (by request) at 2.30 o'clock to get my passport signed. Instead I have been arrested and lodged in this d—d jail. If you would see to my case you would much oblige,

Very respectfully, yours, &c.,

P. M. QUILLEN.

—

WASHINGTON, D. C., *June 26, 1861.*

Gen. J. K. F. MANSFIELD,
Commanding Department of Washington.

GENERAL: The inclosed are all the papers* found upon the person or among the baggage of Mr. Quillen, arrested by me on your order and lodged in jail.

Very respectfully, your obedient servant,

S. H. STARR,
Captain Second Dragoons.

He was arrested at the State Department.

—

DEPARTMENT OF STATE, *Washington, June 28, 1861.*

SIMEON DRAPER, *New York:*

Send hither at once any witnesses to the facts in regard to Quillen spoken of in your note to Mr. Cameron of the 17th. He was alleged to be buying equipments and hiring men to make them for Confederate troops.

WILLIAM H. SEWARD.

* The only paper inclosed is a slip with the address: "Myer Phineas, from New York."

DISTRICT OF COLUMBIA, *Washington County, ss:*

Be it known that on this 28th day of June, A. D. 1861, before the undersigned, a notary public in and for said county, personally appeared Purcell M. Quillen and makes oath in due form of law that he has not been engaged in any contraband business and that he has not done anything hostile to the Government of the United States; that he will not hereafter in any way by act or word do anything hostile to the Government of the United States.

P. M. QUILLEN.

Subscribed and sworn before me.

N. CALLAN,
Notary Public.

—

[WASHINGTON, *June 29, 1861.*]

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: In obedience to your request I have taken the statement of Purcell M. Quillen in relation to himself and the circumstances connected with his arrest on the suspicion of his being a spy. The foregoing [following] statement is the account which he gives of himself.

Very respectfully, your obedient servant,

J. H. GODDARD,
Justice of the Peace.

[Inclosure.]

WASHINGTON COUNTY JAIL,
Washington City, June 29, 1861.

Minutes of a preliminary examination of Purcell M. Quillen, arrested on suspicion of being a spy, had before Capt. John H. Goddard, justice of the peace:

I was born in Ireland. Am not naturalized. Am twenty-four years of age; about fourteen years in America. Am employed in the carpet trade at Charleston in the house of Lambert & Howell. Received my passport from the British consul, Mr. Bunch, at Charleston, about four weeks ago. Am not married. Have been at New York City. Had a letter with me from Mr. Bunch to Lord Lyons to facilitate my progress or to help me along. Did not present that letter until I returned here yesterday. Came here Thursday night; left New York Wednesday evening; did not stop any time in Baltimore; have some relatives there and dined with them; have lived there; have lived in New York previous to my living in Charleston; have lived in Charleston about eleven months; have been engaged with the above house since I went to Charleston. In visiting New York my object was merely to visit my friends. I thought that perhaps the present troubles might be soon settled and I found I could do but little at Charleston. I still hold my situation at Charleston if I should return. I expected to get a commission in the U. S. Army through the influence of Mr. Hosea Perkins, who is acquainted with Hon. Dan. Sickles, but I got no satisfaction in that way and I determined to return to Charleston. I did not represent myself to the British consul as a married man. In speaking of my family I meant my friends. I sign my name Quillen; my brother signs his McQuillen. I have one brother in the Eighth New York Regiment. I received a package of letters (shown) from Mr. Monson, secretary of legation (British) here. In order to deliver it with another letter to Mr. Bunch, consul at Charleston, I was directed at the legation to get my

passport countersigned by the Secretary of State and was desired to make an affidavit which I did and to my astonishment found myself arrested. I never made any arrangement with any parties in New York to go South to manufacture knapsacks—never. I never made arrangements to get military equipments for the South while in New York. I have never stated while in New York that several men had been sent to New York under the passports of Mr. Bunch indorsed by Lord Lyons. I know one young man—yes I know three young Englishmen who had got passes in Richmond from Governor Letcher and a letter from the vice-consul at Richmond. I met them at Strasburg and again at Harper's Ferry on my way from Charleston. I did not come through Washington on my way from Charleston; I came through Harper's Ferry. I took the railroad from Manassas Junction to Strasburg. I did not go through the Gap. I stayed about three weeks in New York. I did nothing particular there. I had no goods to attend to there. I lived at the house No. 87 Spring street, corner of Broadway. I was acquainted with a Mr. Moore, No. 99 Bowery, clerk with Hiram Anderson; also George Reed, of the same place; also Michael or M. Noonan, nearly opposite The Herald, a bookseller. I have also been in at Julian Bros.' carpet warehouse, corner of Broadway and Canal street; they are an importing house. The memoranda in the pocket-book were made in the store at Charleston. What I have stated in the foregoing is all true. I was sick in New York for a little time. I did not state to any one that I had a stock of goods in New York. I thought when I went on that we might order our spring goods, but I found that nothing in the way of trade could be done and I thought it was better to return to Charleston where I could get something to do as I had nothing to do in New York and there was money owing to me in Charleston. I have not stated that I had a stock of goods or that I expected a stock of goods in New York and that I wanted to get them into the South to avoid paying duties, &c. I never stated that I am aware of that I had any goods to attend to or look after there. My object now is to get back to Charleston the readiest way I can go and the least expensive. I did not state that I was in business on my own account in Charleston. I did not state that I desired to get back to Charleston in order to attend to the settling up of the business of my own store or to see after my goods but I stated that I wanted to get back there to get my business settled up.

Question. Did you not state that your object in coming North was to attend to the disposition of some goods which you expected to arrive from Europe and to see if it would pay to take them to the South; or on the other hand to dispose of them in New York and thus save extra expense, freight, commission, &c., which would be incurred by taking them to the South?—Answer. I did not state that but something similar to it. I did not state that I was sick in Baltimore a considerable time with my friends but I stated that I was sick in New York. I did state that business was the entire cause of my detention. I did not state that I had two brothers in the Eighth New York Regiment. The whole of this trouble has originated with one man in New York by the name of Jefferies, No. 99 Bowery, in Hiram Anderson's carpet store. His reason for persecuting me is that he applied to the parties in Charleston who now employ me for the situation and did not get it which caused his malicious feeling toward me as I believe. He reported me to Mr. Kennedy, chief of police in New York, the night I arrived as a secessionist. My brother's name in the Eighth Regiment is Thomas McQuillen, Eighth New York City Regiment, stationed at Arlington

Heights; C. McDonald, in same regiment, Engineer Corps, also has known me the last six or seven years; Thomas R. Turnbull, sergeant of engineers, same regiment, also knows me; N. P. Fitzpatrick, of same regiment, also; Hugh S. Powers, of Ellsworth Zouaves, also knows me; Charles Lambert, of Morristown, N. J., is principal partner in the house I am in at Charleston.

—

NEW YORK, *June 29, 1861.*

W. H. SEWARD, *Secretary of State:*

The witnesses must be examined here. They are so situated that they peril much in what they may be called to do. They have learned all they know from the young man himself and there is no doubt of his complicity with the Montgomery Government. There is no doubt but he can tell you of direct acts of the British consul or his deputy at Richmond aiding and abetting by the use of British dispatch agent and messenger. The names of the witnesses will be furnished to any person on a demand being made for them.

S. DRAPER.

—

NEW YORK, *June 29, 1861.*

W. H. SEWARD:

Witness will be in Washington and report himself to you on Monday morning.

S. DRAPER.

—

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION,
New York, July 1, 1861.

Hon. W. H. SEWARD, *Secretary of State.*

SIR: I inclose a note received from the witness in the case of Mr. Quillen. If you have the power to take him to Washington you will be forced to exercise it. His brother and also Hiram Anderson, a well-known carpet dealer in the city, can furnish the necessary information.

Your obedient servant,

S. DRAPER.

[Inclosure.]

NEW YORK, *July 1, 1861.*

SIMEON DRAPER, Esq.

DEAR SIR: My partner having gone to the country with his family on Saturday leaving important business matters for me to attend to to-day it was impossible for me to go on to Washington. When, as a patriotic merchant, I gave you a hint as to how easily men from the South got passes it was understood between us that I should not be mixed up in the matter any further, and as you know all I could communicate I should prefer not going on.

I am, dear sir, respectfully, yours,

HENRY G. JULIAN.

—

DEPARTMENT OF STATE, *Washington, July 2, 1861.*

E. DELAFIELD SMITH,
U. S. Attorney for the Southern District of New York.

SIR: A few days since Purcell M. Quillen, a British subject, having presented here to be countersigned the inclosed passport* from Mr.

* Not found. See *ante* for the other inclosures referred to.

Bunch, the British consul at Charleston, was arrested at my instance by military authority and committed for examination. This step was occasioned by a note of the 17th ultimo addressed to Mr. Cameron, the Secretary of War, by Simeon Draper, esq., chairman of the Union Defense Committee of New York, a copy of which is also inclosed. I then caused an examination of Quillen to be made by Captain Goddard, the chief of the police here, a copy of which is also herewith transmitted.

Mr. Draper having been asked to send hither witnesses with a view to further proceedings against Quillen has replied that they could not leave New York, and as the offense of the prisoner appears to have been committed in that city it is deemed advisable to transfer him thither. I have accordingly directed him to be transferred and placed in the custody of the marshal of the United States. It is desirable that he should be further examined at New York and if the result of the examination should justify it that he should be held for trial. Mr. Forrest, a clerk in this Department, to whom Quillen applied to have his passport countersigned and who questioned him as to his object, takes this letter and his deposition in the matter may be important. If the proof against Quillen should not warrant his detention for trial the memorandum book found upon him with the passport which he presented to be countersigned both may be returned.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington. July 2, 1861.*

Brig. Gen. JOSEPH K. F. MANSFIELD, *Washington.*

GENERAL: Difficulty having been experienced in obtaining such witnesses from New York as would be necessary for further proceedings against Purcell M. Quillen it is deemed advisable that he should be transferred to that city and delivered to Robert Murray, esq., marshal of the United States there. I will thank you to cause him to be transferred accordingly. This Department will defray any expense which the transfer may occasion.

I am, general, your obedient servant,

WILLIAM H. SEWARD.

P. S.—Mr. John A. Kennedy, superintendent of police, who is now here will receive Quillen and transfer him to the marshal.

—

DEPARTMENT OF STATE, *Washington, July 2, 1861.*

ROBERT MURRAY, Esq.,

U. S. Marshal for the Southern District of New York.

SIR: Herewith you will receive Purcell M. Quillen whom you will detain as a prisoner to await the order of the attorney of the United States for your district.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

—

NEW YORK, *July 4, 1861.*

WILLIAM HUNTER, Esq., *Department of State, Washington.*

DEAR SIR: We arrived here early this morning and as soon as possible I reported myself to the U. S. marshal and also endeavored to see

the district attorney, but he has left the city for the day. Mr. Draper is also absent. It will therefore be impossible to have Quillen's examination before to-morrow.

Whatever may be the result of this case I am more than ever convinced that he is either a spy or an agent of the rebels—perhaps both, and it seems to me it would be highly improper to permit him to go at large or at all events to communicate with the South. I have thought it proper to communicate to the Department what seems to be important admissions made by him since we left Washington not only as showing his own guilt but as impeaching the good faith of the British consul at Charleston, Mr. Bunch. He has stated to me that some time previous to the attack on Fort Sumter he was notified by the vigilance committee at Charleston to join the Confederate forces forthwith. He at once consulted the consul as to his being compelled to do so and Mr. Bunch advised him—indeed said that he must do as the committee had ordered and he accordingly he says took up arms against the United States, and was so engaged for a period of three months and three weeks and participating in the bombardment of Sumter. I asked him if he was not aware that the consul had the power to save him as a subject of Great Britain from this impressment. He replied that the consul had stated that he had not; that Lord Lyons had given him positive instructions on this point to the effect that British subjects having resided six months in the State of South Carolina were presumed to be citizens or intending to become so and were therefore liable to be compelled to perform military duty. So that the consul instead of discouraging him from engaging in hostile demonstration against the United States rather encouraged him to do so.

I have thought it proper to let the Department know these facts as early as possible. If you should desire to communicate with me to-morrow be pleased to direct to care of the U. S. marshal. I shall leave New York as soon as this case is disposed of—perhaps to-morrow night or Saturday morning.

In great haste, I remain, dear sir, faithfully, yours,

THOMAS L. FORREST.

Quillen states that he knows of several cases where the consul advised British subjects to comply with the demands of the vigilance committee.

—

DEPARTMENT OF STATE, *Washington, July 10, 1861.*

Lieut. Gen. WINFIELD SCOTT, *Washington.*

GENERAL: I have the honor to inform you that Purcell M. Quillen, a British subject, offered to be countersigned some days since a passport from Mr. Bunch, the consul of his country at Charleston, in order that he might return thither. The conduct of the man being somewhat strange, leading to suspicion of his disloyalty, I caused him to be arrested and examined. The examination tended to confirm this suspicion, but as the principal witnesses in the case were at New York he was transferred thither for further examination. A copy of the deposition of Henry George Julian and Hiram Anderson at New York is herewith inclosed.* My impression is that it would not only be unadvisable to allow Quillen to return to Charleston but that for the present at least he should be detained in custody. I will consequently

*Not found.

thank you to order him into confinement at Fort Hamilton, New York Harbor, or some other U. S. fort. He is now in the Tombs at New York but I have directed the marshal of the United States to deliver him to your order.

I have the honor to be, general, your obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, July 10, 1861.*

ROBERT MURRAY, Esq., *U. S. Marshal, New York.*

SIR: I have requested Lieutenant-General Scott to transfer Purcell M. Quillen now confined in the Tombs at New York to Fort Hamilton. You will consequently deliver him for that purpose on application of the proper officer.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

—

HEADQUARTERS OF THE ARMY,
Washington, July 11, 1861.

Col. C. F. SMITH, U. S. Army,
Commanding Fort Columbus, New York.

SIR: The Secretary of State having requested that Purcell M. Quillen, a British subject, who is now confined in the Tombs in New York City as a political offender, may be detained in custody for the present by military authority the General-in-Chief accordingly directs that you receive him from the U. S. marshal, who is instructed to deliver him on this order, and confine him to a room at Fort Columbus under a guard until further orders.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

—

HEADQUARTERS OF THE ARMY,
Washington, July 20, 1861.

Col. C. F. SMITH, U. S. Army,
Commanding Fort Columbus, New York.

SIR: The General-in-Chief directs that Purcell M. Quillen and Edward Seymour Ruggles, prisoners for political offenses, be sent to Fort Lafayette and reported to Lieut. Col. Martin Burke.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

—

OFFICE OF THE U. S. DISTRICT ATTORNEY,
New York, July 23, 1861.

Hon. WILLIAM H. SEWARD.

DEAR SIR: A writ of habeas corpus in the case of Purcell M. Quillen has just been granted directed to the military officer in charge at Governor's Island, returnable on Thursday at 12. Judge Shipman who granted the writ did so very reluctantly, and I say to you in confidence that rebellion and treason will obtain no aid and comfort from

* Not found.

his action, judicial or otherwise. Courts and judges, however, cannot alter or suspend the law, and it has occurred to me that Quillen may not be of sufficient consequence to render worth while any stand by us in the matter. If you think proper please telegraph me. I will postpone action till you telegraph or write.

With great respect, gratefully and truly, yours,

E. DELAFIELD SMITH.

P. S.—I should add that if the military officer refuses to produce Quillen I believe Judge Shipman will assume the responsibility and decline to grant an attachment or order to show cause.

Respectfully,

E. D. S.

[Indorsement.]

Perhaps it will be well for General Scott to give instructions to the commandant to obey no writ.

WILLIAM H. SEWARD.

FORT COLUMBUS, N. Y., *July 24, 1861.*

Col. E. D. TOWNSEND,
Assistant Adjutant-General, U. S. Army, Washington, D. C.

SIR: I understand that writs of habeas corpus will probably be served upon me in the cases of Purcell M. Quillen * * * detained by me under the order of General Scott. It seems to me proper to ask instructions as to the course which it will be best for me to pursue in the event of the service of such writs.

Very respectfully, your obedient servant,

MARTIN BURKE,
Brevet Lieutenant-Colonel, Commanding.

HEADQUARTERS OF THE ARMY,
Washington, July 24, 1861.

Col. D. D. TOMPKINS,
Quartermaster's Department, No. 6 State Street, New York:

Send orders immediately to commanding officers of Forts Hamilton and Lafayette to return to writ in case of Purcell M. Quillen that he begs leave to decline obeying the writ at this time.

WINFIELD SCOTT.

HEADQUARTERS OF THE ARMY,
Washington, July 29, 1861.

Lieut. Col. MARTIN BURKE, U. S. Army,
Fort Hamilton, New York Harbor.

SIR: Your letter of the 24th instant has been received. Orders were sent you the 24th instant in case a writ of habeas corpus was served on you in the matter of Purcell M. Quillen to return upon it that you beg leave to decline obeying the writ at this time. * * *

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

[No date.]

E. DELAFIELD SMITH,
Willard's Hotel, Washington, D. C.:

Quillen case following return made: I beg leave to decline obeying this writ at this time. Betts ordered adjournment to Wednesday for amended return. He wants the officer to state by whose authority he declines. Advise me.

STEWART L. WOODFORD.

WASHINGTON, *August 5, 1861.*

Hon. WILLIAM H. SEWARD.

MY DEAR SIR: Of the two prisoners at New York about whose liberation we spoke confidentially last night one is Quillen, with whose case you are well acquainted. * * * I do not, however, in this private and confidential note enter into the merits of either case because your view was that it would be expedient rather to exercise your discretionary power in favor of these two countrymen of mine than to discuss legal or other questions. In the same spirit in which we spoke of the subject last night I venture to say that I should be very glad to have the means as soon as possible of anticipating any sensation which the cases might make on the other side of the Atlantic.

Believe me to be, my dear sir, yours, sincerely,

LYONS.

HEADQUARTERS OF THE ARMY,
Washington, August 5, 1861.

Lieut. Col. MARTIN BURKE, U. S. Army,
Commanding, &c., Fort Hamilton, N. Y.

SIR: It is deemed advisable by higher authority that Purcell M. Quillen, confined as a political prisoner in Fort Lafayette, should be at once quietly released. The General-in-Chief accordingly directs you to release him. * * *

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

Case of Austin E. Smith.

On the 2d day of August, 1861, Austin E. Smith, late navy agent at San Francisco, was arrested at New York by the marshal of the southern district of New York charged with being a defaulter to the Government and having the books and papers of the naval agency in his possession and with being a secessionist and rebel, and was on the 3d day of August by order of the Department of State committed to military custody at Fort Lafayette as a political prisoner. Many persons charged Smith with disloyal and rebellious sentiments and purposes, alleging that he was a rabid and fiery rebel and that he had openly declared on board ship that had he had in his possession any considerable amount of Government funds he would have retained it for the use of the army South. He was twice tendered his release from confinement on condition of taking the oath of allegiance and giving his parole not to go to any seceded State nor correspond with any per-

son in such State, but he declined either to take the oath or give his parole. On the 29th of October the Fourth Auditor of the Treasury informed the Department of State that on a final settlement of Smith's accounts as late naval agent and acting paymaster at San Francisco a balance was found to be due from him to the United States of $4,042.47. On the 7th day of December having made no denial of his disloyalty Smith made several propositions to obtain his release, among which was a proposal to be exchanged for some loyal citizen held as a prisoner by the rebels, thus admitting his own treason. From all the evidence in the case it appears that Austin E. Smith is a disloyal man in full sympathy with the rebellion, and from his personal and social relations shown by the active and persistent efforts of many persons of cultivation and respectability to obtain his release and serve him in his confinement possessed of dangerous influence and power for evil. The said Smith having been transferred to Fort Warren remained in custody there the 15th of February, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

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WASHINGTON, *August 2, 1861.*

ROBERT MURRAY,
Marshal Southern District of New York:

Deliver Austin E. Smith, a political prisoner, to Lieut. Col. Martin Burke, U. S. Army, commanding Forts Hamilton and Lafayette, who has instructions to receive and hold him in custody.

WILLIAM H. SEWARD.

—

FORT LAFAYETTE,
New York Harbor, August 3, 1861.

Bvt. Lieut. Col. M. BURKE,
Commanding Forts Hamilton and Lafayette.

COLONEL: I this day received of Robert Murray, marshal southern district of New York, Austin E. Smith, a political prisoner, and have confined him in same room with Messrs. Lyon, Alvey, and the three police commissioners. I herewith inclose you the telegram from Hon. William H. Seward to Robert Murray authorizing him to deliver the prisoner at this post.

I am, colonel, with respect, your obedient servant,

CHAS. O. WOOD,
Second Lieutenant, Ninth Infantry, Commanding Post.

—

DEPARTMENT OF STATE, *Washington, August 27, 1861.*

Lieut. Gen. WINFIELD SCOTT, *Washington.*

GENERAL: Mr. Hobart Berrian, the Fourth Auditor of the Treasury, has addressed a letter to this Department requesting leave to visit Mr. Austin E. Smith at Fort Lafayette on business relating to his accounts as navy agent at San Francisco. I will consequently thank you to send Mr. Berrian a permit for that purpose.

I have the honor to be, general, your very obedient servant,

F. W. SEWARD,
Assistant Secretary.

DEPARTMENT OF STATE, *Washington, September 12, 1861.*

Col. MARTIN BURKE, *Fort Hamilton, N. Y.*

COLONEL: James M. Smith, of 247 Broadway, New York, having requested an interview on business with Austin E. Smith, a political prisoner at Fort Lafayette, I will thank you to comply with his request, being careful, however, that the interview takes place in your presence or in that of some other commissioned officer of the United States.

I am, colonel, your very obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, October 10, 1861.*

HOBART BERRIAN, Esq.,
Fourth Auditor of the Treasury, Washington.

SIR: I inclose a note* to the Secretary from Mr. Senator Latham and will thank you to inform me if it is necessary that Mr. Austin E. Smith, who you are aware is a state prisoner at Fort Lafayette, should be released for the purpose of coming hither to settle his accounts. Please return the note with your answer.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

DEPARTMENT OF STATE, *Washington, October 11, 1861.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

SIR: Let Austin E. Smith, a prisoner confined at Fort Lafayette, be released on taking the oath† of allegiance to the Government of the United States stipulating that he will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State; and also that he will not do anything hostile to the United States during the present insurrection. I transmit this order to Robert Murray, esq., U. S. marshal, who has been instructed by this Department to cause a police examination to be made in some cases of the persons and baggage of prisoners discharged from custody to the end that no correspondence or other improper papers be conveyed by them to persons outside the fort.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, October 31, 1861.*

HOBART BERRIAN, Esq., *Fourth Auditor of the Treasury.*

SIR: I have received your letter of the 29th instant* apprising me of the result of the adjustment of the accounts of Mr. Austin E. Smith, late navy agent at San Francisco. If you should not have already communicated the same information to him I would suggest that it be done.

I am, your very obedient servant,

WILLIAM H. SEWARD.

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* Not found.

† Smith declined to take the oath. See Smith to Seward, December 7, p. 427.

413 BROOME STREET, *November 25, 1861.*

F. W. SEWARD, *Assistant Secretary of State.*

SIR: J. K. Millner,* A. E. Smith, of Virginia, and Charles Kopperl,* of Mississippi, are clients of Hon. William H. Ludlow, who has pressed me diligently to report in their cases. But for this I could properly pass them as I shall all of the prisoners deemed to be disloyal now unless there is something special in their cases. * * *

The case of Mr. Austin E. Smith is I think fully known to you. He is in all respects it seems to me a disloyal man—energetic, active and determined. His tone is defiant. He demands the right to come on to Washington to settle his accounts. That might be allowed provided he was certain to be remanded to duress. * * *

I am, very respectfully, yours,

S. C. HAWLEY.

—

FORT WARREN, *December 7, 1861.*

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SIR: On the 2d of August I was arrested by your order in the city of New York when on my way to Washington City for the purpose of settling my accounts as late navy agent for the post of San Francisco. On the 5th of the same month I communicated to you the facts and circumstances. On the 14th of October and the 16th of November I was tendered my release upon terms to which I could not conscientiously subscribe. And now after an incarceration of upward of four months in accordance with the suggestions found in your two communications lately received by Colonel Dimick and read to the political prisoners here confined I propose the following parole: I pledge and bind myself upon my honor if set at liberty by the President of the United States to proceed without unnecessary delay to Washington to settle my accounts and thence if required by the President to return immediately to California.

Your obedient servant,

AUSTIN E. SMITH.

—

WAR DEPARTMENT, *Washington, April 27, 1862.*

Col. JUSTIN DIMICK, *Fort Warren, Boston, Mass.*

COLONEL: You will release Austin E. Smith, a prisoner confined at Fort Warren, in exchange for William Ayres, of Philadelphia.

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

—

HEADQUARTERS, *Baltimore, May 7, 1862.*

Hon. P. H. WATSON, *Assistant Secretary of War:*

Austin E. Smith, released from Fort Warren in exchange for William Ayres, has applied here for a permit to go to Fortress Monroe with the view of going South. What is the direction of the Secretary of War regarding him?

WM. H. LUDLOW,
Major and Aide-de-Camp.

* For cases of Millner and Kopperl, see *post.*

WASHINGTON, *May 15, 1862.*

Maj. Gen. JOHN E. WOOL, *Commanding:*

Austin Smith, exchanged for a person whose parole expires the 18th instant, is ordered to report to you. Send him through the lines by the first opportunity after he arrives.

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

—

HEADQUARTERS MIDDLE DEPARTMENT,
Baltimore, Md., May 15, 1862.

Lieut. Col. WILLIAM D. WHIPPLE,
Asst. Adjt. Gen., Dept. of Virginia, Fortress Monroe.

COLONEL: I am directed by the major-general commanding to inform you that a pass to Fortress Monroe has been issued at these headquarters to Austin E. Smith, a prisoner released for exchange upon the inclosed telegraphic order from the War Department.

I have the honor to be, very respectfully, your obedient servant,

WILSON BARSTOW,
Aide-de-Camp.

[Inclosure.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, May 15, 1862.

Mr. Austin E. Smith will be permitted to pass to Fort Monroe, Va., and will be forwarded through the lines to Richmond without delay, having been exchanged. The parole of the person for whom he was exchanged expires the 18th instant.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

—

CONFEDERATE CORRESPONDENCE, ETC.

CAMP PICKENS, *January 30, 1862.*

President DAVIS.

DEAR SIR: Since I saw you last I have received a letter from my son, Austin E. Smith, confined in Fort Warren; had a visit from Captain Tansill who called to deliver a message from him; also a visit from Colonel Tyler for like purpose in addition to the letter he had written to me, and now a letter from Captain Tattnall (as I read the name), who was released on the 13th instant from Fort Warren, from whose letter I respectfully submit the following extract:

NORFOLK, *January 25, 1862.*

* * * Your son requested me to see you in Richmond and to deliver to you the following message. He begs that all efforts may be made to obtain his release but that he has no hope that such effort will be successful unless he can be exchanged for some prisoner of war in whom the U. S. Secretary of State may feel personal interest or in whose favor he may be induced to act in consequence of political influences. Your son cannot give up the hope that your representations to our Government of the service he has rendered to our cause and his desire to face the invaders of our soil may induce them to offer some such person as I have mentioned in exchange for him. * * *

In all the late communications from him the view presented by the above extract characterizes them all. I therefore yield. Property considerations I doubt not he has somewhat cared for, and at any rate they must not be weighed in the balance against liberty and duty to our country, and I most anxiously urge the carrying out of your kind suggestion to make him an officer and exchange him as a prisoner of war. My son is about thirty-one years old, has had two years at West Point and desires to enter the army. When I was in Richmond last inquiring about the officers in person as I did by his request I found a Lieutenant Parks (I think such was the name; at any rate he was an adjutant to a Massachusetts regiment and was captured I think in the fight near Leesburg), of Boston, who was represented by the officer in command to be a high-toned gentleman who would respect the parole and who commanded considerable influence in his native city. I cannot say more for fear my feelings should master me but trust in God and my country's chief for an early opportunity to clasp to my bosom my noble, gallant son.

I am, Mr. President, most respectfully and truly, yours,

WM. SMITH.

[Indorsement.]

Acknowledge. Expect soon some arrangement for exchange of prisoners will be made, and Secretary of War will please file this for attention and reply to Colonel Smith, whose feelings he will appreciate.

JEFF'N DAVIS.

HDQRS. FORTY-NINTH REGT. VIRGINIA VOLUNTEERS,
February 10, 1862.

President DAVIS.

DEAR SIR: Having just received a letter from my son and not having heard from the Secretary of War as I was advised by your private secretary I might expect to do, I have concluded to inclose the letter to you that you may see that he adheres inflexibly to his resolve in the first instance, "that the granite of his prison home would crumble into dust before he would acknowledge the slightest allegiance to the tyranny which oppressed him or have his devoted loyalty to the South to become a question." With you, my dear sir, now rests my hopes—all my hopes and his. I know not, care not how he has managed about our pecuniary interests. Money is but dust in the balance against liberty—the liberty to defy, to brave, to conquer our enemies; the liberty to fight, to bleed and if need be, to die for our country.

I am, Mr. President, very truly and sincerely, yours,

WM. SMITH.

[Indorsement.]

SECRETARY OF WAR:

One inclosure. Please answer and explain.

J. D[AVIS].

[Inclosure.]

FORT WARREN, *January 26, 1862.*

Hon. WILLIAM SMITH, *Warrenton, Va.*

MY DEAR FATHER: Your favor of 12th instant came to hand yesterday, and I must say that I was greatly surprised and deeply mortified that you should have given me such advice. My feelings are

somewhat soothed by the conviction that you saw from an erroneous standpoint and knew not the true character of the obligation. There are no contemplated combination of circumstances which could induce me to waver from the position I have taken. Kidnapped as I have been I will not wink at any further degradation. The fact that I was arrested because this Government thought I was on my way South to take up arms against the United States makes me at least a quasi prisoner of war. The South has adopted no policy upon the question of exchange. The South has given up her military prisoners for political prisoners held in this fort; witness Faulkner* for Ely and the resigned navy officers who were arrested as and held as prisoners of state. Every guaranteed right of this Government disregarded or denied me I now appeal with an abiding confidence to my native land.

Very affectionately, your devoted son,

AUSTIN E. SMITH.

Warmest love to all. Please carry out my views and leave the rest to me.

—

HOUSE OF REPRESENTATIVES,
Richmond, March 31, 1862.

President DAVIS.

DEAR SIR: A recent capture of some citizen prisoners from the enemy afford some chances of extricating my son from his imprisonment in Fort Warren. Allow me to call your attention again to this matter, deeply interesting to me, and implore again your interference for my dear son's extrication.

Yours, most respectfully,

WM. SMITH.

[First indorsement.]

SECRETARY OF WAR:

The case is a hard one and Colonel Smith has the highest claims on our regard. His devotion and gallantry are known to you. His son has shown a spirit worthy his descent. If the request can be consistently complied with you will please avail yourself of an opportunity to grant it.

J. D[AVIS].

[Second indorsement.]

Inform Hon. William Smith, House of Representatives, that if he can suggest a suitable exchange the Department will consider the suggestion with a cordial wish to adopt it.

G. W. R[ANDOLPH].

—

CARY STREET CITIZENS' PRISON,
Richmond, April 10, 1862.

Ex-Governor WILLIAM SMITH.

DEAR SIR: Since the brief interview of yesterday I have revolved in my mind the subject of procuring the exchange of your son, A. E. Smith, for myself, and I will now specifically set forth some of the influences I can bring to accomplish that result.

First. My uncle, Mr. Robert Allen, of Philadelphia, is a most intimate friend of Mr. John Tucker, one of the Assistant Secretaries of

* See p. 463 for case of Faulkner, exchanged for Congressman Ely, of New York.

War. Mr. Tucker enjoys intimate relationship with Secretary Stanton, and through him and my friend I can secure a very weighty influence, as much so as any individual in the Administration. Mr. Allen is also the relative by marriage and friend of Mr. E. Cowan, one of the U. S. Senators from the State of Pennsylvania, whose influence would also be used in my behalf and whom I know would take pleasure in serving me. My brother-in-law, J. N. Criswell, of Harrisburg, Pa., has been for years on terms of greatest intimacy with Thomas A. Scott, esq., another Assistant Secretary of War, and for whom I am certain Mr. Scott would use all his influence. My brother, Col. B. Ayres (formerly superintendent of the Memphis and Charleston Railroad and a gentleman whose sympathies are with the South from long residence and acquaintance), was a former associate in business with Mr. Scott, and a person whom I think Mr. Scott would do anything for. I am also personally acquainted with Mr. Scott and will demand the favor. My brother-in-law, A. J. Jones, of Harrisburg, is a prominent politician of the party now in power and can command the services and influence of J. W. Killinger, the influential representative of his district, and others at Washington. John P. Verree, esq., and John M. Butler, the representatives of the First and Third districts of Philadelphia in Congress, will give me their aid. Isaac Newton, head of the Agricultural Bureau in Washington; James T. Hale, the brother-in-law of Secretary Welles and representative in Congress, will aid me. Myself and family are intimate with Governor Curtin and family, of Pennsylvania, whose influence I can secure with the President. My wife is a warm personal friend and acquaintance of Mrs. Secretary Welles, whom I know would use her influence to oblige her (sometimes very potent).

The fact is I am so confident of my ability to secure the desired result if I am afforded an opportunity that I am willing to risk a return to this place according to the terms of a parole should one be granted to me for that purpose. I therefore suggest to you the propriety of procuring a parole of honor say for twenty or thirty days. It has been granted by both Governments in cases where the parties stood in the position of belligerents, and your Government would in no way compromise themselves by granting it to me, a non-combatant, against whom there is no charge, taken as you are aware three weeks since while viewing the famous battle-field of Manassas. You are aware of the difficulty of attempting to command my influences by correspondence and the difference in effect where I would urge them in my proper person, and I hope you will use your influence to secure it knowing that it will result to our mutual satisfaction.

I have no personal acquaintance in Richmond, but if Mr. J. R. Anderson, of the Tredegar Works, or Col. Sam. Tate, president of the Memphis and Charleston Railroad, were in the place I could acquaint you with my social position (they knowing my brothers) and give you and the Government assurances that the terms of a parole of honor would be faithfully carried out. Should you be successful you can have the honor of a gentleman that every effort would be made for the release of your son and any influence that would procure that result would be procured. It is not that the burdens of prison life are so onerous and hard to bear but for the sake of my family who may be suffering pecuniarily from effects produced by this revolution.

With hopeful anticipations I await the result and remain, yours, very respectfully,

WM. AYRES.

Case of Louis de Bebian.

The President of the United States, by his proclamation of April 27, 1861, for the reasons set forth therein, established a blockade of the ports of the States of Virginia and North Carolina, including the port of Wilmington in said last-named State. On the 6th day of August, 1861, the schooner Adelso, of Saint John, New Brunswick, having entered the port of Wilmington a few days previously by a fraudulent evasion of said blockade, sailed thence to Halifax, Nova Scotia, with a full cargo of turpentine and rosin, again violating the said blockade in her departure. The said schooner Adelso was built at Eastport, in the State of Maine; was a vessel of ninety-eight tons, owned by John Kay, of Eastport aforesaid, and called the A. L. Hyde. Kay to save the vessel from seizure and loss, he being in trouble, put her in the hands of Henry Horton, his brother-in-law, a resident of New Brunswick; and she was then registered as Horton's property and sailed under Capt. Thomas Kimball, a naturalized American citizen of British birth, as master. Her name was also changed to the Adelso. This vessel with her doubtful ownership, equivocal hailing place, double nationality and master of twofold citizenship and allegiance was chartered expressly for the business of carrying on a trade with the said port of Wilmington in fraudulent disregard of the said blockade; and in pursuance of such intent sailed from the said port of Wilmington for Halifax, Nova Scotia, on the 6th day of August aforesaid; and was driven by stress of weather into the port of Newport, R. I., on the 13th day of the same month, when she and her cargo were immediately taken possession of by the officers of customs. Louis de Bebian, represented to be a native of the Island of Guadaloupe and claiming to be a French subject, was a passenger on the said vessel on her said voyage from Wilmington aforesaid, where he resides, bound for Halifax, and was on the said vessel when she came to Newport, constrained by stress of weather as aforesaid. The collector of the port of Newport reports that by direction of the district attorney no person was allowed to go on shore from the said vessel nor anyone to go on board except the officers of the revenue; and all the papers found on board were sealed up.

On the 17th of August De Bebian was permitted to land, and on the 19th he voluntarily made an affidavit stating that he sailed from Wilmington, N. C., on the said schooner Adelso on the 6th of the same month; that said vessel was bound for Halifax, Nova Scotia, with a full cargo of turpentine and rosin; that he understood that the said port of Wilmington was declared to be blockaded at and before the time they sailed from that port; that J. & D. McRae & Co., of Wilmington, one of whom was the British vice-consul at that port, were the consignees of said vessel when she arrived; that the said cargo was shipped for and on account of a house in Boston as he was informed by the master during the voyage; and that after he engaged his passage but before sailing the master of the schooner informed him that he should stop at Welchpool and promised to see him on board a boat there that would take him safely to Halifax. This affidavit was made by De Bebian to show that he was simply a passenger not connected with the said vessel or her voyage or her cargo; yet he wholly omitted to state anything of the contents of his own papers showing his own business or of his possession of letters from parties in an insurrectionary State for parties in other portions of the United States. The said collector of the port of Newport further reports that on inspecting his trunk the

officers found concealed among his clothing letters and papers by which it appeared that he was to purchase an assorted cargo at Liverpool, England, and return with the same to Wilmington, N. C. The letters of instruction were from Messrs. O. G. Parsly & Co., of Wilmington, N. C., to Brown, Shipley & Co., Liverpool. The invoice or list of goods to be purchased was as follows: 5,000 to 10,000 army blankets, 1,000 bags of coffee, ——— tons of iron of various sizes, round and flat, whole amount of invoice to be $40,000; also a list of numerous articles of clothing, &c., apparently on private account. The goods were to be shipped in a British or French vessel. With these papers were also instructions how to proceed on the arrival of the vessel off the port of Wilmington, N. C. They were to make signal from the vessel which would be answered from the shore, and if proper a pilot would be sent on board by which means the blockade could be run. The said collector further reports the discovery in De Bebian's possession of a number of letters, some addressed to parties in foreign countries and some to parties in each of the States of Vermont, Maine, New York, Missouri and Connecticut. The said collector although not previously intending the detention of said De Bebian—coming as he did from a port in the power of the insurrectionists, a passenger on a vessel detected in illicit commerce—on the discovery of these evidences of his conspiring to evade the blockade and render aid and assistance to the rebels and of his agency in the unlawful forwarding of correspondence between the insurrectionary States and other portions of the Union, ordered his arrest on the said 19th day of August, 1861, for the said offenses. The said De Bebian was sent to Fort Lafayette and held in custody there until September 16, 1861, when he was discharged on his parole for two weeks; which time was subsequently enlarged, and on the 4th day of October, 1861, he was discharged from his parole. The said collector of the port of Newport, Seth W. Macy, esq., subsequently made the following affidavit.*

It thus appears that Louis de Bebian had been engaged in illicit commerce in disregard of a lawful blockade in transporting lumber from Wilmington to the West Indies, and had entered into engagements for the further prosecuting of the same business; that he had embarked on board a vessel of equivocal character then engaged in unlawful evasion of the blockade in which he participated; that he was engaged in the unlawful conveyance of clandestine correspondence between an insurgent State and other portions of the Union; that he had conspired with others to afford aid and comfort to the enemies of the United States by purchasing and importing supplies for their armies; by stealthily and fraudulently through the means of concerted reciprocal signals evading the blockade, and that he was detected on the way to carry these purposes into effect with the evidence of his criminality upon him. On the 21st of August, 1861, De Bebian addressed a paper to the French viceconsul at New York in which he alleges that his voyage "was for business purely commercial," and in giving the particulars of his mission makes the following statement:

> I am going to Europe to be at hand to learn the decision of the two great powers on the subject [question] of blockades, to move to advantage at the first possible chance by investing our funds in shipments of merchandise most in demand. Our house means articles such as seem best for a future time, such as woolens, blankets, &c., for it is customary in autumn to lay in every sort of winter covering and a pair of blankets for each negro. The wants of the army having absorbed all that there

* Omitted here. See p. 450 for Macy's affidavit.

was of blankets not only at Wilmington but nearly through the whole country this article of blankets is most in demand. These blankets were formerly known by the designation of negro blankets. I fear lest the house may have used in its letter the new appellation of soldiers' blankets. If such is the case that is the sole and only charge that can be made against me.

He also says that he had "some letters from individuals giving good accounts to their families and friends in the North—letters which I was to mail at Halifax—two or three loose sheets with memorandums of merchandise suitable for the market and commissions to be executed for friends; in fine, one pointing out what should be done to announce to me whether or no the port was blockaded." On the 27th of September, 1861, De Bebian wrote a statement of his case to the French minister representing that he was a partner in the house of O. G. Parsly & Co., of Wilmington; that his usual occupation was traveling abroad in the business of said house; that he returned from a voyage of that kind on the 6th of July, 1861; and proceeding to state with regard to his last voyage as follows:

My partners and myself concluded that it was opportune that I should go to England to liquidate some weighty affairs we had with various houses. That being done I was according to circumstances to remain in Europe and keep the funds in hand or else remit their equivalents in the shape of sundry merchandise in case the port of Wilmington, N. C., should have ceased to be closed to commerce.

After alleging that his detention was without cause and attended with sundry hardships he makes the following statements in relation to his papers:

The journals have spoken of heavy sums and of papers compromising me found among my baggage. That is false. The amounts I had at the time of my arrest were made up of about $250 in gold and a bill of exchange for 5,700 francs. These sums seized at that time have since been restored, but not so with my other papers, which consisted of four letters addressed to different correspondents of the house of O. G. Parsly & Co., and solely devoted to the details and settlements of accounts. A note annexed contains some instructions about the shipments of merchandise I was to make in case the blockade should have ceased to trammel commerce—not a single line that could be interpreted as implying any political mission.

The said letter of De Bebian to the French vice-consul seeks to mislead that functionary in regard to the intended investment of "funds in shipments of merchandise most in demand" by representing that the house meant "articles such as seem best for a future time," and by an attempt to confound army blankets or soldiers' clothing with negro blankets; and also to transfigure his system of reciprocal signals to facilitate the running of the blockade into a method of "pointing out what should be done to announce to him whether or no the port was blockaded." Toward his excellency the French minister De Bebian was still more disingenuous. In his letter to that personage he speaks of his intended evasion of the blockade under the disguise in the first place of a design to remit the equivalents of certain funds in the shape of sundry merchandise in case the port of Wilmington should have ceased to be closed to commerce; and in the second place of referring to some instructions about the shipments of merchandise he was to make "in case the blockade should have ceased to trammel commerce," these equivocal expressions being evidently used to cover his premeditated design fraudulently to evade the blockade, and all reference to his code of reciprocal signals to effect that object being suppressed, as was also all notice of the letters attempted to be conveyed by him from parties in the insurrectionary States to parties in other portions of the United States.—*From Record Book, State Department, "Arrests for Disloyalty."*

COLLECTOR'S OFFICE, CUSTOM-HOUSE,
Newport, R. I., August 16, 1861.

Hon. GIDEON WELLES,
Secretary of the Navy, Washington, D. C.

SIR: The schooner Adelso, of Saint John, Kimbal master, from Wilmington, N. C., put into this port on the 12th instant, said schooner having run the blockade on the 6th. I requested Captain Bennett, of the revenue cutter Henrietta (then lying in this harbor), to put a prize crew on board. Wingate Hayes, esq., district attorney, being in this city I called upon him for instructions. He directed that no person should be allowed to come on shore or any one to go on board except the officers of the revenue, and also directed all the papers found on board to be sealed up and the same to remain until further advised. There is a French gentleman, a passenger on board, who has been detained under the above instructions. Should like to be advised in the matter. Have been expecting to hear from the district attorney. I wrote the honorable Secretary of the Treasury as soon as possible; as yet have received no answer.

I am, very respectfully, your obedient servant,

S. W. MACY,
Collector.

—

NEWPORT, *August 17, 1861.*

SECRETARY OF THE NAVY:

Found in French passenger's possession letters from Messrs. O. G. Parsly & Co., of Wilmington, N. C., to Brown, Shipley & Co., Liverpool, directing passenger to purchase 5,000 to 10,000 army blankets, 1,000 bags coffee, and blank tons of iron of various sizes, the whole amounting to $40,000, and to be shipped in a French or British vessel, with signals how to avoid the blockade at Wilmington, N. C., on arrival. Shall I detain said passenger?

S. W. MACY,
Collector.

—

NEWPORT, *August 19, 1861.*

Hon. SECRETARY OF STATE:

French passenger's name L. de Bebian, of Wilmington, N. C.

S. W. MACY,
Collector.

—

DISTRICT AND PORT OF NEWPORT, R. I.,
Collector's Office, August 19, 1861.

Hon. GIDEON WELLES,
Secretary of the Navy, Washington, D. C.

SIR: I wrote you on the 16th in relation to the detention of the schooner Adelso, of Saint John, New Brunswick, from Wilmington, N. C., cargo, spirits turpentine and rosin. I telegraphed you on the same day for instructions in relation to the landing of a French passenger from on board said schooner, an answer to which by telegraph was received the next day, 17th, and he was allowed to land. My reason more particularly for his landing was that he knew from conversation with the captain of the schooner that the cargo was owned by a firm in Boston, Mass. This fact he has made oath to before a notary at the custom-house.

On inspecting his trunk the officers found concealed among his clothing letters and papers by which it appeared that he was to purchase an assorted cargo at Liverpool, England, and return with the same to Wilmington, N. C. The letters of instruction were from Messrs. O. G. Parsly & Co., of Wilmington, N. C., to Brown, Shipley & Co., Liverpool. The invoice* or list of goods to be purchased was as follows: 5,000 to 10,000 army blankets, 1,000 bags of coffee, blank tons of iron of various sizes, round and flat; whole amount of invoice to be $40,000. Also a list of numerous articles of clothing, &c., apparently on private account. The goods were to be shipped in a French or British vessel. With these papers were also instructions how to proceed on the arrival of the vessel off the port of Wilmington. They were to make signals from the vessel which would be answered from the shore, and if proper a pilot would be sent on board by which means the blockade would be run.

On finding these papers I telegraphed to you to know if I should detain him, partially doing so by not allowing him to leave the place although he is not under arrest. By my letter to you under date of 16th instant I mentioned that I had acted in the matter under the advice of the district attorney, but on that day I received from him a letter saying that he had no authority to act in the matter, since which I have used my best judgment under the circumstances, and hope what I have done will meet your approbation.

I am, very respectfully, your obedient servant,

S. W. MACY,
Collector.

P. S.—I have had the passenger's papers at the custom-house sealed up. Have had L. de Bebian, the French passenger, arrested this day.

[Inclosure No. 1.]

Louis de Bebian, of Wilmington, N. C., now at present in Newport, in the State of Rhode Island, on solemn oath doth depose and say that he was a passenger on board schooner Adelso, of Saint John, New Brunswick, now in the port of Newport, and now seized by the revenue officer of that port on charge of breaking the blockade of said Wilmington. That he left said Wilmington on the 6th day of August, 1861, and bound for Halifax, Nova Scotia, but would first touch at Welchpool, in New Brunswick. That he was on board said schooner as a passenger and was to be landed at said Halifax. That when he engaged his passage with the master of said vessel at the wharf in said Wilmington the stevedore and crew were loading said schooner with turpentine and rosin. That the schooner had a full cargo in her hold and some on her decks. That we sailed from Wilmington on the 6th of August as aforesaid and arrived at said Newport on the 13th of August, 1861. That he understood that the said port of Wilmington was declared to be blockaded at once, before the time they sailed from that port. That he is personally well acquainted with Messrs. J. & D. McRae & Co., merchants residing in said Wilmington, and that they were the consignees of said vessel when she arrived at that port, one of whom is Her Britannic Majesty's vice-consul at that port. That the said cargo was shipped for and on account of a house in Boston, as he was informed by the master of said vessel during the voyage, but cannot now recollect the name of the house as was told him by the

*Invoice not found.

captain of the schooner. He would say that after he engaged his passage to Halifax and just before sailing the master of the schooner informed him that he should stop at Welchpool, from which he could reach Halifax in eight or ten hours, and that he would see him on board a boat that would take him safely to Halifax.

L. DE BEBIAN.

NEWPORT, *August 19, 1861.*

Subscribed and sworn to before me.

WM. GILPIN,
Commissioner Circuit Court, Rhode Island District.

[Inclosure No. 2.]

WILMINGTON, N. C., *August 5, 1861.*

BARRON C. WATSON, Esq., *Liverpool, England.*

DEAR SIR: We were rather surprised a few days ago by receipt of a letter from your house in New York advising of the non-payment of our draft on them for $6,500, which was not very comfortable to us. We shall, however, provide for it here soon, and therefore request that you will pay over to Messrs. Brown, Shipley & Co., Liverpool, all the funds of ours in your possession or which may accrue from the sale of our cotton. We have instructed them to invest our funds, and desire that our funds in your hands may be similarly invested. Should you meet M. L. de Bebian while in England please favor us by rendering him any service in your power by way of assisting him in the prosecution of his business. Old Abe hasn't whipped us yet, and we hardly think he will.

Very respectfully, &c.,

O. G. PARSLY & CO.

—

DEPARTMENT OF STATE, *Washington, August 19, 1861.*

SETH W. MACY, *Collector, Newport, R. I.:*

Deliver Louis de Bebian into charge of U. S. marshal to convey him to Col. Martin Burke, Fort Lafayette, N. Y., who is authorized to receive him.

WILLIAM H. SEWARD,
Secretary of State.

—

U. S. MARSHAL'S OFFICE, *Providence, August 20, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have this day taken Louis de Bebian to Fort Lafayette and delivered him to Col. Martin Burke and taken his receipt for same, as directed by you in your dispatch of the 19th directed to Seth W. Macy, collector, Newport, R. I.

Your obedient servant,

ALBERT SANFORD,
U. S. Marshal.

P. S.—His trunks are in Marshal Murray's (of New York) hands, and they have not been thoroughly examined.

A. S.

DEPARTMENT OF STATE, *Washington, August 21, 1861.*

E. DELAFIELD SMITH, Esq.,
U. S. Attorney for the Southern District of New York.

SIR: I inclose a copy of a letter* of the 5th instant from O. G. Parsly & Co., of Wilmington, N. C., to B. C. Watson, Liverpool, found on L. de Bebian, a Frenchman who was on board the British vessel Adelso which has been seized at Newport, R. I. It is suggested that any funds the writers may have in the possession of the branch of Mr Watson's house at New York to which allusion is made in the letter might be attached for the benefit of the United States.

I am, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

OFFICE SUPERINTENDENT METROPOLITAN POLICE,
New York, August 22, 1861.

Hon. W. H. SEWARD, *Secretary of State:*

He says that he is a French subject; that he never was naturalized.

JOHN A. KENNEDY,
Superintendent.

FORT HAMILTON, *August 22, 1861.*

Lieut. Col. E. D. TOWNSEND,
Assistant Adjutant-General, Washington City, D. C.

SIR: I inclose two† French letters. As I do not understand the language and it will be but a short delay I thought it best to send them through your office.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

[Inclosure.]

FORT LAFAYETTE, *August 21, 1861.*

[COUNT MONTHOLON, *Consul of France, New York:*]

A Frenchman resident for nearly five years at Wilmington, N. C., I embarked on the 6th August instant on the English schooner Adelso, Capt. Thomas Kimball, cleared for Halifax, Nova Scotia. I was going to take at Halifax the English line of steamers to go to Liverpool, England, provided with a passport from the Governor of Martinique viséed by the French consular agent at Wilmington for business purely commercial. The schooner Adelso appears to have been chartered by an American house at Boston to go and take on a cargo at Wilmington. She arrived off the bar on the 30th of July and was obliged to come to anchor outside until next morning waiting for a tide and fair winds. Eight days afterward she went down the river just at the same time the English schooner Beverly which had been twenty-four hours ahead of her. These two schooners were obliged to anchor inside the bar to wait for the tide, and went out together at 4 or 5 o'clock on the afternoon of the 6th of August. I was passenger on board the Adelso. During the day on the 12th of August a heavy squall having carried away

* Omitted here. See inclosure No. 2, Macy to Welles, August 19.
† Only one inclosure found.

a portion of the canvas of the schooner and the gale increasing in intensity the captain judged proper to go into the nearest port. We anchored in the bay of Newport on the 13th. The custom-house officer who came to inquire whence the Adelso had arrived reported her to the revenue cutter Henrietta as from a Southern port. The schooner was very soon taken possession of by a gang of men armed to the teeth. I presented my passport to the commanding officer declaring myself to be only a passenger traveling under the double protection of my country and of a friendly flag in a friendly country. The officer remarked to me that it was nowise possible to land in the present stormy weather but that I would have the opportunity on its clearing away in the morning. My request was evaded until during the afternoon when the captain's papers as well as my trunks were placed under seals; all external communication strictly forbidden, even the courtesy of informing the consul of my country of my unlawful detention.

After four or five days of the worst treatment, deprived of the use of my trunk, the chief of the custom-house accompanied by a subordinate and by the lieutenant of the revenue cutter Henrietta came and removed the seals from my trunk; my linen examined piece by piece, the lining of my clothes tried, &c. I had voluntarily delivered the few papers I had. They were placed under a fresh seal and deposited in the Newport custom-house. Those papers are a letter of credit on Latimer & Tavall, of Mayagues, Porto Rico, of April last, of which I had no use; of three letters from my firm demanding a settlement from a house in the island of Cuba; one to a house in England and finally of another to our correspondents at Liverpool for the settlement of balances in their hands.

I am going to Europe to be at hand to learn the decision of the two great powers on the question of blockades; to move to advantage at the first possible chance by investing our funds in shipments of merchandise most in demand; our house means articles such as seem best for a future time, such as woolens and blankets, &c., for it is customary in autumn to lay in every sort of winter covering and a pair of blankets for each negro, the wants of the army having absorbed all that there was of blankets not only at Wilmington but nearly through the whole country. This article of blankets is most in demand. These blankets were formerly known by the designation of negro blankets. I fear lest the house may have used in its letter the new appellation of soldiers' clothing; if such be the case that is the sole and only charge that can be made against me. To these papers must be added some letters from individuals giving good accounts to their families and to their friends at the North—letters which I was to mail at Halifax; two or three loose sheets with memoranda of merchandise suitable for the market and commissions to be executed for friends; and finally one pointing out what should be done to announce to me whether or no the port was blockaded.

Such, M. Consul, is the exact character of the papers found in my possession. I set at defiance the idea that the result can make in the slightest degree against me; nothing that can justify my arbitrary detention, marked by every circumstance that could render it more disagreeable. I have constantly demanded and persisted in demanding the examination of these papers by competent judges, resigning myself to all the consequences of such examination if it could inculpate me. I have in vain demanded a mitigation of my detention, my provisional liberation on bail; everything has been refused me. Set at liberty Saturday, 17th of August, on parole I was again arrested on Monday, 19th. At first my detention was caused by the need of my evidence in

the matter of the schooner Adelso, but on the 17th of August instant I made before a commission the only deposition I could make; but now an accusation of treason is alleged against me. I am not naturalized. I have never taken any oath. I am not traveling in the territory of the United States. I am arbitrarily arrested on an English vessel bound to an English province accidentally driven into American waters by stress of weather at sea. M. Vice-Consul of France, this statement must have given you an idea of the arbitrary and unworthy manner in which I have been treated.

I have no need, M. Consul, to expose the consequences of these acts; you will readily infer them. In claiming your protection and that of our minister at Washington I declare positively and in the most solemn manner that I have never directly or indirectly taken any part in politics or in this actual war either at the South or at the North. My voyage is purely and entirely commercial. My detention exposes my house to immense losses and deprives my numerous family of their only support, besides which the assertion of the national honor and dignity give me the greatest confidence in the measures you will take.

I have the honor to be, M. Consul, with respect, your very humble, obedient servant,

L. DE BEBIAN.

P. S.—Mr. Lovell, of Newport, informed me that there was on board the Adelso a traveler from Wilmington, came along shore to see this voyager and seek to be of use to him. It is he who informed our consul at Providence of my detention. Returning along shore next day with Mr. Nottoway to give me a mark of their interest they were sent away, and have declared to me that they were forbidden to communicate with me. It is my express desire that the contents of this letter or any part of it will not be put in such situation as to be published in any newspaper.

L. DE B.

—

DEPARTMENT OF STATE, *Washington, August 23, 1861.*

ROBERT MURRAY, Esq.,

U. S. Marshal for the Southern District of New York:

This Department has been informed by Mr. Sanford, the marshal for Rhode Island, that he had lodged with you the trunks of Louis de Bebian, who is confined as a political prisoner at Fort Lafayette. You will send to this Department any letters or documents which may have been found in them.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, August 24, 1861.*

JOHN A. KENNEDY, Esq.,

Superintendent of Police, New York.

SIR: This Department telegraphed to you* a day or two since to send a suitable person to Fort Lafayette for the purpose of ascertaining whether L. de Bebian there confined as a political prisoner is a French subject or a naturalized citizen of the United States. No intelligence on the subject having since been received from you† it is apprehended

*Not found.

† But see Kennedy's telegram to Seward, August 22, p. 438.

that the telegram may have miscarried. As the point referred to, however, is of some importance in the case of that prisoner I will thank you to have it ascertained as soon as it may be convenient after the receipt of this, should it not have previously been attended to.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

—

EASTPORT, *August 24, 1861.*

COLLECTOR OF CUSTOMS, *Newport, R. I.*

SIR: I am informed that the British schooner Adelso, formerly the A. L. Hyde, of this port, is now detained at your port in custody of U. S. officers for an alleged violation of the blockade. I also am informed that the owners and parties interested in that vessel plead ignorance of their knowledge of the existence of such blockade or their intention to violate it. As a loyal citizen I deem it my duty to inform the Government through you that this schooner Adelso, nominally owned by one Henry Horton, of Saint John, New Brunswick, is well known in this vicinity to be the property of one Capt. John Kay, of Indian Island, a place about two miles east of our town.

Captain Kay called on me some time last spring just previous to his chartering the Adelso (to go out South) and voluntarily stated to me the business that the vessel was to be engaged in; that he had been offered some $300 per month for the use of his vessel by parties claiming to reside in Boston; that she was to go to some Southern port and run the blockade, which it appears she has done. I advised him at the time to keep out of such business; that he was running a great risk and would lose his vessel. He said he had been referred to me to ascertain the standing and responsibility of the parties who then wished to charter the Adelso. I told him that I knew nothing about them, and if he let his vessel he had better get an indemnifying bond for the safe return of his vessel. She left here shortly after in command of Capt. Thomas Kimball, a naturalized American citizen of the United States, resident of this place, with contraband of war for a rebel port out South. The captain and crew were shipped at this port with a full knowledge and understanding of the business that they were engaged in. The vessel, freight and her destination were common subjects of conversation in our streets at the time she left this bay last spring. Our loyal citizens were rejoiced to learn of her capture, and trust that the guilty parties may be held to answer for furnishing aid and comfort to the enemy.

Respectfully, yours,

WINSLOW BATES,
Notary Public and Justice of the Peace.

—

NEW YORK, *August 31, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

MR. SECRETARY: Our father, M. Louis de Bebian, having been shut up for a fortnight at Fort Lafayette we requested our consul through the intervention of our minister to take the necessary measures near your Government to obtain his liberation. The absence of our minister from Washington makes us apprehensive of very long delay in the decision of the matter. Under these circumstances we take the

liberty, Mr. Secretary, to make a direct appeal to your kindness, praying you will be so good as to take up the case of our father whose advanced age and feeble health might suffer from too long detention.

Accept, Mr. Secretary, the assurance of our respect and of our deep gratitude.

AUGUSTA DE BEBIAN.
OCTAVIA DE BEBIAN.
LOUISA DE BEBIAN.

FORT HAMILTON, *September 4, 1861.*

Col. E. D. TOWNSEND,
Assistant Adjutant-General, Washington City, D. C.

SIR: Inclosed you will receive a letter from M. de Bebian, prisoner, inquiring about his letters.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, U. S. Army, Commanding.

[Inclosure.]

FORT LAFAYETTE, *September 3, 1861.*

Lieutenant-Colonel BURKE, U. S. Army,
Commanding Fort Hamilton.

SIR: As I am a citizen of France and was arrested while on my way to that country I have addressed my communications since I have been a prisoner in this place to the consul of my country at New York and to the French minister at Washington. I have not received replies to any of my letters, and this morning a letter from my daughter in New York who goes daily to the consular office informs me that the consul tells her he has not received any letter from me. I have been a prisoner here for fourteen days and have addressed two letters to Count Montholon, the French consul in New York, and my surprise consequently was very great to learn that they had not been received by him. In addressing these letters I have endeavored to conform to the written instructions which have been furnished us in regard to correspondence and you will confer a favor by letting me know why my letters to the consul have not reached their destination and what has been done with them; also if those addressed to the French legation at Washington, one of which contained my passport, have been forwarded. In addition to the letters referred to above which were in the French language I have written two in English which I do not ask about as there has not been time to receive replies to them.

I am, sir, your obedient servant,

L. DE BEBIAN,
[*Retired*] *Chef de Bataillon.*

DEPARTMENT OF STATE, *Washington, September 7, 1861.*

Col. MARTIN BURKE, *Fort Hamilton, N. Y.*

COLONEL: Please inform M. de Bebian, at Fort Lafayette, that his letters for Prince Napoleon and M. Mercier, the French minister, have been communicated to the legation of France in this city. * * *

I am, your obedient servant,

WILLIAM H. SEWARD.

FORT HAMILTON, *September 11, 1861.*

Col. E. D. TOWNSEND,
Assistant Adjutant-General, Washington City, D. C.

SIR: I thought it would not be improper to send you the inclosed letter to me from one of the prisoners.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

[Inclosure.]

FORT LAFAYETTE, *September 10, 1861.*

Lieut. Col. M. BURKE, U. S. Army,
Commanding Fort Hamilton.

SIR: I had a violent diarrhœa in Martinique last May. I have not entirely recovered from it, and again I am very suffering since two days of the same disease. I wish to be permitted to go for a few days to my family in New York to receive such peculiar care as would check the evil on parole, or if preferred on bail or bond to resume my prison at the time appointed. I would consider as a great favor an early answer, because it is fearful in such case to be locked up from 7 o'clock in the evening till 6 o'clock the next morning.

I remain, sir, your obedient,

L. DE BEBIAN.

—

DEPARTMENT OF STATE, *Washington, September 13, 1861.*

Col. MARTIN BURKE, *Fort Hamilton, N. Y.*

COLONEL: Lieutenant-General Scott has referred to this Department the letter of M. L. de Bebian to you requesting leave to visit his family in New York in consequence of feeble health. You may allow him this privilege for a fortnight upon his giving his word that he will be ready to return to Fort Lafayette when summoned by the police at his residence should this be necessary.

I am, colonel, your obedient servant,

WILLIAM H. SEWARD.

—

I, M. L. de Bebian, do give my word that being allowed to visit New York I will return to Fort Hamilton, New York Harbor, on or before the 30th day of September instant or upon being summoned by the police at my residence should this be necessary.

Given at Fort Hamilton, New York Harbor, this 17th day of September, 1861.

L. DE BEBIAN.

Witness:

J. S. BOOTES,
First Lieutenant, Twelfth Infantry, Officer of the Day.

—

FORT HAMILTON, *September 24, 1861.*

Col. E. D. TOWNSEND,
Assistant Adjutant-General, Washington, D. C.

SIR: I have the honor to inclose an application from the French prisoner, M. L. de Bebian (whom you allowed a leave of absence of two weeks) requesting an extension until about the 10th day of October, 1861.

Very respectfully, your most obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, U. S. Army, Commanding.

[Inclosure.]

No. 71 West Twenty-third Street, New York,
September 24, 1861.

Lieut. Col. M. Burke, U. S. Army, *Fort Hamilton.*

Colonel: The French minister on duty near His Imperial Highness Prince Napoleon has not yet been able to return to Washington to communicate with the Government of the United States about my arrest and release. As I have not the slightest doubt that no charge can be brought against me I trust, sir, that the Secretary of State will have no objection to prolong my furlough for a week after the 30th instant. I will consider it a favor from you to transmit my demand in time to the proper authorities so I may be dispensed with resuming prison on the 30th instant.

I beg to subscribe myself, sir, very respectfully,

L. DE BEBIAN.

—

Department of State, *Washington, September 25, 1861.*

Col. Martin Burke, *Fort Lafayette, N. Y.*

Sir: M. L. de Bebian had leave to stay at his own house for two weeks, and you will please extend the time three weeks longer.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

—

New York, *September 27, 1861.*

His Excellency Baron Mercier,
Minister of France, Washington.

M. Minister: I take the liberty to place before you the facts relative to my arrest and imprisonment at Fort Lafayette by order of the Government of the United States. I believe it of advantage before all to declare that I have never for a single instant ceased to be a French subject; that I have remained out of the pale of any American naturalization; that I have taken no part in the political questions of the country and it is even with difficulty that I can be considered as having effectively a residence in it.

Connected in interest for five years past with the house of O. G. Parsly, of Wilmington, N. C., almost all my time passes in traveling abroad settling the accounts of the house, collecting its funds, watching its markets and entering into new business arrangements. In the month of May last I set out on a voyage of this kind among the French Antilles and returned the 6th of July. My partners and myself concluded that if it was opportune I should go to England to liquidate some weighty affairs we had with various houses. That being done I was according to circumstances to remain in Europe and keep the funds in hand or else remit their equivalents in the shape of sundry merchandise in case the port of Wilmington should have ceased to be closed to commerce. All this would fall within my habitual employments and in the course of our regular business. I awaited a favorable opportunity for embarking when on the 31st of July the English schooner Adelso, Capt. Thomas Kimball, entered the port of Wilmington seeking a cargo of turpentine and other like merchandise destined for Halifax, Nova Scotia. This port offering no chance for taking passage on the line of steamers to Liverpool I embarked on the Adelso and we went to sea on the 6th of August. I took care to have my passport taken out at Saint Pierre (Martinique) viséed by the French vice-consul at Wilmington.

On the seventh day of our voyage the Adelso was struck by a squall which carried away some of her canvas and the captain found himself obliged to go into Newport, R. I., in distress. He declared whence he came at the custom-house and was soon afterward boarded by a gang of armed men from the Federal cutter Henrietta under the orders of an officer called Pennington, who stated that the schooner was seized. I exhibited my passport to establish my nationality and my character of mere traveler, entirely a stranger to the cargo of the schooner and the vessel also. I requested permission to continue my journey across the United States to go and take at the nearest port a trans-Atlantic steamer. In place of acceding to my request and even without reply I was detained on board and found myself a close prisoner. All communication from without was interdicted; I was not even allowed to make my situation known to the consular agent of France at Providence. I passed five days thus confined with eight sailors in a small cabin where three persons would have difficulty in putting themselves at ease. My trunk having been put under seal I found myself deprived even of the use of my linen.

On the fifth day at evening (August 17) the seals were taken off and the contents of my trunks minutely examined. After seizing upon all the papers found there the custom-house officer told me I might land at Newport, a prisoner on parole.

The next day but one the same functionary intimated to me that I must consider myself as under formal arrest. The French vice-consul at Providence instructed by a third party was taking some steps. After having referred me to the district attorney he came to Newport announcing to me that the U. S. marshal was close at hand for the purpose of releasing me. This functionary in fact soon presented himself but in place of setting me at liberty he rested content with delivering a dispatch to the collector. This person looked at it and left the office in which we were with him. After an absence of half an hour he reappeared and the vice-consul asked for my release. He was answered that precise orders from the Government enjoined him to detain me. The vice-consul requested that I should at least be allowed to remain at Newport for further light on the matter, binding himself on his personal and official responsibility to produce me when required. This request was refused. He was not more fortunate when he wished to know what charges were specifically made against me and to obtain my passport to annex to the report he desired to address to the legation. Thus repulsed in every attempt to protect me the vice-consul was obliged to retire. A few moments after his departure the U. S. marshal came to notify me of a deposition under oath signed by a person quite unknown and who certainly knew no more of me. The deponent declared "to his best knowledge and belief" that I had given aid and comfort to the rebels and that I was consequently guilty of treason. So far as I yet know this is the only foundation on which reliance is had for depriving me of liberty, taking me from my business, obstructing my voyage and sending me as a malefactor in custody of a police officer from Newport to New York to be shut up in Fort Lafayette. There I passed twenty-seven days from August 20 to September 16 shut up—I the eighth—in an unwholesome casemate; deprived of all communication from without, unable even to address myself to the French authorities, my natural protectors, unless at the pleasure of the commandant of the fort; constrained to live at my own cost by reason of the detestable food given to me; restrained from taking more than two hours' exercise daily, and to rest shut up in a suffocating atmosphere from 6 o'clock in the afternoon till 6 in the morning with-

out the privilege of going out of the casemate for any cause whatever. The consequence has been such serious alteration in my health that for that reason I was compelled to ask my conditional release on parole, which was granted on the 16th instant under obligation again to constitute myself a prisoner on the 30th instant.

Under these circumstances, M. Minister, I place myself under your excellency's protection as a French subject imprisoned without cause, without examination, without having had even the privilege of showing my real position to the authorities that have treated me thus arbitrarily. The journals have spoken of heavy sums and of papers compromising me found among my luggage; that is all false. The amounts I had at the time of my arrest were made up of about $250 in gold and a bill of exchange for 5,700 francs. These sums seized at that time have since then been restored, but not so with my other papers which consisted of four letters addressed to different correspondents of the house of O. G. Parsly & Co. and solely devoted to the details and settlement of accounts. A note* annexed contains some instructions about the shipments of merchandise I was to make in case the blockade should have ceased to trammel commerce. Not a single line could be interpreted as implying any political mission.

I should add one particular which is not without importance: it is that the schooner Adelso on which I had taken passage was chartered by a Boston house so that the only real offense that there can be found here—the violation of the blockade—recoils upon a Northern merchant. I hope your excellency will take my condition into your serious consideration, and begging you to excuse the length of this statement, I pray you to believe me,

Your very humble and obedient servant,

L. DE BEBIAN.

—

DEPARTMENT OF STATE, *Washington, October 4, 1861.*

Mr. HENRY MERCIER, &c.

SIR: Upon further consideration of the case of M. L. de Bebian, recently detained at Fort Lafayette, it has been determined to discharge him from further custody. An order to that effect has gone by telegraph to the proper authorities at New York.

I avail myself of the occasion, sir, to offer to you a renewed assurance of my very high consideration.

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, October 4, 1861.*

WINGATE HAYES,

U. S. District Attorney, Providence, R. I.:

Have you or Sanford any papers or letters found upon De Bebian?

WILLIAM H. SEWARD.

(Same to Robert Murray, U. S. marshal, New York.)

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NEW YORK, *October 4, 1861.*

F. W. SEWARD:

I have no papers taken from De Bebian. Send me printed oaths of allegiance by mail.

R. MURRAY,
U. S. Marshal.

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*Not found.

PROVIDENCE, R. I., *October 4, 1861.*

F. W. SEWARD:

Neither Marshal Sanford nor myself have any papers belonging to De Bebian. I have never had any knowledge of the case.

WINGATE HAYES,
U. S. District Attorney.

—

DEPARTMENT OF STATE, *Washington, October 4, 1861.*

Col. MARTIN BURKE, *Fort Hamilton, N. Y.:*

L. de Bebian, late a prisoner at Fort Lafayette, may be finally discharged from custody.

WILLIAM H. SEWARD.

—

FORT HAMILTON, *October 4, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Your dispatch of this date has this moment arrived. M. de Bebian has been absent some days on leave. According to your instructions his name will be stricken from the roll of prisoners at Fort Lafayette.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

—

DEPARTMENT OF STATE, *Washington, October 5, 1861.*

S. W. MACY, Esq., *Collector of Customs, Newport, R. I.:*

Have you the letters found upon the person of the Frenchman De Bebian, referred to in your dispatch of August 17 to the Secretary of the Navy? If so please send them to this Department immediately.

WILLIAM H. SEWARD.

—

NEWPORT, R. I., *October 7, 1861.*

WILLIAM H. SEWARD, *Secretary of State:*

Telegraph received; all papers found on L. de Bebian were sent August 19. No mail till evening; will then write you.

S. W. MACY,
Collector.

—

DISTRICT AND PORT OF NEWPORT, R. I.,
Collector's Office, October 7, 1861.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SIR: Your telegraph dispatch of the 5th was received too late to answer on that day. Herewith I forward you a list* of all the papers which were forwarded you on the 19th of August, the receipt of which you acknowledged by telegraph August 21. The package sent at that time contained all the papers found upon L. de Bebian the French passenger on board schooner Adelso. The letter referred to in my dispatch of August 17 was the one to Brown, Shipley & Co. from O. G. Parsly

* List omitted.

& Co., Wilmington, N. C., and was forwarded the 19th day of August with the other papers. By reference to my letter of August 19 I find they were forwarded under two inclosures and think they may have been mislaid at the Department.

Very respectfully, your obedient servant,

S. W. MACY,
Collector.

—

DEPARTMENT OF STATE, *Washington, October 9, 1861.*

S. W. MACY, Esq., *Collector, &c., Newport, R. I.*

SIR: Your letter of the 7th instant with its inclosure relative to De Bebian papers has been duly received.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

NO. 828 ARCH STREET, *Philadelphia, October 22, 1861.*

Hon. W. H. SEWARD.

SIR: While in Wilmington, N. C., a year ago I was introduced to a Frenchman called De Bebian. M. de Bebian supported himself by teaching the French language and was in rather straitened circumstances. As I some time ago observed in the public papers an account of the arrest of a man of this name who represented himself as a merchant, and who if I remember aright was about to sail for Europe with a considerable sum of money in his possession I thought it might be the teacher and that the little item of information now furnished might be useful.

I am, sir, respectfully,

GEO. MILLIKEN.

—

LEGATION OF FRANCE TO THE UNITED STATES,
Washington, January 19, 1862.

Hon. WILLIAM H. SEWARD, &c.

SIR: Your Department is acquainted with the details of the affair of M. L. de Bebian, imprisoned at Fort Lafayette in the month of August last—and whom at my instance you were so good as to order to be set at liberty after six weeks' detention, however—and the seizure of his papers. M. de Bebian on his arrival at Paris presented to the Imperial Government a claim based on the two points which I had the honor to indicate to you here and I have received orders to call the attention of the Government of the United States to the claim of this Frenchman.

Without wishing to enter into a discussion of the circumstances which appeared to justify in the eyes of the Federal Government the arrest of M. de Bebian I ought none the less to state that the English schooner Adelso on which he was captured with his property and papers entered the port of Wilmington and left it without difficulty, that port not being at that time blockaded, and that she went into Newport under stress; that if these acts perfectly lawful nevertheless gave the Government room to suspect that there were on board this vessel some passengers in contravention of law those passengers ought

at any rate to have been subjected to a prompt investigation, the consequences of which if their innocence were established ought necessarily to fall upon the Government.

The Sieur de Bebian was engaged on a voyage of business; was deprived of his freedom for the space of five weeks; the papers of which he was the bearer and which were indispensable to him for procuring the resources which he needed and for his business enterprise not having been returned to him he finds that he has suffered considerable damages, and you will no doubt deem it proper that he should be indemnified. As to the manner in which this indemnity should be fixed upon I will request you, sir, to be so good as to let me know what shall appear to you to offer the best guaranty of perfect equity.

I embrace this occasion, sir, to renew to you the assurance of my high consideration.

HENRI MERCIER.

—

DEPARTMENT OF STATE, *Washington, January 23, 1862.*

M. HENRI MERCIER, &c.

SIR: Your note of the 19th of January relating to a claim of Louis de Bebian for damages for his detention under suspicion of designs hostile to the United States has been received. I lose no time in informing you that an investigation of the subject has been directed to be made, and I shall communicate to you the result as soon as shall be practicable.

I avail myself of this opportunity to renew to you, sir, the assurance of my high consideration.

WILLIAM H. SEWARD.

—

WASHINGTON, *February 11, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Having heard of the arrest and imprisonment of M. L. de Bebian, merchant of Wilmington, N. C., from on board of a vessel bound to some neutral port I would inform the Department that as has been stated M. de Bebian is a French subject only according to French jurisprudence which recognizes no alienation of native-born citizens even if such persons shall be naturalized citizens of another nation and therefore under their special protection. As to whether M. de Bebian is a naturalized citizen of the United States I am unable to state, but I am under the impression that he is. He was born in the Island of Guadeloupe, and has resided in Wilmington for ten or twelve years, and is connected with parties in the shipment of lumber, naval stores, &c., to French ports.

My acquaintance with him was formed while I had the honor to represent this Government at the Island of Guadeloupe at the several times he visited that port on business.

M. de Bebian having made certain demands against this Government for his losses and imprisonment I consider it my duty to inform the Department of my knowledge and opinions concerning him, formed while in conversation at the time he was last in this city. I consider him part owner or interested in the cargo of the vessel on board of which he was taken. He informed me that he had delivered a large cargo of lumber at Martinique as late as May last; that at this time he has two or three contracts for cargoes of lumber to be delivered as

early as possible, and that he will evade the blockade if possible; also that he has been in the West Indies within the last six months for the purpose of shipping cargoes of salt and molasses to Southern ports.

I feel assured that he has no idea of leaving Wilmington; that he regards the United States as his country of adoption only on pecuniary motives, and will take every advantage to that end. He said to me that he owed no allegiance to the Federal Government, to any State or to the Confederate States, but in this connection I will state that I have no knowledge of his having been the bearer of dispatches or carried any information to the States in rebellion. He informed me that during his stay in France he had conversed with persons high in authority, and had drawn the inference that any interference the South might have expected from the French nation was hopeless. All my conversations with him were carried on in French and therefore not subject to the ear of bystanders.

I remain, sir, your obedient servant,

CHARLES W. KIMBALL,
Late U. S. Consul at Guadeloupe.

Deposition of Seth W. Macy, esq., collector of the port of Newport, R. I., who being duly sworn says:

Am acquainted with M. Louis de Bebian, and first became acquainted with him on the 16th of August, 1861, he being a passenger on board schooner Adelso, seized in Newport, R. I., for running blockade from Wilmington, N. C. Had conversation with him on that and the following days until he was taken in custody of the U. S. marshal and conveyed to New York. He stated that he was a Frenchman by birth, but had been a resident of Wilmington for a number of years; that he had a wife at that place, and that Wilmington was his home. He stated to me that his reasons for leaving Wilmington were on account of the troubled state of the nation, and was going to Europe to remain until the troubles were over. He stated also that he was in reduced circumstances, and he could not see why he was held as a prisoner on board of the vessel because he was in no business and had no reason to fear. To my surprise on going on board the vessel to liberate him I found papers and letters in his possession connecting him with business transactions for purchasing a return cargo to Wilmington, to be composed of army supplies, judiciously made out for that purpose; and also to substantiate his complicity for a return cargo I found a complete set of signals by which they might communicate or converse with parties on shore in relation to the proper time to run the blockade as well as of conversing with each other in person, and from every fact and circumstance connected with him there was no doubt he meant to give aid and comfort to the rebels by importations. When I had the first conversation with him M. de Bebian was very pleasant and courteous in his conduct and conversation and highly praised the Government and people of the United States, but afterward when he was taken in custody by the marshal of this district his language and conduct entirely changed, and he commenced abusing both the Government and people of the United States and myself and other official persons who were present at the time. He also stated that he should go to England and blow the United States Government to hell, and then he would go to France and return with fifty ships of war and have full redress, and other conversations to the same effect.

S. W. MACY,
Collector.

I, William E. Dennis, of the city and county of Newport, do solemnly swear that the foregoing deposition of Seth W. Macy was read in my presence, and that all parts thereof (excepting the conversation between M. de Bebian and the U. S. marshal and other officers) are true to the best of my knowledge and belief. The conversation was not had in my presence.

WM. E. DENNIS,
Her Britannic Majesty's Vice-Consul for Newport, R. I.

NEWPORT, *February 20, 1862.*

RHODE ISLAND DISTRICT, *Newport, ss:*

Then personally appeared the foregoing Seth W. Macy and William E. Dennis and severally made oath in due form of law to the truth of the foregoing statements by them subscribed.

WM. GILPIN,
Notary Public and U. S. Commissioner Rhode Island District.

U. S. CONSULATE, *Nantes, February 26, 1862.*

Hon. FREDERICK W. SEWARD, *Acting Secretary of State.*

SIR: I see from a paragraph in the New York Weekly Herald of February 12, 1862, that M. L. de Bebian, of the firm of O. G. Parsly & Co., lumber and commission merchants of Wilmington, N. C., claims damages from Congress for losses and is likely to get them. This gentleman was with me on the City of New York which left New York for Liverpool November 16, 1861. The first day out he told me his story. Said he had been taken prisoner on a vessel bound to Halifax by Mr. Bennett's cutter. Was sent to Fort Warren, thence to Fort Lafayette. Owing to the absence of the French minister he got no hearing until after four weeks when his release came through the direct intervention of the French Government. His firm had made a first venture in cotton consigned to Brown Bros., in England. Fears as to the honesty of the consignees induced them to send De Bebian to Europe. He was greatly offended with what seemed to him the injustice of his treatment and fell into the hands of some insolent Englishmen, one of whom especially urged him to expose in the French press the villainies and tyrannies of the Lincoln Government immediately on his arrival in France, which I think he promised to do. Almost without exception the Englishmen on the ship were loud in unjust denunciations of the North and fellowship with the South.

I thought it my duty to thwart the intentions of this English clique and therefore before reaching Liverpool gained the confidence of M. de Bebian. I found he was an old soldier of the First Napoleon, whose name he revered, and had been at Waterloo. By waking memories of English injustice to the Emperor, the Waterloo defeat and Saint Helena his latent hate of England and Englishmen was aroused and he promised me not to take their advice, but to go quietly about his business in France. He said he should seek redress in a legal way. I could make no objections to that. He assured me he had been offered rank in the rebel army, but declined saying he would not fight the country which had treated him so well, "But," said he to me, "sir, if the occasion comes when I can fight with America against England although I am no longer young and have a young wife and family I would gladly fight in such a cause." As an illustration of how deeply rooted is this national antipathy he one day said, "If I could put the

English nation in this ship and could reach the magazine I would blow her up and gladly perish with the hated race." Among the papers found with him was one containing the phrase, "Old Abe has not subdued us yet and I don't believe he will very soon."

He also assured me that at the commencement of the secession movement a large meeting was held in Wilmington favoring separation. A few days after the senior member of his firm called a meeting for the Union. Notice was given and the American flag hung out. With the hour appointed came only twenty-five people. The old man attempted to speak, received some hisses and broke down in the effort. The younger member of the firm tried and met with equally bad success. The old man went home and wept over the ruin of the Union. "Now," said M. de Bebian, "the junior of the firm is a major in the Confederate Army, the son of the senior partner is a captain and the father is with the son."

I give you these details in order that you may judge whether if M. de Bebian is reimbursed by Government for any losses sustained the other members of the firm ought to share his benefits after having under any circumstances so far forgotten their allegiance while so many thousand loyal men are lavishing treasure and life for the dear old honored flag. I hope you will excuse me if this letter should seem unnecessary, but I write it because it was my fortune to meet with and know somewhat of this man and I suppose I have no right to infer that you are familiar with all facts. I mentioned M. de Bebian's name to Mr. Dayton when I passed through Paris coming here.

With assurances of respect, I am, sir, your obedient servant,

JOHN DE LA MONTAGNIE,
U. S. Consul.

Before me, John S. Hollingshead, notary public in the city of Washington, D. C., personally appeared Charles W. Kimball, of Boston, under oath deposed and said that he was and had for a long period been acquainted with M. Louis de Bebian, native of the Island of Guadeloupe, West Indies, and at present resident of Wilmington, N. C.; that at the time of said De Bebian's visit to this city in the month of January last past I had at several times long conversations with him concerning his departure from Wilmington, his confinement at Fort Lafayette and his visit to Europe in which he expressed to me freely his motives in leaving Wilmington which were pecuniary, and also his designs; that he being a Frenchman should not take active part in the war; that he took passage in the schooner Adelso to go to Halifax and thence to Europe for the purpose of purchasing blankets, shoes and articles most in demand for warlike purposes, and which he thought would pay large profits as they were much needed at the South. That he had letters of credit to a large amount belonging to parties residing South. That he had carried a large cargo of hard pine lumber to the West Indies during the summer of 1861, and returned to Wilmington with several contracts for lumber which he should ship as soon as he had a good chance. That his capture and confinement had caused him severe losses.

CHARLES W. KIMBALL.

Sworn and subscribed to before me this 3d day of March, 1862.

JOHN S. HOLLINGSHEAD,
Notary Public.

LEGATION OF FRANCE TO THE UNITED STATES,
Washington, March 11, 1862.

Hon. WILLIAM H. SEWARD, &c.

SIR: In conformity with what was agreed upon between us at our last conversation on the affair of M. de Bebian I have the honor to communicate to you six numbered papers, which have been addressed to me by this Frenchman as well as the letter ———,* begging you will please return them to me after you shall have so used them as you shall deem proper.

I seize this occasion to repeat to you, sir, the assurance of my high consideration.

HENRI MERCIER.

—

DEPARTMENT OF STATE *Washington, March 14, 1862.*

M. HENRI MERCIER, &c.

SIR: I have the honor to acknowledge the receipt of your note of the 11th instant with the six papers and the letter therein referred to in relation to the case of M. de Bebian which accompanied it.

Be pleased, sir, to accept the assurance of my high consideration.

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, March 25, 1862.*

M. HENRI MERCIER, &c.

SIR: I have already explained to you that the accidental displacement of certain documents rendered it necessary to defer my reply to your note of the 19th of January last concerning the case of Louis de Bebian.

You are but too well aware, sir, that a party of seditious persons early in the last year organized an insurrection and attempted by civil war to set up a revolutionary government under the name of the Confederate States of America upon the ruins of the constitutional government of the United States of America. You are also well aware that as early as last April this revolutionary movement was accepted by the political body of North Carolina with all its authorities and that the city of Wilmington went under the sway of that pretended government.

You hardly need to be reminded that as early as the month of March last the insurgents laid siege around this capital which siege has only been fully raised within the past month; nor are you a stranger to the fact that agents of the revolutionary authorities have for more than a year been engaged in different parts of the United States endeavoring to extend the insurrection while others being political agents were abroad, some seeking direct intervention by the European states to subvert the American Union, and still others who were commercial agents were engaged in those states in obtaining ships, ordnance, ammunition, military stores and supplies for the revolutionary army.

I beg also to recall to your recollection the fact that so early as the 27th of April the President upon the grounds of that insurrection proclaimed and set on foot a blockade of all the ports in the then insurrectionary district including the port of Wilmington, in the State of North Carolina, and that this blockade was actually established at that port on the 24th day of July last.

*Not found.

You are also aware that on the breaking out of this attempted revolution the President of the United States having issued his proclamation declaring the existence of the insurrection assumed the extraordinary powers vested in him by the Constitution for such emergencies and proceeded to suppress it by prohibiting commercial intercourse and treasonable correspondence between the then insurrectionary portion of the country and the other parts of the United States, and arresting and detaining temporarily when necessary without judicial process parties who were found or suspected on probable grounds to be engaged in contraband trade or treasonable combination and conspiracies against the Government.

On the 17th of August, 1861, the United States collector for the port of Newport, in the State of Rhode Island, by telegraph informed this Government that he had found in the possession of a French passenger letters from O. G. Parsly & Co., of Wilmington, N. C., to Brown, Shipley & Co., of Liverpool, directing this passenger to purchase 5,000 to 10,000 army blankets, 1,000 bags of coffee and ——— tons of iron of various sizes, the whole amounting to $40,000 in value and to be shipped in a French or British vessel with signals how to avoid the blockade at Wilmington, N. C., on arrival, and upon this information the collector inquired whether he should detain the passenger. A second dispatch informed the Government that the passenger thus described was L. de Bebian, of Wilmington, N. C. Upon this information directions were given by the Government that De Bebian should be conveyed to Fort Lafayette for safe-keeping and that the papers found in his possession should be sent to the State Department.

Upon inquiring into the case it was found that De Bebian was a native of the Island of Guadeloupe and that he had been residing within the United States and domiciled several years at Wilmington apparently without any intention of ever removing from that place. He was a teacher of the French language, without capital or credit, and was taken into some kind of partnership or agency by the mercantile firm of O. G. Parsly & Co. established in that city. The political character of this firm was revealed by a letter signed by them and addressed to Messrs. J. C. Burnham & Co., Havana. This letter bore the treasonable date of Wilmington, N. C., C. S. A., and closed with the words: "As soon as we whip out our Yankee enemies which will not we think be long we shall again we hope have the pleasure of your correspondence." Another letter of the 5th of August addressed by the same O. G. Parsly & Co. to Barron C. Watson, Liverpool, closed with the words: "Old Abe has not whipped us yet and we hardly think he will." The fact that De Bebian was thus found in the act of carrying treasonable correspondence tending to endanger the public safety at a critical period justified the Government in detaining him until that period shall have passed by.

Subsequent inquiries resulted in the facts described by De Bebian himself, that the junior partner of the firm of O. G. Parsly & Co. was a major in the insurrectionary service and that a son of the senior partner was a captain in the same service and that the father was with the son. Such being the political relations of O. G. Parsly & Co. in whose service or connection De Bebian was attention was next directed to the nature of the business which he was transacting for them. This was learned in part from the circumstances of his arrest and in part from the letters and instructions he carried. He was found on board the schooner Adelso, a vessel of ninety eight tons, which had been built at Eastport, in the State of Maine, and was then owned by John Kay of that place and was called the O. L. Hyde. Kay as is under-

stood nominally transferred the vessel to a brother-in-law named Harry Horton who changed her name to the Adelso, and she was then dispatched from a British province to Wilmington under the command of Thomas Kimball as master, who claimed to be a British subject, although he had been naturalized as an American citizen. The vessel entered Wilmington by running the blockade, and she left it in the same way on the 6th of August freighted with resin and turpentine bound for Halifax.

The letters and papers which he was conveying were found hidden among his clothing, and these papers showed that he was to purchase for O. G. Parsly & Co., at Liverpool, an assorted cargo and return therewith to Wilmington, N. C. Among the papers thus found were instructions from O. G. Parsly & Co. to Brown, Shipley & Co., Liverpool, giving the invoices for purchases, namely, 5,000 to 10,000 army blankets, 1,000 bags of coffee, ——— tons of iron, round and flat (notoriously needed for military purposes). The whole sum to be thus expended was $40,000. The goods were to be shipped in a French or a British vessel. With these instructions were directions how to give notice by concerted signals of his return and arrival off the coast and to receive in the same way warning of the presence and movement of the blockading forces.

The two letters of O. G. Parsly & Co., which I have already mentioned, directed the foreign mercantile correspondents to whom they were addressed to pay over to Brown, Shipley & Co. certain assets belonging to the former firm, and the last letter asked aid to M. de Bebian in the business with which he was charged. Brown, Shipley & Co. are well-known commercial and political agents of the insurgents and actually engaged in fitting out vessels for them in violation of the blockade and with contraband of war.

Besides the papers mentioned others full of disloyal and treasonable matter written by persons who confessed they were engaged in treasonable occupation were found in possession of De Bebian. One of these letters condemned the Government of the United States and avowed the opinion that it must pretty soon acknowledge the Southern Confederacy.

In view of these circumstances this Government considered that it would be incompatible with the public safety to permit Louis de Bebian to proceed at that moment with his $40,000 to Europe and he was retained under military custody at Fort Lafayette merely as a measure of precaution. As soon as it was supposed that his health might suffer by reason of close confinement he was enlarged, but held under surveillance and shortly thereafter when it was supposed that the treasonable purposes in which he was believed to be engaged were practically defeated this surveillance was removed and he was left at liberty to go to France. After remaining there until he grew weary of exile in his native country this Government at your request made in his behalf permitted him to return to his disloyal associations at Wilmington, in North Carolina.

You will perceive, sir, that De Bebian is not regarded by us as having been an innocent passenger on board the Adelso nor is the Adelso regarded as having been a neutral vessel. Moreover the examination in his case was made with all the promptness that was possible and his discharge from confinement was granted as soon as a prudent regard for the public safety then deeply imperiled would permit.

I avail myself of this opportunity to renew to you, sir, the assurance of my high consideration.

WILLIAM H. SEWARD.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., February 2, 1862.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR:

* * * * * * *

P. S.—Monday, 3d of February.—Last evening General Wool sent up by a flag of truce M. de Bebian, a subject of France living in Wilmington, N. C., and Mrs. Kerr, of Savannah. M. de B. informs me the commissioners arrived at Fort Monroe yesterday.

B. H[UGER].

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., February 3, 1862.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: I have had an interview with M. de Bebian, the gentleman mentioned in my postscript to letter of yesterday. He was arrested by the Lincoln Government last summer while on his way to Europe and confined in Fort Lafayette. He was released at the instance of the French minister, but his papers were retained and he was refused permission to return to Wilmington, N. C. He asked for and obtained a passport to go to Europe, and Mr. Seward indorsed on it "It is understood M. de B. is not to enter into any of the insurrectionary States." On his arrival at Paris he had an interview with the Emperor who on seeing this indorsement said he should be allowed to return to his place of business, and directed him to call next day on the minister of foreign affairs who would give him the necessary papers. He called accordingly and was furnished with letters to the French minister at Washington. On his arrival in Washington he called on Mr. Seward and asked for a permit to come to Wilmington, which was refused. Next day the French minister called and obtained the permit on which he has come here. He states to me he has made his claim for damages, and he heard it was taken before a committee of Congress. M. de B. proceeds to Wilmington to-day, and I thought his case of sufficient interest to send you an account of it.

I remain, very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

Case of John Williams, jr.

John Williams, jr., of Norfolk, Va., was arrested by the U. S. marshal in Boston on the 9th day of August, 1861, who reported that the prisoner had held a major's commission in the Confederate Army, and had been arrested on suspicion of treasonable purposes in his visit to Boston. He was confined in Fort Lafayette by direction of the Secretary of State and afterward transferred to Fort Warren. Williams did not conceal the fact of his disloyalty. On the 16th of September, 1861, he was offered his release on condition of taking the oath of allegiance, which he declined to do. On the 26th of the same month he recalled his refusal and offered to take the oath. He having declined to take the oath he was ordered to give security in the sum of $10,000 besides taking the oath, and was ordered to be released on such terms October 4, 1861. It appears that the information upon which Williams

was arrested came to Major-General Butler from Fortress Monroe, and that he was arrested by direction of that officer. There was some delay on Williams' part in furnishing the bond required, but he was finally released on the terms before mentioned on the 14th day of November, 1861.—*From Record Book, State Department, "Arrests for Disloyalty."*

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BOSTON, *August 9, 1861.*

Hon. SECRETARY OF STATE:

John Williams, of Norfolk, Va., who has held a commission of major in the Confederate Army, has been arrested by me on suspicion of treasonable purposes in his visit to Boston. Will the Department give me any instructions about him?

JOHN S. KEYES,
U. S. Marshal.

—

WASHINGTON, *August 9, [1861].*

JOHN S. KEYES, *U. S. Marshal, Boston:*

Deliver John Williams to Lieut. Col. Martin Burke, Fort Lafayette, N. Y.

W. H. SEWARD.

—

U. S. MARSHAL'S OFFICE, DISTRICT OF MASSACHUSETTS,
Boston, August 12, 1861.

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States.

SIR: I have the honor to report that in pursuance of the directions contained in your telegram of the 9th instant I have delivered John Williams to Lieut. Col. Martin Burke, at Fort Lafayette, N. Y.

I also desire to report to the Department that I am informed by a reliable source that a Captain Vincent, an old ship master of North Carolina familiar with that entire coast, in company with a wealthy citizen of South Carolina of a French name not remembered correctly, were met on the steamer from this port to Saint John week before last, and from their conversation my informant had no question that their errand was to fit out privateers from some of the ports of British America if they could be obtained either by purchase or fraud or force. The fact has also come to my knowledge that two Southerners were conversed with in the Province of Canada East last week who avowed their business to be to procure vessels for that business, and to the question of where they would get their letters of marque, &c., replied that they were to receive them when they were ready to sail in Boston. Whether these were the same Captain Vincent and friend I do not know.

These taken in connection with the report of a plan on foot in the British Provinces for an organized party to take passage on board some of the steamers plying to this port or New York as passengers and putting on board as freight such armament as they desired, rise on the passage and capture the steamer and take her on a privateering cruise which has been circulated here for some days have led me to believe that there was need of great vigilance on the part of our consuls and agents in Canada to guard against such practices. I have therefore taken the liberty of communicating these facts to the Department that if of any value or materiality they may be acted on. In the

matter of the ship Alliance at Saint John reported to be engaged in shipping munitions of war with a design of running the blockade, I have already communicated to the American consul there and at Halifax through Mr. Amory, the U. S. dispatch agent at this port. I should have transmitted this through the same hands but he is absent from the city and I therefore send this direct, and am,

Very respectfully, your obedient servant,

JOHN S. KEYES,
U. S. Marshal.

OFFICE OF U. S. ATTORNEY, *Boston, September 10, 1861.*

Maj. Gen. BENJAMIN F. BUTLER.

DEAR SIR: The wife and father of John Williams, arrested here and now confined in Fort Lafayette, have been to see me on his behalf, and at their request I have read their papers and heard their statements. The case is wholly out of my power, but I have examined the documents because I understood you desired it. The statements of Mrs. Williams and of the letters seem to show that so long as there were any Union men in Norfolk he was one of them, and that his errand North was a legitimate one. The order for his removal to Fort Lafayette was received from the Secretary of State; and probably the authorities in Baltimore and Washington, the provost-marshal and head of police in these cities, have more information about him than I have, and inquiries should be made of them. There are some circumstances which may entitle his case to favorable consideration. He is a young man with a wife and several little children dependent on him, and if he had any illegal errand here his confinement must have broken up his plans and rendered his visit fruitless.

Very respectfully, yours,

THORNTON K. LOTHROP,
Acting U. S. Attorney.

The story of his having a commission which was in circulation here seems to have sprung in part at least from what is now said to be a joke of his, which is alluded to in one of the letters.*

DEPARTMENT OF STATE, *Washington, September 14, 1861.*

Col. MARTIN BURKE, *Fort Hamilton, N. Y.*

COLONEL: I will thank you to discharge John Williams who has been confined for some time past at Fort Lafayette upon his taking the oath of allegiance to the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

FORT HAMILTON, *September 16, 1861.*

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States, Washington, D. C.

SIR: In obedience to your instructions I offered to release John Williams upon his taking the oath of allegiance which he declined or refused to do.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, U. S. Army, Commanding.

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*Not found.

FORT LAFAYETTE, *September 18, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington, D. C.*

SIR: Colonel Burke informed me this morning that he had your order for my release on condition of my taking a certain oath a copy of which he handed me. As far as I have been able to ascertain no charge made against me has been sustained and I am unable to understand why I should be compelled to take the oath required. Please inform me if you will accept my parole of honor not to take up arms against the United States or to engage in any treasonable practices. It is my intention to reside in the United States, and you will still have the opportunity of watching my conduct.

By attending to this request at your earliest convenience, you will much oblige,

Yours, respectfully,

JNO. WILLIAMS.

—

DEPARTMENT OF STATE, *Washington, September 21, 1861.*

Col. MARTIN BURKE, *Fort Lafayette.*

SIR: Mr. John Williams having declined to take the oath of allegiance you will retain him in custody until further instructions from this Department.

Very truly, yours,

WILLIAM H. SEWARD.

—

FORT LAFAYETTE, *September 26, 1861.*

Colonel BURKE, *Fort Hamilton.*

SIR: If you still have authority to release me upon taking the oath of allegiance as directed by the Secretary of State last week please let me know as early as possible. I am induced by serious matters connected with my family to comply with the order.

Respectfully, yours,

JNO. WILLIAMS.

—

DEPARTMENT OF STATE, *Washington, October 4, 1861.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

SIR: I have to acknowledge the receipt of your letter containing the communication from John Williams dated September 26, 1861. Having heretofore declined to take the oath of allegiance and being induced to do so now only by "serious matters connected with his family" he must besides taking the oath give good and sufficient bonds in the sum of $10,000 approved by the U. S. district attorney to do no act hostile or injurious to the United States, and that he will neither enter nor hold any correspondence whatever with the insurrectionary States during the present rebellion without permission from the Secretary of State.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

—

FORT LAFAYETTE, *October 7, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington, D. C.*

SIR: An order was received from the State Department about two weeks [ago] authorizing Colonel Burke to release me upon taking the

oath of allegiance. I declined doing so at the time because I expected to return to my home in Norfolk, Va., and did not know what effect it would have upon me there. Since that time, however, I have made arrangements to remain in the North (Baltimore), and if permitted will now take the necessary obligation. My case was examined by you at the solicitation of my wife and father, and so far as they were able to ascertain no charge against me was sustained and my release was ordered by you. The situation of my wife and family urge me to ask a speedy reply to this communication.

Yours, respectfully,

JNO. WILLIAMS.

P. S.—My case was also examined and reported on by General Butler* and Marshal Keyes,* of Boston, at which place I was arrested.

J. W.

—

FORT MCHENRY, [*Baltimore,*] *October 21, 1861.*

Hon. WILLIAM H. SEWARD:

Has John Williams, jr., a prisoner at Fort Lafayette, been released? His friends are very anxious about him. His father is one of our most loyal citizens. The understanding is that you ordered him released two weeks ago on security in the penal sum of $10,000 not to go South and that it has been given.

JOHN A. DIX.

—

DEPARTMENT OF STATE, *Washington, October 22, 1861.*

Maj. Gen. JOHN A. DIX, *Baltimore, Md.*

GENERAL: Your telegram of the 21st instant relative to the case of John Williams has been received. In reply I have to inform you that on the 4th day of October, 1861, instructions were issued to Lieut. Col. Martin Burke, the commanding officer at Fort Lafayette, to discharge that person on his giving in addition to the oath, &c., a bond in the sum of $10,000 that he would faithfully observe the obligations imposed. Colonel Burke is very prompt in the execution of the orders of this Department. It is inferred that the prisoner has not yet complied with the terms upon which his release was granted.

I have the honor to be, general, very respectfully, your obedient servant,

F. W. SEWARD,
Acting Secretary of State.

—

FORT MCHENRY, *October 29, 1861.*

Hon. WILLIAM H. SEWARD.

MY DEAR SIR: Mrs. Williams who will deliver this note to you is desirous of seeing you in regard to her husband. She will explain the difficulty, and I think the security will be perfectly good if Mr. Jenkins is allowed to be held for $2,500 or omitted altogether in the bond.

I am, dear sir, truly, your obedient servant,

JOHN A. DIX.

[Indorsement in pencil.]

Desires to know whether they can be allowed to be held severally and not jointly.

* Not found, but see Lothrop to Butler, September 10, p. 458.

WASHINGTON, *October 30, 1861.*

His Excellency ABRAHAM LINCOLN,
President of the United States.

RESPECTED SIR: I would be extremely gratified (having come from Baltimore this a. m. for the purpose) if you would devote a few moments of your much taken up time for my benefit in behalf of my husband, now confined in Fort Lafayette, N. Y., whose release has been ordered but not fully consummated owing to a very trifling circumstance which I am extremely anxious to state to Your Excellency. Fully aware as I am that your mind is now overtaxed almost beyond endurance and the very early hour at which I call being unusual, still long, tedious suffering and privation from his want of occupation may apologize for the promptings of a wife to plead in behalf of her great trouble and distress an interview with Your Excellency for but a few moments previous to the press at business hours.

Hoping my request of your clemency may be granted, I am, very esteemed sir, yours, respectfully, &c.,

MRS. CECILIA WILLIAMS.

I also send a letter of introduction from Major-General Dix to His Honor W. H. Seward, Secretary of State, showing his views from a knowledge of the case.

—

DEPARTMENT OF STATE, *Washington, October 30, 1861.*

W. M. ADDISON, Esq., *U. S. District Attorney, Baltimore, Md.*

SIR: Application has been made to this Department for instructions to you to draw the bond in the case of John Williams, a prisoner in Fort Lafayette, so as to make the sureties liable severally instead of jointly. If you see no grave objection to such procedure and if the sureties severally are responsible for the amounts pledged you are at liberty to accept the bond in that form.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

DEPARTMENT OF STATE, *Washington, October 31, 1861.*

Maj. Gen. JOHN A. DIX, *Baltimore, Md.*

GENERAL: In answer to your note of the 29th instant which was handed to me by Mrs. Williams I have to state that the U. S. district attorney, William M. Addison, esq., has been authorized to accept the sureties in the case of John Williams severally instead of jointly as you suggest.

I have the honor to be, general, your obedient servant,

WILLIAM H. SEWARD.

—

OFFICE OF U. S. ATTORNEY, *Baltimore, October 31, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to acknowledge the receipt of your letter of the 30th instant in reference to the bond of John Williams, a prisoner in Fort Lafayette. In it you state that if I see no grave objection to making the sureties therein liable severally instead of jointly I am at liberty to accept a bond in that form. I presume the object of your

letter was to gratify the application of Mrs. Williams that the $10,000 bond might be drawn in such form that each security (four in number) should only be responsible for his proportion of the obligation, to wit, $2,500. She has caused to be prepared the bond so as to obtain that end and presented it to me for my approval. It is herewith inclosed* and I have appended my certificate that the several sureties are worth $2,500 each.

I deem it quite unnecessary to remind the Department that a bond for $10,000 wherein the sureties are severally responsible is a very different one in substance and effect. I have therefore thought it best to transmit the instrument to you in the form in which it is presented to me so that if it has your approval you may send it immediately to the district attorney of New York on whom the father is now in attendance (John Williams, sr.) waiting to add his signature. I will take the liberty to add that Mrs. Williams has requested me to beg the favor of you to dispatch the bond should it meet your approval as soon as possible to New York as the father is detained there at great inconvenience.

I am, sir, your very obedient servant,

WM. MEADE ADDISON,
U. S. Attorney.

—

BALTIMORE, *November 4, 1861.*

F. W. SEWARD:

Is the bond of John Williams' sureties right?

JOHN A. DIX.

It is.

F. W. S[EWARD].

—

FORT WARREN, *November 14, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington.*

SIR: The marshal of the district of Massachusetts having informed me that the district attorney had John Williams' bond for $10,000 duly executed I discharged him yesterday in obedience to your letter to Lieut. Col. Martin Burke, commanding Fort Lafayette, of October 4, 1861. I have the honor to inclose herewith Mr. John Williams' oath.

I am, sir, with the highest respect, your obedient servant,

J. DIMICK,
Colonel First Artillery, Commanding Post.

[Inclosure.]

I, John Williams, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States against all enemies whether domestic or foreign, and that I will bear true faith, loyalty and allegiance to the same, any ordinance, resolution or law of any State convention or legislature to the contrary notwithstanding; and further that I do this with a full determination, pledge and purpose, without any mental reservation or evasion whatsoever; and further that I will well and faithfully perform all the duties which may be required of me by law, hereby stipulating that I will neither enter into any of the States in insurrection against the Government of the United States nor hold any correspondence whatever with persons residing in those States nor transmit any correspondence between disloyal persons with-

* Bond omitted.

out permission from the Secretary of State; and also that I will not do anything hostile to the United States during the present insurrection. So help me God.

JNO. WILLIAMS.

Sworn to and subscribed before me this 13th of November, A. D. 1861.

J. DIMICK,
Colonel First Artillery, Commanding Post.

Case of Charles J. Faulkner.

Charles J. Faulkner, of Martinsburg, Va., late minister of the United States to France, was arrested at Washington on or about the 12th day of August, 1861, by order of the War Department, and was soon after taken to Fort Lafayette for safe-keeping and was subsequently transferred to Fort Warren. Faulkner himself alleges in a letter to the Secretary of State that he was taken as a hostage for Mr. Magraw, of Pennsylvania, who was held in custody by the rebels, but whether he has any warrant for such assumption or whether any such motive had any influence in prompting his arrest there was deemed to be sufficient cause for his detention in his disloyalty and in the hopes built upon his expected services by the rebels; the Department of State had reliable information that as early as February, 1861, Faulkner had advices from the rebel Mason, of Winchester, Va., that he must hold on and not quit Paris on any consideration; that Virginia would certainly secede on the 20th of February, and on the night of the 3d of March Virginia would take possession of the city of Washington; that the whole Southern Government was perfectly organized to go into operation immediately; also that Faulkner's son distributed secession cockades in Paris in the office of the legation. The Department also had like information that a regiment near Winchester was waiting for Faulkner to be their colonel, and that it was currently reported there that he had sent arms from France to the Southern Confederacy. But a more conclusive proof of the disloyalty of Faulkner was furnished by himself on the 1st of December, 1861, in a proposition to effect an exchange of himself for a loyal citizen of the United States held in captivity by the rebels. In pursuance of that suggestion Faulkner was released on his parole to proceed to Richmond and in a certain time restore the Hon. Alfred Ely, of New York, to his seat in Congress or deliver himself to the order of the Government in Washington. He proceeded to Richmond accordingly and having effected the proposed exchange, and Mr. Ely having been restored to his seat in Congress, Faulkner remained at liberty and in the portion of the country controlled by the rebels.—*Record Book, State Department, "Arrests for Disloyalty."*

The commanding general will rescind the pass given to the Hon. Charles J. Faulkner permitting him to cross the lines of the armed forces of the United States, and will detain him in custody unless on being arrested he shall take an oath of allegiance to the United States.*

* Memorandum found among State Department papers, with neither date nor signature.

HEADQUARTERS DEPARTMENT OF WASHINGTON,
Washington, D. C., August 12, 1861.

HON. SECRETARY OF STATE:

A lady came to my office to inquire for her husband, Addison T. Munsel, a schoolmaster, who was pressed into the service near Winchester, Va. He is supposed to have made his escape to our lines or have been murdered. This lady was introduced to me by the Rev. B. N. Benton, pastor of the Second Baptist Church, near the navy-yard. He resides 563 Fourth street east, a sound Union man. This lady said to me a regiment near Winchester was waiting for Charles J. Faulkner, our minister to France, to be their colonel, and that it was currently reported there that he had sent arms from France to the Southern Confederacy.

MANSFIELD,
Brigadier-General.

—

HEADQUARTERS DEPARTMENT OF WASHINGTON,
Washington, D. C., August 12, 1861.

On the 15th of February Faulkner read a letter from Senator Mason, of Virginia, dated U. S. Senate Chamber, that he must hold on and not quit Paris on any consideration; that Virginia would certainly secede on the 20th of February, and on the night of the 3d of March Virginia would take possession of the city of Washington; that the whole Southern Government was perfectly organized to go into operation immediately. Faulkner's son distributed secession cockades in Paris at the legation in the office. This was read and done in the presence of William C. Barney, now in this city.

MANSFIELD,
Brigadier-General.

—

DEPARTMENT OF STATE, *Washington, August 14, 1861.*

EDWARD C. CARRINGTON, Esq.,
U. S. Attorney for the District of Columbia.

SIR: It being desirable to take the deposition of a witness in the case of Charles J. Faulkner, recently arrested in this city, I will thank you to proceed at once to the office of General Mansfield, who will inform you of the name of the witness, and to attend to the taking of the deposition before a magistrate.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

—

Personally appeared before me William Chase Barney, a citizen of the United States, and being duly sworn says that on the 28th day of April, 1861, he the said Barney told the Hon. William H. Seward, Secretary of State, that on the 13th day of February, 1861, Charles J. Faulkner, then U. S. minister at Paris, read to him the said Barney a letter from Senator James M. Mason, of Virginia, dated U. S. Senate Chamber, directed to said Faulkner, advising said Faulkner to hold on and not to quit Paris on any consideration; that Virginia would certainly secede the 20th of February, 1861, and in the night of the 3d of March following Virginia would take possession of the city of Washington; that the whole Southern Government was properly organized

to go into operation immediately; that said Faulkner's son called Boyd Faulkner distributed secession cockades in the office of the U. S. legation at Paris. The said Barney says that the above statement made to the Secretary of State is true to the best of his knowledge and belief.

WILLIAM C. BARNEY.

Sworn and subscribed before me this 16th day of August, 1861.

GEO. C. THOMAS,
Notary Public.

—

ASTOR HOUSE, NEW YORK, *August 19, 1861.*

SECRETARY OF STATE.

SIR: In conversing with Major Townsend, of Albany, this afternoon he urged me to write you my strong convictions in reference to our late minister to France, now under arrest. Whatever my own conclusions may be—formed from a residence in Europe during the whole time of Mr. Faulkner's official position there and an intimate acquaintance with the opinions of my countrymen abroad—I do not think I possess actual facts which you will consider important.

I only know that Mr. Faulkner is a secessionist—known and acknowledged to be so by all who have come in contact with him during the last two years; that his family are secessionists of the most violent character; that the French ministers with whom he was on terms of intimacy and the members of the Senate all knew his strong feelings of sympathy with the rebels, and that the embassy in Paris was the rendezvous of all the most violent of the traitors so long as he stayed. My wife returned to this country on the same ship with the ladies and children of Mr. Faulkner's family. This was early in May. At that time Virginia was supposed to be hesitating. The son was most bitter and violent in his denunciations of the United States Government, and outspoken in his wishes that his father's State should cast in her lot with South Carolina.

I have no doubt that numberless facts bearing directly upon Mr. Faulkner's treasonable complicity with the rebellion while he was the resident minister of the United States at Paris could be gathered now, but until he was arrested so accustomed had I been in the presence of our late consuls at Liverpool and London to hear rebellion approved that I never thought of obtaining accurate information upon a subject of common fame. There is, however, not a shadow of doubt that the sympathies of the French ministry were enlisted by the most constant efforts of Mr. Faulkner in favor of the seceding States. In fact it is not yet four weeks since the minister of foreign affairs recommended my friend Col. Enrico Fardilla, who was coming to this country, to enlist at the South.

If I can be of any service to the Government in this matter a letter addressed to me at Copake Iron Works, Columbia County, N. Y., will reach me. I beg you will pardon the liberty I have taken, and believe me to be,

With great respect, sir, your obedient servant,

N. S. DODGE.

MILITARY PRISON, MASSACHUSETTS AVENUE,
Washington City, August 29, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Some days ago I addressed to you a communication * apprising you of the fact of my arrest by order of the Secretary of War, and of the reasons which he assigned to me in justification of that act. I endeavored in that letter to show that my arrest was in every point of view unsustainable upon any of the grounds upon which it was placed by that high functionary. I concluded by asking that my letter embracing a protest against the justice and legality of my imprisonment might be laid before the President for his consideration and action. I have received from you no reply to that communication, not even an acknowledgment of its receipt. Since that time I wrote a note to the Secretary of War * informing him that my health was suffering from the unnecessarily close confinement to which I was subjected and requesting an extension of my prison limits with a view to some exercise in the open air. To this I received a reply in which declining to grant my request he informed me that I was no longer his prisoner, and that I was now transferred to the custody of the Secretary of State. No reason was assigned by him for my transfer from his charge to your safe-keeping.

Being thus left to conjecture as to its motive I can imagine but one explanation of the fact. It is that you have laid my letter before the President; that he has given just weight to its facts and reasoning, and that he has disapproved the grounds upon which the Secretary of War ordered my arrest and made me his prisoner. If I am correct in this inference I see no reason why I should not have been promptly remitted to my liberty and placed where I stood on the 9th of this month when I received from you a safe conduct and pass to my family in Virginia, unless indeed some facts have been brought to your notice since that day to give a new aspect to my case. Be that as it may I cannot but express my gratification at the assurance that I am once more relieved from the grasp of military power—a power in its nature always irresponsible, which in every age submits to no maxim but *sic jubeo stat pro ratione voluntas*, and that I am placed in relations, hostile even should they be, with one who has been trained to respect the legal rights of his fellow-men; to acknowledge the paramount importance of justice and law in national as well as individual affairs, and who must feel some regard for the judgment which impartial history will one day pronounce upon his acts.

I have already in my first communication to which I again invite your attention submitted my conduct while abroad to the highest standard by which it could in the nature of things be judged. If any allegations have since been made to impugn the declarations there made it is right and just that I should be apprised of them. Up to this moment I have not heard from any official source nor indeed from any source entitled to the least respect that the Government of the United States has any complaint of any kind against me. If there be one I desire to meet it promptly. You cannot be insensible to the fact that this recent movement of the Secretary of War has already done me much injury here and in Europe.

The public is but little enlightened as to the avowed cause of my arrest, and even if the true explanation of it had been earlier and more generally announced it would be difficult to satisfy those whose good opinion I value especially in Europe that a public minister of the

* Not found.

United States returning to the capital of his country to report himself to his Government and to close the affairs of his mission could have been arrested and imprisoned upon such grounds as the Secretary of War has assigned as the motive of his action. Such a proceeding for such a cause would strike them as incredible. In their conception of the proprieties and probabilities of governmental action nothing could justify such a measure but gross and treasonable infidelity to the diplomatic trust with which I was honored. That deduction I have no doubt even those most inclined to a favorable judgment of me have felt constrained to draw from the fact and circumstances of my arrest; and even in this country where the public judgment has become so deplorably inflamed by the extraordinary state of our affairs the brief editorial in the National Intelligencer giving quasi officially the reason of my arrest is passed by unnoticed and the papers are still filled as they were before with speculations upon the enormous crimes which I must have committed whilst abroad to be thus so long the subject of such close and vigilant governmental detention.

Now, sir, having been transferred to your custody as a prisoner of state and the responsibility of my further detention resting entirely with you I respectfully inquire of you as I did of the Secretary of War why am I thus held in confinement? Of what infidelity to my Government—of what offense against the country am I accused that I should be thus deprived of my liberty? What object suggested by public policy or touching the public safety demands my imprisonment? Dark and unexplained as the whole course of procedure has been it has become to me a subject of painful and embarrassing mystery. In periods of great public danger and excitement like the present individual wrong is often done. The true defense of any government under such circumstances is the reparation of that wrong at the earliest moment that it is made sensible of its error. I trust I shall be favored with a reply to my earnest and respectful inquiries.

I am, very respectfully, your obedient servant,

CHAS. J. FAULKNER.

—

SEPTEMBER —, 1861.

Hon. W. H. SEWARD, *Secretary of State:*

I heard some weeks since of Mr. Faulkner's arrest but hoped by this time that he would be released as he had taken no part in the present contest. Why is he detained in Washington when he went there upon business with the Government feeling it his duty to give an account of his ministerial duties while at the court of France? I am sure Mr. Seward cannot refuse to give me information if my husband will be released or detained until the war is over. If he be detained, will Mr. Seward send me a pass to go from Martinsburg to Washington City? In order for me to receive this pass the letter must be addressed to the care of my daughter, Mrs. G. V. Lott, Everett House, Union Square, New York.

I remain, with respect,

MRS. C. J. FAULKNER.

—

MASSACHUSETTS AVENUE,
BETWEEN SEVENTH AND EIGHTH STREETS,
Washington City, September 1, 1861.

Hon. Mr. MCDOUGALL, *Senator from California.*

MY DEAR SIR: I perceive from the morning papers that you are now in this city. Can't you pay me a visit? I am sure if you apply to the

Secretary of State he will not refuse you. I am quite anxious to
you. I remember with infinite pleasure our agreeable relations in C
gress, and more especially the incidents of that "mess" of which
formed a part. Don't fail to make an effort to see me, and at the ea
est moment your convenience will admit.

I am, truly and sincerely, yours,

CHAS. J. FAULKNER

HEADQUARTERS CITY GUARD,
OFFICE OF THE PROVOST-MARSHAL,
Washington, September 8, 186

Lieut. Col. M. BURKE, *Commanding Fort Lafayette.*

SIR: By direction of the honorable Secretary of War you will ple
receive the Hon. Charles J. Faulkner, of Virginia, and hold him in c
finement until further orders.

A. PORTER,
Brigadier-General, U. S. Army, Provost-Marsha

Memorandum for Captain Willard.

SEPTEMBER 8, 186

Captain Willard will oblige me by calling on the Secretary of St
the provost-marshal, or whoever has the right to determine the po
and ascertain if some relaxation of the severe rigor of my confinem
cannot be obtained so as to enable me to have the benefit of some e
cise. I have already stated to Captain Willard frequently within
last two weeks the injury which I have sustained in my health f
my unnecessarily close confinement, and I have explained the part
my system which have been most painfully and injuriously affected
this long deprivation of exercise. I can hardly presume that the G
ernment has resorted to my imprisonment as a measure of punishm
and yet it has signally operated so in fact. Neither can I for a mon
suppose that it has any aims against my life, and yet if the pres
system be continued much longer it is very certain that my life will s
cease to be a source of dread to my enemies or of value to mysel
friends. I am not young as I once was, and naturally of a weak
delicate condition it has only been by the most assiduous attentio
my health and amongst other remedies of the resort to regular and
tematic exercise that I have been enabled to check the progress of
ease and to retain the health which I possessed when I was arre
and first imprisoned.

As a lawyer for many years in full practice I have had an oppo
nity of knowing something of prison discipline in the State of
birth and I will say that I have never, except in one extraordi
instance, known a malefactor after conviction for a capital or peni
tiary offense subjected to a more rigid and vigilant surveillance th
have been since my arrest. The unceasing tread of armed senti
around my door and windows leaves me not a moment in the twe
four hours to indulge the delusion that I was born in a land of freed
and this surveillance is observed toward a man who although imp
oned one month and the Government repeatedly called upon has
avowed to him or to the public that it has against him the shadow
ground of accusation or complaint.

CH. J. FAULKNER

DEPARTMENT OF STATE, *Washington, September 10, 1861.*

Col. MARTIN BURKE, *Fort Hamilton, N. Y.*

COLONEL: You will allow to the Hon. Mr. Faulkner such indulgence as to air and exercise as shall be compatible with his safe-keeping and the construction and regulations of the place in which he is detained.

I am, sir, respectfully our obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, September 11, 1861.*

Col. MARTIN BURKE, *Fort Hamilton, N. Y.*

COLONEL: I will thank you to inform the Hon. Charles J. Faulkner, now in confinement at Fort Lafayette, that he is committed and is detained in military custody as a political prisoner upon the ground that the authorities acting in the State of Virginia which he is understood to acknowledge and obey have inaugurated and are prosecuting by force of arms a treasonable insurrection for the overthrow of the Federal Government and the dissolution of the Union, and that the Government is informed and believes that in this hour of public danger his sympathies are given to the conspirators, and his services as well as his influence are expected to be employed in behalf of the treason. He can procure his release at present as he could have done at any time hitherto by taking and subscribing an explicit oath of allegiance to the United States excluding all express or implied reservations.

I am, colonel, your obedient servant,

WILLIAM H. SEWARD.

—

FORT HAMILTON, *New York Harbor, September 13, 1861.*

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States.

SIR: Your letter of the 11th instant with regard to the Hon. Mr. Faulkner (a certified copy) was duly handed to him, as you will see by the inclosed letter.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, U. S. Army, Commanding.

[Inclosure.]

FORT LAFAYETTE, *New York Harbor, September 12, 1861.*

Lieut. Col. M. BURKE,
Commanding Forts Hamilton and Lafayette.

COLONEL: I beg leave to report that in obedience to your order I have delivered in person to the Hon. Charles J. Faulkner the copy of the letter received by you from the honorable Secretary of State.

I am, colonel, with respect, your obedient servant,

CHAS. O. WOOD,
Second Lieutenant, Ninth Infantry, Commanding Post.

—

FORT LAFAYETTE, *September 13, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Lieutenant Wood, commandant of this fort, delivered to me last evening a certified copy of a letter addressed by you to Colonel Burke, dated Washington City, September 11, 1861, in which you say

that my release from imprisonment can be procured at any moment by taking and subscribing an explicit oath of allegiance to the United States. Before I reply to this proposition I am justified in recurring to a few facts connected with my arrest and in asking some information which may serve for my future guidance.

Near five weeks ago I was arrested by an order from the Secretary of War in the city of Washington to which place I had gone to close the affairs of my mission and where I was resting as I supposed under the protection of a safe conduct and pass inclosed to me in a letter or dispatch from you. On the fourth day after my arrest (15th of August) in reply to an inquiry addressed to the Secretary of War as to the ground of my arrest I was officially informed that I had been arrested and was then held as a hostage for the safe return of Henry S. Magraw, of Pennsylvania, and that I should not be released until Mr. Magraw's return. On Saturday morning, 17th of the same month, the National Intelligencer, a journal well known for its discretion and accuracy of information and which is believed to occupy confidential relations with the Administration, announced substantially the same motive as the cause of my arrest. The records of that portion of the Eighth Infantry under the command of Captain Willard, in whose charge I was placed for the first month of my imprisonment and which was used as a military police under the immediate control of the Secretary of War, show that such alone was the cause assigned for my arrest and that my detention was to continue until Mr. Magraw's return. After my arrest I was assigned quarters in the city of Washington separate both from prisoners of war and political prisoners. There was at least a seeming fitness in that arrangement, for as I had not been captured whilst engaged in any military enterprise against the authority of the United States and as I had been arrested without a charge or accusation of any kind against my fidelity and was held in the anomalous condition of a hostage, of which so far as I am informed I was the only example North or South, it was not proper that I should be confounded with those against whom the Government had or supposed it had grave charges of complaint.

On Monday last I was by an order from the Secretary of War removed to this place. A small casemate of this somber and isolated fortification accommodates eight persons including myself. Through three small apertures a dim and imperfect light is admitted—not sufficient to enable the occupants to read or write unless when the door is open, which can only be when allowed by the state of the weather and the regulations of the fort. From the limited character of the accommodations the opportunities for lighting can only be enjoyed by each prisoner in turn. In another casemate near me are twenty-four prisoners in chains. I pretend not to know for what crime these men are incarcerated and ironed, but I must be allowed to say that I think the Government is acting with extraordinary hardship toward me, when without its ability to allege any matter of offense of any kind against me it nevertheless places me in the same prison and under many of the same regulations with those whom it feels justified in treating as the worst and most dangerous of malefactors.

I have myself written to no person in Virginia or in any other place informing them of the ground of my arrest as avowed by the Secretary of War, and consequently I have not directly or indirectly solicited the interposition of any person to effectuate the release of Mr. Magraw that I might thereby acquire my own freedom. I could not consist-

ently have done so, as must be very obvious to those who have read the protests against my imprisonment addressed to yourself and the Attorney-General. Nevertheless I have strong reason for believing that the seemingly authoritative annunciation of the cause of my arrest contained in the National Intelligencer has reached my family in Virginia, and that their influence has been exerted to accomplish the liberation of Mr. Magraw in the hope thereby of conferring a benefit upon me. Such a course was quite natural with females, who always act more under the influence of their affections than in conformity to any standard of political principle. To what extent this influence has operated I do not know, but I observe the public journals announce the probability of the speedy return of Mr. Magraw. How far I should feel at liberty myself to submit to such an exchange should the contingency occur it is not necessary for me at this time to say.

In view of these facts I respectfully desire to know whether the proposition which you now submit authorizing my release upon taking the prescribed oath is designed to anticipate the condition originally annexed to my arrest or whether the Government now disavows that cause for my arrest with the condition necessarily implied in it, and means to hold me a prisoner in disregard of that condition whether Mr. Magraw shall be hereafter released by those at Richmond who now have the control of his liberty or not. You will oblige me by a reply to these inquiries.

I am, very respectfully, your obedient servant,

CHAS. J. FAULKNER.

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FORT HAMILTON, *New York Harbor, September 20, 1861.*

Hon. WILLIAM H. SEWARD,

Secretary of State of the United States, Washington, D. C.

SIR: Mr. Lott, a son-in-law of Mr. Faulkner, came here to see him about 10.30 last night in accordance with your orders of September 17. I thought it an unusual hour but of course ordered the boat for him to go over. I called his attention to your letter which strictly speaking only admitted him on one visit but I have taken upon myself to admit on your letters of similar kind and upon other high authority at Washington the persons named to two and sometimes three interviews. I understand that Mr. Faulkner's friends consider your permit as permanent, entitling them to other visits. Please inform me if I am so to understand it and also other letters of similar nature.

I have the honor, sir, to be, your obedient servant,

MARTIN BURKE,

Lieutenant-Colonel, Commanding Fort.

—

DEPARTMENT OF STATE, *Washington, September 24, 1861.*

Col. MARTIN BURKE, *Fort Lafayette, N. Y.:*

No permit entitles the person to whom it was granted to more than one visit.

F. W. SEWARD.

DEPARTMENT OF STATE, *Washington, September 24, 1861.*

RICHARD SCHELL, Esq., *New York.*

SIR: Your letter of the 23d instant asking permission to visit Mr. Faulkner, a prisoner confined in Fort Lafayette, has been received and as it has been found necessary to restrict such permissions I regret to say your request cannot with propriety be granted.

I have the honor to be, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

—

FORT LAFAYETTE, *September 25, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: A severe indisposition for some days past has prevented an earlier response to your letter to Colonel Burke of the 11th of the present month. Discouraged by the neglect with which all my previous communications have been treated, nothing but a sense of duty has prompted this additional trespass on your time, and as this will in all probability be the last letter which I shall address to you during the period of my imprisonment, be that long or short, I must express the hope that you will at least do me the favor to read it. On the 13th instant I addressed to you some inquiries which I deemed pertinent and proper. To these inquiries I have as usual received no reply. I now avail myself of the earliest moment of my convalescence to respond to the views which you take of my case in your letter to Colonel Burke.

There are two conclusions which flow necessarily from your letter. First, that the Government now disavows the ground upon which I was arrested on the 12th of August by order of the Secretary of War and that henceforth it does not hold me as a hostage for the safe return of Mr. Magraw, of Pennsylvania. Second, that after an imprisonment of upward of six weeks, during which time every opportunity has been afforded for the fullest inquiry into my conduct and relations whilst in Europe, the Government is forced to the admission that no act has been done by me upon which it can found even an accusation of infidelity or disloyalty.

In the absence then of all proof or even allegation that I have done anything inconsistent with the high and responsible trust with which I have been honored by the Government your letter which is somewhat in the nature of an indictment charges, first, that I am understood to acknowledge and obey the authorities acting in the State of Virginia, by which of course you mean the authorities of what is called the Confederate States; second, that the Government is informed and believes that my sympathies are with those authorities; third, that it is expected that my services as well as influence will be employed in behalf of the cause which those authorities are sustaining.

Assuming that the Government has repudiated the original and real cause of my arrest it is then upon these vague understandings, beliefs and expectations of what my personal opinions are and of what my future conduct may be that I have for more than six weeks been robbed of my liberty, torn from all association with my family and friends, now lodged in a distant and isolated fortress, exposed to the permanent injury of my health, treated as a common malefactor and subjected to irreparable pecuniary loss. I do no more than justice to the intelligence and virtue of every judicial tribunal from the Aroostook to the Potomac when I assert that there is not one of them which would

not dismiss such a complaint against a citizen upon its own showing without defense or examination. But I will reply to your series of conjectures.

First, I deny that I have ever by act, word or correspondence acknowledged or obeyed the authorities now acting in Virginia; second, what may be my sympathies (if it be allowable for man for such a purpose to penetrate the human heart) may I admit present a subject for argument, inference and conjecture founded upon evidence, past party associations and opinions expressed prior to the late fatal rupture of the peace of the country, although every day's experience of the conduct of men now on the stage of action shows how fallacious would be the conclusions drawn from such premises, but since the present rupture, having been absent from the country and in no way connected with its interior movements, my sympathies whether for or against the Union are known only to myself and I defy the production of any credible testimony as to their expression by words or deeds since the present unhappy struggle commenced; third, the expectation that my services and influence will be employed in behalf of the authorities acting in Virginia rests upon no foundation or evidence of any kind whatever, and is one of those intangible surmises alike incapable of proof or refutation and which should not be made the basis of any action against the liberty of a citizen. It is impossible that one as familiar as you are with the principles of constitutional law can for one moment believe that you are justified in the eyes of God or man in depriving me of my liberty upon such unsubstantial pretenses. This is virtually conceded by your letter. It in effect admits that there is no just ground for my detention and you suppose that you open a very easy door for my escape by instructing Colonel Burke that I can release myself at any moment from imprisonment by taking an oath of allegiance to the United States.

I have often taken an oath to support the Constitution of the United States when tendered to me in accordance with that Constitution and the laws of the land, and I should do so again if ever placed in a position where that requirement should legally and properly be demanded of me. The condition which you impose may thus at first sight not seem very formidable and yet when I present, as I shall in the most perfect spirit of candor, my objections to your proposal, I think you will concur with me that if persisted in by the Government it will be equivalent to a sentence of indefinite imprisonment against me.

My objections to the oath which you prescribe are:

First. That it is without sanction or authority of law. As a Christian I cannot take an oath which in my conscience I believe to be unauthorized by law, and as a citizen I cannot make myself a party to so manifest an usurpation of executive power. It can scarcely be necessary for me to say to a jurist of your intelligence and high legal reputation that an oath is one of those solemn appeals to the Divinity prescribed by the interests and necessities of society, and held to be so important in its consequences to the State and to the individual concerned that no power short of the supreme authority of a community is competent to authorize its administration and to provide the penalties for its violation. The tender and enforcement of an oath by an officer of the Federal Government where not prescribed by some existing law is in my judgment a grave misdemeanor for which he should be held judicially responsible. I might safely challenge the production in a single instance in any State of this confederacy where an oath is ever sought to be enforced except in pursuance of some statute emanating

from the legislative power of that State. Congress did at its last session authorize the administration of an oath of allegiance to all persons holding civil and military appointments under the Government and the penalty prescribed for noncompliance with the law is not imprisonment but simply dismissal from office. So in like manner Congress has required an oath of allegiance from every foreigner seeking to become a citizen of the United States. But I know of no law of Congress which authorizes the President or any of his subordinate agents to administer the oath of allegiance to a native-born citizen of the United States holding no office or employment under the Federal Government. To take the oath therefore which you prescribe to me would make me in my opinion a party to a clear violation of law and to a manifest usurpation and abuse of executive power.

Second. The condition which you seek to impose establishes an invidious and offensive discrimination against my rights as a citizen to which I could not submit without dishonor. To concede your right to single me out of the great mass of my fellow-citizens and to impose upon me a political test, which is neither authorized by law nor exacted as a general rule of policy, would be to concede that my political rights in the community are inferior to others, a concession which I will never make so long as I adhere to those great principles of political equality upon which our institutions are founded. In addition to this general view it is within my own personal knowledge that two individuals who were confined in the same casemate with myself in the fort and who were arrested upon allegations of disloyalty far more specific than any attributed to me have been discharged without the requirement of the oath and upon their simple parole of honor not to do any act hostile to the United States during the existing troubles.

Third. The letter in which you submit this condition to me cannot be otherwise regarded than as a personal indignity. You assume without a particle of evidence that I am an enemy to the Government of the United States; that my heart is filled with sympathy with rebellion and with treason to the Union, and yet you present to me an oath which if I took holding the sentiments which you so gratuitously ascribe to me and which you make the justification for tendering it to me would make me guilty of moral if not of legal perjury in the eyes of God and man.

Fourth. Of all the foreign ministers accredited by the United States to the Governments of Europe and America I am the only one who has been selected for the imposition of this illegal test, and yet I have only to invite you to the testimony of my fellow-citizens abroad and to the records of your own Department to show that in maintaining the national honor and the national flag and in a faithful and zealous discharge of my duties to the Government I need not shrink from comparison with any man in the foreign service of the country.

Fifth. To take the oath which you prescribe would under existing circumstances furnish no evidence of my loyalty. It might be proof of my subserviency and cowardice. It could afford no guarantee of heartfelt devotion to the Union. To say to a prisoner that the bars of his dungeon shall be forever closed upon him unless he swears to be true to the Government may make a hypocrite and a knave. It cannot make a good citizen or a true patriot. Loyalty springs from the heart; it cannot be manufactured by thumbscrews, political tests or prisons.

Sixth. From the day of my arrest up to the present moment my tongue has been silenced and my hands paralyzed in my defense. In the meantime calumny has been unceasing in its assaults upon me.

In not one leading paper deserving patronage and support from the Government have I been represented otherwise than as a traitor. There is scarcely an act of official perfidy of which a minister could have been guilty that has not been falsely ascribed to me. Before I had even received a copy of your letter of the 11th of September writers having access to the bureaus of the Government were familiar with its contents and announced the test that was to be applied to me, and they accompanied it with the statement that although I was clearly and unquestionably guilty of treason and could upon the clearest evidence be convicted of it before a jury yet as an act of clemency I would be allowed to escape if I complied with this requirement of the Secretary of State. I cannot accept your clemency on such terms. I cannot rest under imputations which a submission to your requirements would only fortify and confirm. If I am guilty of any official infidelity or of treason let me be tried and punished. If I am innocent of all such charges I should be unconditionally released. It is not becoming a great Government thus to palter with the interests of human liberty. Neither would it be just to my own character to accept of any such equivocal order of release.

Seventh and lastly. During the period which led to the existing difficulties I was not only absent in Europe but I was there the accredited representative of the Government of the United States, and if a love and veneration for that system of government founded by the fathers of the Republic had been without their proper influence on my conduct my official position at least utterly forbade my having any participation directly or indirectly in any movement for the overthrow of the Federal Union. I have ever made it not less a matter of pride than of duty to punctiliously and scrupulously [be] faithful to every trust public or private with which I have been honored. Of this you have satisfactory proof in my correspondence and relations with your Department, and I have no doubt in the correspondence and testimony of my successor in office. As I have already informed you I returned to the United States under all the moral responsibilities of that trust although the legal tenure of my appointment had previously ceased. I came back to perform my duties as a citizen and a patriot. I came here as a free man to survey the field of action and to determine by the light of my own judgment the part which duty and patriotism required me to pursue in the present crisis. No one has ever heard from me in conversation or has ever learned from me by correspondence what that decision would be. Indeed ignorant of much that had transpired in the country during my absence I felt it due to my own character and position to reserve the decision of my course until after my return and until I had an opportunity of learning much that it was not possible for me to acquire satisfactorily abroad. I arrived here then without a single committal as to the future that could swerve my judgment as to my course. I cherished the hope, probably an idle and presumptuous one, that the position of total noncomplicity with all the events that then embarrassed the country might furnish, especially if I concluded to reside in Virginia, an opportunity of some signal service to the country. My purpose therefore was to retire upon my estate and there await the progress of events to determine what extent this position which absence and accident gave me might be made useful to the country. It is manifest that such a position which I allude to required free and unconstrained action. It is a freeman alone who can confer with freemen about their rights and interests. They would not take counsel from a slave. But you prefer a course that would rob me of all the merit of

my position if my conclusions led me to support the cause of the Union. It deprives me of all deliberation and free will. It proposes to rivet patriotism upon me by fetters and to grind loyalty into me by the horrors of the prison. It seeks to anticipate the regular conclusions of my own reason and judgment and to make me a patriot by the potent process of the dungeon. I cannot accept your prescription. Arbitrary power and brute force have given you control over my body but you can exercise none over the mind: I cannot be forced by any threat or menace of the Government to throw away all my chances and capacities for public service in the future and to permit myself to be presented before the country as one who has taken his position on the present eventful crisis of the country not by the light of his own reason and patriotism but under a threat of perpetual imprisonment by the Government. Such submission on my part would consign me to deserved contempt and to perpetual inactivity. Even the Union men of Virginia would spurn my counsel and turn their backs upon my recommendations.

I need not trouble you with further remarks. The facts of my case are fully before the Government. It has power to prolong my imprisonment. It will have to use that power under a just responsibility to the country and to the civilized world.

I am, very respectfully, your obedient servant,

CHAS. J. FAULKNER.

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WASHINGTON, *September 26, 1861.*

Hon. JUDAH P. BENJAMIN, *Richmond, Va.*

DEAR BENJAMIN: I suppose that I may abandon all hope of having you with me at the argument of the Alexander case in the Supreme Court. The continuance or dismissal as I suppose will be determined upon all of the cases from the seceded States, making certain the hearing of ours at the next term. As you will not be able to be present and I am anxious that you save your fee cannot you send a full brief?

Differ as we may—and do totally—on the questions growing out of the deplorable crisis in which we are I shall ever remember with great pleasure the many pleasant hours I have spent with you and lament our separation, which I fear is to be forever.

Among the sad consequences growing out of the present strife is the arrest of gentlemen on both sides in whom I am sure you feel with me a friendly interest. Here my and your friend, Mr. Faulkner, is under arrest and has been for many weeks. He is now in Fort Lafayette, N. Y. You have I am told Mr. Harry Magraw. Now I have no doubt that if Magraw was discharged I could at once procure the discharge of Faulkner. Mr. Davis knows me well enough to be satisfied that I would endeavor in good faith to carry out such a purpose, and my relation to the Administration here is such that I am as certain as I can be of any future event that the endeavor would be successful. Mr. Faulkner I have long known intimately, and I am most anxious to relieve him from his present condition and restore him to his family, deeply distressed, as they cannot but be, at his imprisonment. Magraw's motive in visiting your camp was a humane one and however technically considered he may have rendered himself liable to arrest his is not a case for extreme rigor.

Hoping that you will find an opportunity to write me and that my suggestion as to Faulkner and Magraw may be carried out, I am sincerely and will continue, happen what will, to be your friend,

REVERDY JOHNSON.

RICHMOND, *September 30, 1861.*

Hon. REVERDY JOHNSON, *Washington, D. C.*

MY DEAR JOHNSON: Colonel Phillips has delivered to me your letter of the 26th instant, and I am much gratified to learn that separated as we are *toto cælo* in our principles and convictions upon the subject of this contest now raging in the country you still remember with the same pleasure that I do our past intercourse. I beg you will present my best and kindest regards to Mrs. Johnson, who seemed with a woman's true instincts to feel the approach of the calamitous war now devastating our land. In relation to the fee I can do nothing. If that is lost it will be but one of the numerous sacrifices that I have cheerfully made for what I believe to be man's highest duty to his country.

I much regret that your letters did not reach me a week or two later. I had already with the President's consent determined on the release of Mr. Harry Magraw and Mr. Arnold Harris,* after a full examination and report on their case by a commissioner specially appointed for that purpose. The object of the imprisonment in vindicating the rights of this Government as a belligerent had been attained, and it would have been equally useless and cruel to have continued it any longer. I beg you therefore distinctly to understand that the liberation of Mr. Magraw is made without the slightest reference to your kind proposal to intercede for the liberation of Mr. Faulkner. He would have been liberated if your letter had not reached me. He would be liberated now if I had the fullest assurance that Faulkner would be detained in confinement till the close of the war. Forgive me for being so persistent on this point.

You write without the clogs of official position. I am in a different position, and am compelled to have it distinctly understood that I am no party to any exchange of prisoners. I would never consent to any other than the usual, open, indiscriminate exchange known to the laws of war. I could be no party to any favoritism in selecting particular persons for the benefits of this humane provision of the laws of war and excluding others. I repeat then that without wishing to do the least injury to poor Faulkner, but on the contrary anxious to do him service in any proper way I hold you totally absolved from all promise of exertion in his favor, and that his release from prison if he is released must rest on the ground of his being unjustly detained. At least that is the only footing on which I can consent to regard it.

Renewing my kindest memories to your whole family, I remain, truly, yours,

J. P. BENJAMIN.

P. S.—If you are in correspondence with our friends Barron don't fail to mention me to them with the most friendly regard.

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FORT LAFAYETTE, *October 13, 1861.*

Col. MARTIN BURKE.

SIR: The sad and distressing intelligence which I receive of the condition of my family in Virginia, my inability whilst confined here as a prisoner to offer to them any consolation in their afflictions or even to make any provision for their necessities, my solicitude for my children

*For case of Arnold Harris see p. 1515 *et seq.*

who are at an age to demand imperiously the care and restraining influence of a parent, all combine to induce me to inquire if you have any authority to extend to me a release from my present imprisonment upon a parole of honor similar to that which has already been extended to several prisoners at this fort. I confess my extreme reluctance in making this application. I believe the honor, the good faith and the true policy of the Government would dictate my unconditional release, and I believe that my usefulness as a citizen of the United States will be materially impaired by any restraint upon my perfect freedom of deliberation and action. Nevertheless if the Government shall determine otherwise I must of course submit to its terms. I am a prisoner absolutely in its power, and there is no other Government to which I have any right to appeal to take an interest in my defense. I am here without a charge or an accusation of any kind against me, and from a simple apprehension of the Government that if at liberty as expressed in the letter of the Secretary of State to you I might contribute my "influence and services" to the cause of the Confederate States. I will not discuss the grounds upon which Mr. Seward has reached this conclusion, but I presume a parole of honor given by me that I will do no act hostile to the United States during the existing troubles would be a guaranty which the Secretary of State, who has some knowledge of my character, would promptly recognize as an ample guaranty against any such action on my part. I have now been in close confinement as a prisoner upward of two months. If I could perceive that my suffering and privations here could in any manner be made instrumental to the good of the country I could easily reconcile myself to any protracted term of imprisonment; but I see no benefit from it to the country, but utter ruin and impoverishment to my family. I therefore respectfully make this inquiry of you trusting that you will with your characteristic promptitude and urbanity give me an early answer.

I am, very respectfully, your obedient servant,

CHAS. J. FAULKNER.

BURLINGTON, *November 22, 1861.*

Hon. W. H. SEWARD.

MY DEAR SIR: Will you permit me to intrude upon your valuable time with one word in behalf of Mr. Faulkner, now confined at Fort Warren? I am fully aware that the oath of allegiance has been tendered him as a condition of his release but this with him is an impossibility. It would forfeit his entire property and leave himself and family beggars. I think I can promise that he will give his parole not in any way to serve against this Government in future. I know from frequent conversations with him that his views in reference to the present struggle are of the most moderate kind, and I am satisfied that had his voice been potential at the South this country to-day would not be agonized with the fearful throes of civil war. Can his release not be had upon giving his parole? His case is a peculiarly distressing one. For seven months he has not seen his family and for four months he has had no communication with them.

Will you favor me with reply to this and oblige, your obedient servant,

JAMES W. WALL.

FORT WARREN, *Boston Harbor, December 1, 1861.*

Hon. REUBEN E. FENTON.

DEAR SIR: I perceive from the papers that the constituents of the Hon. Alfred Ely* are forwarding to President Lincoln memorials urging his exchange for some one now held by the Federal Government in confinement Permit me through you and the New York delegation in Congress to submit the following proposition to President Lincoln or Secretary Seward: I will give my parole of honor with any other security deemed necessary by the Secretary of State, if permitted to proceed on to Richmond, that I will in a time to be prescribed by the Secretary of State restore Mr. Ely to his seat in Congress or deliver myself to the order of the Government in Washington City.

I am, truly and respectfully, yours,

CHAS. J. FAULKNER.

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DEPARTMENT OF STATE, *Washington, December 5, 1861.*

Colonel DIMICK, *Fort Warren, Boston.*

COLONEL: You are hereby directed to release from custody Charles J. Faulkner, a prisoner confined in Fort Warren, on his giving his parole of honor that he will return and surrender himself to you within thirty days unless within twenty days the Hon. Alfred Ely shall be immediately released from the confinement in which he is now held at Richmond by the insurgents and sent within the lines of the U. S. forces, and that meanwhile Mr. Faulkner will not do any act hostile to the Government of the United States or give any information calculated to aid the insurgents. You will at the same time deliver to him the inclosed passport enabling him to pass through the lines of the U. S. Army.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

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BALTIMORE, *December 18, 1861.*

THOMAS A. SCOTT, *Fortress Monroe:*

The Georgiana brought down from Baltimore this morning Hon. Charles J. Faulkner, released on parole from Fort Warren, Boston, en route for Richmond where he is confident of being able to exchange himself for Hon. Mr. Ely† taken prisoner at Bull Run. Mr. Faulkner spent the forenoon at General Wool's headquarters and was sent by a flag of truce to Craney Island at noon.

* * * * * * *

Captain Ricketts was serenaded by band of the Second Artillery on the wharf before the boat started and numbers availed themselves of the opportunity to get a look at the captain. He is still very weak and suffering from the effects of his wounds.

FULTON.

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* Ely was a member of Congress from the State of New York who was captured by the Confederates at Bull Run, July 21.—COMPILER.

† The exchange of Faulkner for Ely was subsequently effected, but no official statement of the fact can be found.—COMPILER.

Case of Thomas S. Serrill.

Thomas S. Serrill was arrested at New York upon a warrant obtained against him by U. S. District Attorney Smith about August 16, 1861, and committed to Fort Lafayette by order of the Secretary of State. He was charged with treason; having been to England and there made arrangements with leading bankers to secure a loan for the Southern Confederacy and with bringing £20,000 of such loan with him for the use of said Confederacy. An order was issued from the Department of State dated September 3, 1861, directing Colonel Burke, commanding at Fort Lafayette, to release Serrill on his taking the oath of allegiance. He was accordingly released September 5, 1861.—*From Record Book, State Department, "Arrests for Disloyalty."*

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OFFICE OF THE U. S. DISTRICT ATTORNEY,
New York, August 16, 1861.

Hon. WILLIAM H. SEWARD.

SIR: I have obtained a warrant of arrest against Thomas Steele Serrill charging him with treason. We can prove that on his passage on the steamer Persia which has just arrived here he stated that he had seen all the bankers in England; that he could get as much money for the Southern Confederacy as he wanted; that he had in his possession £20,000 sterling which he should carry down there; that he had been presented a set of silver by the bankers in England for his own use. We found on his person £40,000 in Bank of England notes. This is all the testimony I have been able to gather to-day. He is committed for examination before a commissioner upon whom I can rely. He has employed good counsel. Perhaps you will deem it best to transfer him to the military authorities.

Very respectfully, your obedient servant,

E. DELAFIELD SMITH,
U. S. District Attorney.

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OFFICE OF THE U. S. DISTRICT ATTORNEY,
New York, August 23, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: In reply to your communication of the 22d instant* I beg leave to state that as represented to the custom-house officers by the witnesses whose names are given below Mr. Serrill on his passage to this country on the steamer Persia repeatedly stated that he had been to England and had had interviews with the leading bankers and had made arrangements to secure a loan for the Southern Confederacy; that he had £20,000 of such loan with him, which was to be used by the Confederate States for the benefit of their army; that he expressed himself strongly in favor of the rebellion and as determined to aid them by all means in his power. He also stated that he was en route for New Orleans with the funds in his possession. This statement is made to me by Rufus F. Andrews, esq., surveyor of this port. The witnesses are as follows: John H. Wray, with A. T. Stewart & Co.; George A. Jackson, 647 Broadway, New York; John Morrison, 278 Washington street; J. C. Berhard, 41 Warren street; Thomas J. Brown, Alexander

* Not found.

Isaacs, James B. Archer, inspectors at New York custom-house. The surveyor states to me that the witnesses are men of character and position in this city; also that a full statement has this day been made by the collector of this port to the Secretary of the Treasury.

Very respectfully, your obedient servant,

E. DELAFIELD SMITH,
U. S. District Attorney.

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DEPARTMENT OF STATE, *Washington, August 24, 1861.*

E. DELAFIELD SMITH, Esq.,
U. S. Attorney for the Southern District of New York.

SIR: This Department has not yet received the testimony in the case of Serrill, confined at Fort Lafayette. I will thank you to cause it to be forwarded without any delay which can conveniently be avoided.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

—

OFFICE OF THE U. S. DISTRICT ATTORNEY,
New York, August 26, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Your letter of the 24th instant in relation to the testimony in the Serrill case was this morning received. I wrote on the 23d instant as requested by your favor of the 22d and received on the day when I answered it. I inclose a copy of my communication of the 23d instant which will place in your hands all the information under my control. Should you desire any inquiries instituted in this city my services will be cheerfully at your disposal.

I am, sir, very truly, your obedient servant,

E. DELAFIELD SMITH,
U. S. District Attorney.

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DEPARTMENT OF STATE, *Washington, August 27, 1861.*

E. DELAFIELD SMITH, Esq.,
U. S. Attorney for the Southern District of New York.

SIR: Your letter of the 23d instant relative to the case of Serrill, a prisoner at Fort Lafayette, has been received. The facts and the references mentioned in your communication go far toward making out a strong prima facie case against Serrill. On the other hand a letter* to the Department of the 22d instant from Clarkson N. Potter, of New York, and other papers* tending to exculpate the prisoner are herewith inclosed. It must be confessed that these in a measure at least must be allowed to counteract the adverse testimony. With a view, however, to throw further light on the case the Secretary wishes that you would yourself or that you would request Mr. Evarts to proceed to Fort Lafayette, examine Serrill in connection with the proof on both sides, take down the examination in writing and forward it hither with the papers, in order that the expediency of further detaining him may be determined.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

* Not found.

OFFICE OF THE U. S. DISTRICT ATTORNEY,
New York, August 28, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Your communication of the 27th instant in relation to the case of Mr. Serrill with the accompanying book and letters was this day received. Mr. Smith is absent from this city but is daily expected to return, and Mr. Evarts is in Vermont. I learn from his law partner that he is not to return for several weeks. Mr. Smith will certainly be at the office by next Monday, the 1st proximo. Awaiting any further instructions,

I am, sir, your obedient servant,

STEWART L. WOODFORD,
Assistant U. S. Attorney.

—

DEPARTMENT OF STATE, *Washington, September 3, 1861.*

THURLOW WEED, R. M. BLATCHFORD
and ROBERT MURRAY, Esqs.,
New York.

GENTLEMEN: Your letter* relating to the case of Thomas S. Serrill has been received. I have directed that Serrill be discharged from duress on his taking and subscribing an oath of allegiance. * * *

I am, gentlemen, respectfully, your obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, September 3, 1861.*

Col. MARTIN BURKE, *Fort Hamilton, N. Y.*

COLONEL: From trustworthy representations which have been made to this Department it is thought that the discharge of Thomas S. Serrill now confined in Fort Lafayette may compatibly with the public interest be granted upon the condition of his swearing and subscribing before a magistrate the accompanying oath of allegiance. You will inform him of the condition, and if it be accepted the form of oath when executed must be returned to this Department for file.

I am, colonel, your very obedient servant,

WILLIAM H. SEWARD.

—

OFFICE OF THE U. S. DISTRICT ATTORNEY,
New York, September 4, 1861.

Hon. WILLIAM H. SEWARD.

SIR: On reaching home Monday last after a short absence I found your letter directing an examination of Serrill by myself personally or by Mr. Evarts. As the examination may be quite likely to require his discharge I thought it wise to have our action sustained by the opinion of a lawyer of Mr. Evarts' position having no official connection with the Government. Mr. Evarts has come from the country in response to a telegraphic dispatch from me. We are now engaged in the examination and shall proceed to Fort Lafayette to-morrow. I will transmit minutes of the examination and Mr. Evarts' opinion to you.

Very respectfully, your obedient servant,

E. DELAFIELD SMITH,
U. S. District Attorney.

* Not found.

FORT HAMILTON, *September 5, 1861.*

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SIR: In obedience to your instructions dated the 3d instant at the State Department, Washington, D. C., I have discharged the prisoner, Thomas S. Serrill. Inclosed you will receive the oath legally administered and taken by him which was the condition of the discharge.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, U. S. Army, Commanding.

[Inclosure.]

STATE OF NEW YORK, *County of Kings, ss:*

I, Thomas S. Serrill, of the city and county of Philadelphia, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States against all enemies whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any State convention or legislature to the contrary notwithstanding; and further that I do this with a full determination, pledge and purpose without any mental reservation or evasion whatsoever; and further that I will well and faithfully perform all the duties which may be required of me by law. So help me God.

THOS. S. SERRILL.

Sworn to and subscribed before me this 5th day of September, 1861.

CHARLES W. CHURCH,
Justice of the Peace.

OFFICE OF THE U. S. DISTRICT ATTORNEY,
New York, September 6, 1861.

Hon. WILLIAM H. SEWARD.

SIR: In the matter of Thomas Steele Serrill Mr. Evarts and myself took sundry depositions and were about to proceed to Fort Lafayette when Mr. Blatchford showed us your letter in which you state that you have directed his discharge. I agree with Mr. Evarts, a copy of whose letter to me follows below, that as a condition of the release of his property Serrill should be required under the circumstances to pay the expenses of his arrest and examination. From a conversation with his counsel, Mr. Potter, I infer that he regards this suggestion as proper and that I should have no difficulty in so arranging in relation to a redelivery to him of the bank notes and accounts taken from his person. The bank notes are in the hands of the officers of the customs but I presume they would deliver them upon my request.

Very respectfully, your obedient servant,

E. DELAFIELD SMITH,
U. S. District Attorney.

[Inclosure.]

2 HANOVER STREET, *September 5, 1861.*

E. DELAFIELD SMITH, Esq., *U. S. Attorney.*

DEAR SIR: The decision of the Government to release Serrill upon his taking the oath of allegiance renders any further prosecution of the examination I had commenced unnecessary. I had made, however, a sufficient examination in the matter to satisfy myself that the arrest of the prisoner was not only fully justified by his own statements made on shipboard but that the Government would have been inattentive to

its duty if he had been suffered to escape arrest. As Mr. S. has brought upon himself this intervention of the Government it strikes me as very proper that as a condition to the release of his property he should be required to reimburse the expenses which his detention and examination have occasioned.

Yours, very truly,

WM. M. EVARTS.

PHILADELPHIA, *September 6, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: I will thank you to give such orders that my papers and letters may be returned to me as soon as possible. The letters directed to me here have I believe been sent to Washington. My address is box 2136, Philadelphia post-office.

I remain, very respectfully,

THOMAS S. SERRILL.

DEPARTMENT OF STATE, *Washington, September 7, 1861.*

E. DELAFIELD SMITH, Esq.,
U. S. Attorney for the Southern District of New York.

SIR: Your letter of yesterday relative to the case of Serrill has been received. In reply I have to inform you that it is not deemed advisable for the Government to enter into any such stipulations with that person as those you mention. Any fair charge consequent upon his arrest and examination will therefore be allowed by the proper Department. If you have any papers belonging to Serrill in your possession please return them to him at Philadelphia.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, September 7, 1861.*

THOMAS S. SERRILL, Esq., *Philadelphia.*

SIR: Your letter of yesterday has been received. In reply I am directed by the Secretary to inform you that the drafts or post notes found upon you were it is understood lodged with the Treasurer of the United States as a special deposit. If you will send hither a person duly authorized to receive them this Department will recommend their restitution.

I am, sir, your obedient servant,

WM. HUNTER,
Chief Clerk.

OFFICE OF THE U. S. DISTRICT ATTORNEY,
New York, September 9, 1861.

Hon. WILLIAM H. SEWARD.

SIR: I have received your letter of the 7th instant in relation to Serrill's case, and have written to him at Philadelphia asking in what way I shall transmit to him his account book and papers now in my possession.

I am, sir, with great respect, your obedient servant,

E. DELAFIELD SMITH,
U. S. District Attorney.

PHILADELPHIA, *September 16, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: On Thursday last I again presented to Mr. Secretary Chase your order and accompanying lines for the delivery of the package of post notes in the Treasurer's possession and it was a second time refused, but I left Washington with Mr. Chase's promise that they should be sent by Friday's mail to my address here. They have not yet come. Without your personal interference I doubt their coming. The letter, credits, &c., taken from my trunk have not reached me.

Believe me, sir, your obedient servant,

THOMAS S. SERRILL.

Case of Charles Kopperl.

Charles Kopperl, of Carroll County, Miss., was arrested in New York August 17, 1861, and by direction of the Secretary of State was conveyed to Fort Lafayette. Kopperl was charged with having been in the military service of the so-called Confederate States. The affidavit of J. M. Wardwell, of New York, who was in Mississippi in April, 1861, states that in conversation with Kopperl he learned that he was then engaged in raising a cavalry company, and that he was captain thereof. The company was for the Confederate service. He made no secret of the business he was engaged upon. November 1, 1861, Kopperl with others was transferred to Fort Warren, Boston, Mass. January 30, 1862, an order was issued from the Department of State directing Colonel Dimick to release Kopperl on his parole of honor to return into custody at Fort Warren within thirty days unless within twenty days Hugh Watson, who was captured at Pamlico Sound, should be released by the insurrectionary government and sent within the lines of the U. S. forces. Kopperl was accordingly released February 4, 1862.—*From Record Book, State Department, "Arrests for Disloyalty."*

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DEPARTMENT OF STATE, *Washington, August 17, 1861.*

JOHN A. KENNEDY, *Superintendent of Police, New York:*

Arrest Charles Kopperl, of Carroll County, Miss., now in your city, and send him to Fort Lafayette.

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, August 17, 1861.*

Lieut. Gen. WINFIELD SCOTT, *Washington.*

GENERAL: I have to request that Charles Kopperl, now in custody in New York charged with having been engaged among the insurgents at the fight near Bull Run, may be kept under guard at Fort Lafayette.

I have the honor to be, general, your obedient servant,

WILLIAM H. SEWARD.

HEADQUARTERS OF THE ARMY,
Washington, August 17, 1861.

Lieut. Col. MARTIN BURKE,
Commanding Fort Hamilton, New York Harbor.

COLONEL: On intimation from a higher authority the General-in-Chief desires that * * * you keep under guard at Fort Lafayette Charles Kopperl, charged with having been engaged among the insurgents at the fight near Bull Run. * * *

I am, sir, very respectfully,

E. D. TOWNSEND,
Assistant Adjutant-General.

OFFICE OF SUPERINTENDENT OF POLICE,
New York, August 18, 1861.

Lieut. Col. M. BURKE, *Commanding at Fort Hamilton.*

SIR: I am directed by the Secretary of State to deliver into your custody Maj. Charles Kopperl, of Carroll County, Miss., for detention at Fort Lafayette. I have him in charge and am ready to deliver him accordingly.

Very respectfully, yours,

JOHN A. KENNEDY,
Superintendent.

OFFICE OF THE SUPT. OF THE METROPOLITAN POLICE,
New York, October 18, 1861.

Hon. W. H. SEWARD, *Secretary of State.*

SIR: Having been informed that efforts are being renewed to obtain the release of Charles Kopperl, of Carroll County, Miss., who is now detained at Fort Lafayette I take occasion to inclose to you the affidavit of Mr. Jeremiah M. Wardwell, who put up at the house of Major Kopperl in April last and was an eye-witness to what was then going on under his supervision.

Very truly, yours,

JOHN A. KENNEDY,
Superintendent.

[Inclosure.]

METROPOLITAN POLICE DISTRICT, *City of New York, ss:*

I, Jeremiah M. Wardwell, being duly sworn, do depose and say as follows: I was at Vaiden, Carroll County, Miss., in April last, where I saw Charles Kopperl, who is now as I am informed detained in Fort Lafayette. In conversation with him I learned that he was then engaged in raising a cavalry company and that he was captain thereof. The company was for the Confederate service. He made no secret of the business he was engaged upon.

JEREMIAH M. WARDWELL.

Sworn before me this 18th day of October, 1861.

S. C. HAWLEY,
Chief Clerk.

FORT LAFAYETTE, *October 24, 1861.*

Hon. W. H. SEWARD.

SIR: I respectfully and earnestly apply to you for my release. I am an Austrian by birth, a naturalized citizen of the United States and

as such have taken the oath of allegiance and have never taken any other. I have been for many years a resident and merchant of Carroll County, Miss., and have been in the habit of spending my summers at the North with my family. My daughter has been for some time in New York under the medical charge of Doctor Agnew. After direct communication was cut off between the United States and the Confederate States, being very anxious to hear from my daughter I went to Louisville for the purpose of communicating with her. I did so by telegraph and upon the receipt of the telegraph* herewith annexed I proceeded at once to New York where I arrived on the 13th of August and was soon after arrested. I assure you I am a Union man, always opposed to secession. I had no other object in coming North than to see my daughter. I have never carried on any political correspondence detrimental to the Government of the United States. I have never taken up arms against the Government and hold no commission and no position in the Army of the Confederate States. I have a large property at the South which would certainly be confiscated and converted to the use of the Confederate States did I again take the oath of allegiance. Upon this ground and this alone I must decline to take such oath, but will gladly give my parole on the same terms as given by Mr. Chapin, of Mississippi, who has been released. I have been confined nearly ten weeks.

Yours, respectfully,

CHAS. KOPPERL.

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413 BROOME STREET, NEW YORK, *November 25, 1861.*

F. W. SEWARD, *Assistant Secretary of State.*

SIR: * * * Mr. Charles Kopperl, of Mississippi, no doubt came North to look after his daughter—perhaps with no evil political designs. But if I am not misinformed you have in your Department evidence that he was connected with a military corps at home, and is, whatever may be the pretenses urged in his behalf, a secessionist only moderated in tone by the latitude of his present location. * * *

I am, very respectfully, yours,

S. C. HAWLEY.

WEEDSPORT, CAYUGA COUNTY, N. Y.,
November 25, 1861.

Hon. WILLIAM H. SEWARD.

DEAR SIR: Prompted by those feelings which naturally arise when our friends are in trouble I take the liberty of addressing you in behalf of my brother-in-law, Charles Kopperl, of Carroll County, Miss., who is now confined at Fort Warren, Boston Harbor. In the early part of August last he was summoned from his home to the city of New York to visit and attend to the wants of a sick, blind and motherless daughter of fifteen. After having administered to her necessities his arrangements were made for his annual visit to the grave of his wife who was buried in this village some years since. But on the eve of his intended departure he was arrested and sent to Fort Lafayette, and as he assures me knew not the precise charges preferred against him except as he saw the newspaper reports which he declares to be false. The story of his being a major in the Confederate Army and engaged

* Not found.

in the battle at Bull Run I know to be untrue. Since his arrest I have been in New York and can learn of no act of his that should brand him with treason or treachery. My brother having no friends at court appeals to me for that assistance which he has a right to demand. While I am not in sympathy with treason and traitors I am also confident that his release would work no injury to our cause but only serve the ends of justice and humanity. I therefore earnestly solicit his freedom.

I am, sir, your friend and obedient servant,

JAMES HENDERSON.

—

NEWAYGO, MICH., *November 30, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: From my long and intimate acquaintance with Mr. James Henderson and Mr. Julius Henderson, of Weedsport, merchants, I take pleasure in saying that implicit confidence can be placed in any statement they or either of them may make of any matter within their personal knowledge, and that their loyalty and desire to see rebellion suppressed is beyond suspicion.

From my limited but agreeable acquaintance with their brother-in-law, Mr. Charles Kopperl, I deeply sympathize with them and him in his unfortunate position as a prisoner of state at Fort Warren, Boston, and earnestly desire that it may be found consistent to release him from confinement upon his taking the oath of fealty to the Government. I am knowing to his having an adopted daughter at or near New York, sadly afflicted, that should cause him to come there. In August last I saw papers sent by him from Richmond giving information to his brothers-in-law of affairs there when he was on his way North from Mississippi. Beyond this and the loss of his wife about a year since while on a visit to her relatives (father and sisters) in Weedsport I have no personal knowledge of anything bearing on his case, unless it be that when excited by drinking as sometimes occurs he is voluble and boastful.

Commending an application for his release to favorable consideration,

I have the honor to remain, faithfully, your obedient servant,

WILLIAM J. CORNWELL.

—

FORT WARREN, MASS., *January 18, 1862.*

Hon. W. H. SEWARD, *Secretary of State.*

SIR: I beg leave to state that I have been a prisoner ever since the 17th of August, 1861 (now over five months), without having violated any law of the United States or of the State of New York, where I was arrested. My brother-in-law, Mr. James Henderson, of Weedsport, N. Y., also Mr. Cornwell, wrote you in my behalf some two months ago without apparent result. So many prisoners residents of Southern States have been released on their parole that I knowing my innocence daily anticipated my own release. I would therefore respectfully beg to call your attention to my case believing that it would result in my enlargement.

If you cannot grant this unconditionally I would give my parole for forty-five days for the purpose of visiting the Confederate States and endeavor to effect an exchange for some one Federal prisoner held there, and if unsuccessful to return. I have never held either military or

civil position in the Confederate States nor been in any way or manner engaged or participated in the present unfortunate strife, any report to the contrary notwithstanding. Surely my longer confinement cannot benefit the Government nor serve the ends of justice, although it is greatly detrimental to my private interests. I therefore trust you will do me the justice to grant my case your favorable consideration, and much oblige, with high consideration,

Very respectfully, your obedient servant,

CHAS. KOPPERL,
Of Mississippi.

OFFICE OF THE COMMISSIONER OF PUBLIC BUILDINGS,
Washington City, January 30, 1862.

Hon. W. H. SEWARD, *Secretary of State.*

MY DEAR SIR: I think it proper that I should inclose to you a letter addressed to me by Charles Kopperl, esq., of Mississippi, now a prisoner at Fort Warren, in the harbor of Boston. Also a letter from the same gentleman to A. T. C. Pearson, esq., of Minnesota, which Mr. Kopperl asks me to read if Mr. Pearson is not in the city, and as he is not I have read it.

I am greatly at a loss as to my duty. Mr. Kopperl I know to be a secessionist because I had it from his own lips in December last, I think. He is my personal friend, and I would do him any favor that I could consistent with my duty as a loyal citizen, and one ready at any moment to lay down my life for my country. Mr. Kopperl avers that he has committed no act which will justify his arrest and imprisonment. I do not know that he has, but doubtless you had good reasons for his arrest and you have good reasons also for holding him.

By reading his letters inclosed you will know what his wishes are, and if anything can consistently be done for him I shall be happy to have it done. I have but little patience with secessionists and would hold them to a strict account, but if I believed an honest man had been misled by the arch fiends who plotted and are leading this rebellion I would not oppress him further than to tie his hands against open action. If proper I should be glad to know whether anything can be done.

With high respect, your obedient servant,

B. B. FRENCH.

[Inclosure.]

FORT WARREN, MASS., *January 28, 1862.*

Hon. B. B. FRENCH, *Washington, D. C.*

DEAR SIR: Not knowing whether Mr. Pearson is now in your city I take the liberty of inclosing the within letter to you which you will oblige me by delivering to him should he be in Washington. If not please open and read it, and if you have the disposition and the power to assist me as therein requested I shall gratefully appreciate it.

Very respectfully, yours, truly,

CHAS. KOPPERL.

[Sub-inclosure.]

FORT WARREN, MASS., *January 27, 1862.*

A. T. C. PEARSON, Esq., *Washington, D. C.*

MY DEAR SIR: I last had the pleasure of seeing you at Washington in December, 1860. I little thought then that the next December I would be a prisoner at this place. I write this at a venture that you

are as above addressed, and therefore concluded to drop you a few lines. I took the liberty of addressing a letter to Mr. Rice some days ago, and should this reach you I hope you will do me the favor to do all you can and with all whom you can for the purpose of obtaining for me an investigation, a trial or a release with a permit to return home. It would be a rather singular trial though without the first particle of a violation of law to base a charge upon.

But to the point. In December, 1860, my daughter who was at a school in Pennsylvania near Norristown lost her eye-sight. Hearing of it I immediately proceeded there and placed her under proper medical treatment. On my return home then I met you in W. Owing to the interruption of the mails last spring or summer I at one time received no intelligence from my daughter for about three months, when becoming uneasy I went to Louisville, telegraphed to two parties in New York and received a reply from one that Emma had left the place I [had] left her owing to some misunderstanding and for me to come on at once. I was also informed by several acquaintances that there was not the least difficulty or danger of arrest for me in visiting the North, &c. So I did at once proceed, leaving Louisville Sunday, 11th of August, arriving in New York on the 13th. I found my daughter much improved and with a kind family. I made my arrangements to place her at a school near New York (where she now is) and should have left Friday but was persuaded to remain over Sunday by friends. On Saturday morning I was arrested by the police and Sunday morning I was by telegraph order of Mr. Seward conveyed to Fort Lafayette—and here I am now.

I know not the charges against me except the nonsensical newspaper reports that I was or had said I was an officer in the Confederate Army, &c., all of which I need not tell you has not the least foundation in truth. I held no office of any kind in the Confederate States nor took any part in the present unfortunate difficulties and strife. My arrest was I feel confident the result of malice of an individual whom you perhaps know, and having no friends at court to exercise the influence which effected the release of others from the South I was overlooked and my case forgotten or at least uncared for. 'Tis true my brother-in-law of Cayuga County, N. Y., and another gentleman there well acquainted with and a political friend of Mr. Seward, addressed him in my behalf some two months ago, and besides the Hon. Mr. Ludlow, of New York, who visited Fort Lafayette several times, promised to obtain my release (upon parole not to return South without a permit, &c.) as soon as he visited Washington as he confessed there was no case against me (all for a consideration). But Mr. Seward soon after disowning Mr. L. I am minus my release as well as consideration.

I need not say what my ideas are that all those who actually bore arms against the United States, &c., are released and civilians from the Confederate States, bearers of dispatches, &c., are also released through the exertions of friends or counsel, yet I who committed no wrong, violated no law, have been imprisoned now nearly six months and still there seems to be no remedy.

I will not dilate or extend my remarks or ideas of such a policy. Presuming upon an introduction by you to Mr. Rice I took the liberty of requesting his services in my behalf. As yet I have received no reply. I requested him to obtain my release, and if it cannot be granted unconditionally to obtain it on my parole for forty-five or fifty days for the purpose of visiting the Confederate States and endeavor to obtain an exchange for some one held there as a prisoner and if unsuccessful to return, &c. I have not heard from home since I left

there which renders me quite uneasy. The day of my arrest I telegraphed to B. B. French, esq., asking his assistance. I received a reply as follows: "Your dispatch received. I can do nothing for you."

Still you may if you think best speak to him about this. Please write me on receipt of this, and if you can render me any aid I need not tell you that it will be duly appreciated. I am more than willing to have a trial on any charges that can be brought against me. I hope you will pardon the trouble I thus give you which I claim on the score of my situation, &c.

Hoping soon to hear from you, I am, with best wishes and regard, your friend,

CHAS. KOPPERL.

—

WASHINGTON, *January 29, 1862.*

Hon. ASSISTANT SECRETARY OF STATE.

SIR: I wish to procure an exchange for my brother, Hugh Watson. He was captured on the Fanny in Pamlico Sound, N. C., near four months ago. He was acting as sutler to the Twentieth Indiana Regiment Foot Volunteers. I simply want the release of a state (Confederate) prisoner on a parole to exchange himself for my brother, a prisoner of like position, if one can be found, or a non-combatant that you will release.

Very respectfully, yours,

W. S. WATSON.

—

DEPARTMENT OF STATE, *Washington, January 30, 1862.*

Col. JUSTIN DIMICK, *Fort Warren, Boston.*

COLONEL: If you believe that Mr. Charles Kopperl, a prisoner confined at Fort Warren, would observe his obligations you may release him from custody on his giving his parole of honor that he will return and surrender himself to you within twenty days from the date of his release unless within the period of twenty days Mr. Hugh Watson, who was captured on the Fanny in Pamlico Sound about October 1, 1861, shall be unconditionally released from the confinement in which he is now held by the insurgents and sent within the lines of the U. S. forces, and that meanwhile he (Kopperl) will not do any act hostile to the Government of the United States or give any information calculated to aid the insurgents. You will please fill up the inclosed passport giving as accurate a description of Mr. Kopperl as possible and after he shall have signed it deliver it to him and send a copy of the description to this Department.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

DEPARTMENT OF STATE, *Washington, January 30, 1862.*

W. S. WATSON, Esq.,
Twentieth Regiment Indiana Volunteers.

SIR: Your letter of the 29th instant has been received. In reply I have to inform you that an order of this date has been issued to Col. Justin Dimick at Fort Warren, Boston, directing him to release Mr. Charles Kopperl upon his parole of honor to return and surrender

himself within twenty days from the date of his release [unless] your brother, Mr. Hugh Watson, shall be unconditionally released by the insurgents.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

SENATE CHAMBER, *Washington, February 3, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I respectfully refer the infolded letters. I have no recollection of ever having met the writer.

With great respect, your obedient servant,

HENRY M. RICE.

[Inclosure.]

FORT WARREN, MASS., *January 18, 1862.*

Hon. H. M. RICE, *Washington.*

DEAR SIR: Presuming upon an introduction to you in December, 1860, by my friend Mr. Pearson, of Minnesota, and appreciating your character as a gentleman and a statesman I take the liberty of addressing you for the purpose of requesting your kind offices in my behalf, which cannot be I feel sure inconsistent with your duties as a Senator and a citizen but the contrary.

I will briefly state that I visited New York on the 13th of August last to see my daughter who had been under medical treatment there for over eight months and from whom I had not heard in three months. On the 17th of August I was arrested, and on the 18th conveyed to Fort Lafayette by order of Mr. Seward, Secretary of State, since which time (now over five months) I have been a prisoner. I know not the charges against me except the newspaper reports of that day that I was an officer in the rebel army and had been at the battle of Bull Run, &c. I will simply state that I have in no way or shape borne arms or held office civil or military in said Confederate States; never saw a battle, nor have I in any way taken part in this unfortunate civil strife. Had I been as alleged I would probably have been ere now discharged on parole or exchanged as so many other prisoners (officers) have been.

It does seem strange that those who were taken in arms are more favored than one like myself who committed no act in violation of any law of the United States. Other prisoners from the Southern States were released long since on parole. Among those were Mr. Mure, of South Carolina, Mr. Chapin, of Mississippi, and others, none certainly more innocent than myself but probably their friends had more influence than mine or their counsel effected their enlargement. None were ever tried upon any charges but were released by order of Mr. Seward. Will you do me the favor to obtain for me that justice which is due and aid me in obtaining an investigation and my enlargement, and if it cannot be granted unconditionally (as it ought to be) I am willing to give my parole for forty-five or fifty days to visit the Confederate States to endeavor to obtain the release of some one Federal prisoner held there, and if unsuccessful I will return. That I have not the position Mr. Faulkner has or the status the released officers had who have been thus released should not work to my injury and deprive me of the same privileges. It certainly cannot be that I am retained a prisoner for so

long a period (greatly to the detriment of my private interests and personal comfort) simply because I am a resident of the State of Mississippi. This I take would be inconsistent with the bearing and position assumed by the Government. My continued imprisonment cannot benefit the Government nor serve the ends of justice nor can my release inflict an injury.

I pray you to excuse the liberty I take in thus troubling you and hope you will grant my request on the score of justice and humanity if on no other. I also take the liberty of inclosing a letter* which you will oblige me by delivering to Mr. Secretary Seward as I doubt his seeing all sent him. This is the first I have addressed to any one in authority. My brother-in-law and others, neighbors and old political friends of Mr. Seward, have written him in my behalf, and without as far as I know any result. I hope you will favor me also with a reply.

I am, with high consideration, most respectfully, your obedient servant,

CHAS. KOPPERL.

—

Released† February 4, 1862, to be exchanged for Hugh Watson.

—

FORT WARREN, *Boston Harbor, February 4, 1862.*

I, Charles Kopperl, a prisoner at Fort Warren, do pledge my word of honor that I will proceed without any unreasonable delay to Fort Monroe, Va., and thence by flag of truce to Norfolk, and that I will do no act hostile to the United States or convey any correspondence or information beneficial to the insurgents, and that I will return and surrender myself to the commanding officer at Fort Warren at the expiration of thirty days unless within twenty days Mr. Hugh Watson, who was captured in the Fanny in Pamlico Sound, shall be unconditionally released and sent within the lines of the U. S. forces, in which event I may consider myself discharged from my parole.

CHARLES KOPPERL.

Case of the National Zeitung Newspaper.

NO. 8 SIXTH STREET, NEW YORK, *August 17, 1861.*

His Excellency the SECRETARY OF STATE, *Washington:*

The undersigned, adopted citizen of the United States, feels himself called upon to guard German honor and to call to the attention of your excellency that for three weeks there has been in this city a German newspaper called the National Zeitung which is in its tendencies absolutely secessionist, and handles the President, Abraham Lincoln, and generally all Union interests in the most accursed manner. It is high time we should make an end of such a nuisance, and I hope your excellency will have leisure to look over these lines and be convinced of their justice.

With most respectful esteem,

JOHN B. RAEFLE.

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*Not found, but see Kopperl to Seward, January 18, 1862, p. 488.

†This is an entry in Colonel Dimick's record book at Fort Warren, and is the only record found of Kopperl's final release.—COMPILER.

U. S. MARSHAL'S OFFICE, SOUTHERN DIST. OF NEW YORK,
September 9, 1861.

F. W. SEWARD, Esq.

SIR: Your favor of the 6th instant is received, and in answer have only to say that my attention has already been called to the Staats Zeitung and its editor, but do not think it necessary to arrest the parties in question. Should anything appear in the paper hereafter to warrant the editor's arrest and confinement at Fort Lafayette I will do it and telegraph you immediately.

Yours, respectfully,

ROBERT MURRAY,
U. S. Marshal.

OFFICE OF THE SUPT. OF THE METROPOLITAN POLICE,
New York, September 10, 1861.

Hon. W. H. SEWARD, *Secretary of State.*

SIR: I inclose you two more copies of the National Zeitung, Nos. 6 and 7. I am informed they contain matter more objectionable than either of their predecessors. Any order you desire to have executed I am ready to attend to. This paper I informed you before is published by an association and edited by a committee. I think I furnished you* the names of the editors before.

JOHN A. KENNEDY,
Superintendent.

NEW YORK, *September 10, 1861.*

Hon. SECRETARY OF STATE.

SIR: Yesterday morning the mail facilities were withdrawn from the New York Staats Zeitung. The undersigned thereupon solicited an interview with the postmaster, in the course of which he was apprised that such course against his paper had been recommended by your honor the Secretary of State, and on further inquiry the undersigned learned that a certain G. H. Paulsen, jr., recently a resident of Westchester County, an unknown and irresponsible individual, had taken it upon himself to act the denunciator of the Staats Zeitung before the Department of State, and it is to be presumed that the same individual being used no doubt as a tool in the hands of others has been instrumental in performing the same dirty office before the grand jury of Westchester County which has proscribed among other papers the Staats Zeitung as a print that gives aid and comfort to the enemy.

Before proceeding to convince you conclusively of the utter baselessness of the charges against the Staats Zeitung and of the injustice of the persecution leveled at it, inadvertently as I trust, I must state that we at once ascertained that the incriminating slips contained in Mr. Paulsen's letter and said by him to have appeared in my paper and forming the basis of the denunciation against me had been taken from the National Zeitung, a German weekly started some three months ago in opposition to the Staats Zeitung to counteract our influence, and falsely substituted as the product of the Staats Zeitung, should at once dispel every possible cause for the course adopted against my establishment so far as the evidence of the said Paulsen is concerned.

* See Kennedy to Seward, September 14, p. 496, for the names of the editors of the National Zeitung newspaper.

As to the position of the Staats Zeitung I take leave further to refer to the annexed copy from my to-day's issue which will furnish your honor a general outline of the policy and course maintained in my paper. Far from encouraging the enemy of the National Government or from opposing the most vigorous prosecution of the war or from dissuading of the enlistment of volunteers or doing anything likely to embarrass or to paralyze the action of the Government, the very contrary has been the aim of the Staats Zeitung; for even among its warmest adherents the Government has not had a more upright and candid supporter, disagreeing though we were from the political principles maintained by the party which placed the present Administration in power.

The prosecution of the Staats Zeitung is the more mortifying to its proprietor and his assistants and friends as it emanates from a Department the head of which has on many occasions since the commencement of our national troubles been the special object of a vigorous and impartial defense against the unceasing and virulent attacks of those who labored to embark the Government in an abolition war, and have consistently denounced the conservative policy of the Secretary of State. What the character of the opposition of the Staats Zeitung has been, and how far the legitimate and as I presume under all circumstances judicial use of the right to oppose distinct measures of the Administration went, can be easily made apparent from a more just position of the seemingly most obnoxious expressions of the Staats Zeitung with others from the Tribune, Democrat, Abendzeitung and a host of other Republican papers in all parts of the country. If the honorable Secretary of State wants to be enlightened on that subject we are ready to furnish the proof. I dare say that we have yielded everything, have sacrificed opinions and convictions for the sake of the support and maintenance of the Government. We can do no more. If it had happened that we had been on the Republican side in the last election we are certain of having been accused by prints as those before named of sycophancy and sneakingness toward the Government.

There has never been a more wanton and more malicious denunciation than that of which I am the victim, and do complain before your honor. If any further proof of the truth of my representations should be required by your Department I hope your honor will have the goodness to advise me of such fact. The maintenance of the Union, of the Constitution, of the Government, at any and every price and sacrifice—that is my aim and my end.

I am, sir, with high regard, respectfully, yours,

OSWALD OTTENDORFER.

DEPARTMENT OF STATE, *Washington, September 12, 1861.*

JOHN A. KENNEDY, Esq.,
Superintendent of Police, New York.

SIR: I have your note of the 10th respecting the National Zeitung. In reply I have to state that Mr. Murray, the marshal, and other friends are of opinion that at present proceedings against that paper would not be advisable. If, however, upon consultation with Mr. Murray you both should reach a different conclusion your report upon the subject would be duly considered.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

POST-OFFICE DEPARTMENT, *September 14, 1861.*

HON. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to acknowledge the receipt of your notes of the 12th and 14th instant and to inform you that on the day of the receipt of your first note an order was made excluding the National Zeitung from the mails and the postmaster of New York instructed to execute the order. The circulation through the mails of the Staats Zeitung has not been prohibited.

I am, very respectfully, your obedient servant,

JOHN A. KASSON,
Acting Postmaster-General.

—

OFFICE OF THE SUPT. OF THE METROPOLITAN POLICE,
New York, September 14, 1861.

Hon. WILLIAM H. SEWARD.

DEAR SIR: I think you either have misunderstood me or Marshal Murray in relation to the proper way of dealing with newspapers. We entirely concur in the opinion that the seizure of a printing office or of the papers printed is not the best way of correcting the evil; that under present circumstances the only sure way is to put the editors and publishers out of harm's way. I have consulted with Mr. Murray to-day and these continue to be his views.

The only paper here now that continues rabid is the National Zeitung. The Journal of Commerce is hardly respectable in its opposition. The Daily News has been every day becoming more and more insipid and this morning it closed doors with a notice posted up that the publication of the paper was suspended until the freedom of the press was restored. I clip from the paper Mr. Wood's formal announcement of the suspension lest you may not otherwise get it. The Staats Zeitung is not so fierce since the action of the grand jury of Westchester County. But the National Zeitung is reported to me as having increased its virulence. In mine of August 19* and 10th instant I have referred to the manner in which this paper is gotten up; that there is an association nominally of German Democrats of which George Keuster is president, Rittig secretary and Joseph Fickler is treasurer. They meet weekly or oftener and have a committee to manage the paper. O. Bengue is chief editor assisted by numerous writers of whom A. Eichoff, Dr. William Schirmer (coroner) and M. Gross are a part. The business of the concern is managed by two persons named Hepke and Korn. Now the arrest of one of the most active of these men would lead to a modification in its tone or to a suspension after the manner of the News. If you think it best to try I will notify you of the one whom it would be most useful to take.

Very truly, yours, &c.,

JOHN A. KENNEDY,
Superintendent.

—

DEPARTMENT OF STATE, *Washington, September 17, 1861.*

JOHN A. KENNEDY, Esq.,
Superintendent of Police, New York.

DEAR SIR: I have received your letter of the 14th, relative to the National Zeitung and M. C. Stanley. In reply I have to state that if

* Not found.

you will furnish me with the names of one or two persons whose arrest would be likely to produce a proper effect upon the course of that paper I will communicate a decision upon the subject. * * *

I am, very truly, yours,

WILLIAM H. SEWARD.

—

OFFICE OF THE SUPT. OF THE METROPOLITAN POLICE,
New York, September 22, 1861.

Hon. W. H. SEWARD, *Secretary of State.*

SIR: On returning on Thursday I found yours of 17th on my table. I have already sent you the number of the National Zeitung of the Saturday previous which was forwarded to me in Baltimore, and by it you may perceive that no change has taken place in its character. The number issued yesterday has not yet reached me, but I will have it to-day and forward it. The chief editor of the National Zeitung is O. Bengue, and probably his arrest would be sufficient for the whole; if it would not I will give you the names of some of the committee of management who are most active in furnishing editorial matter for it. The other German papers are now nearly right. The Staats Zeitung has turned over since the Westchester presentment and is advocating Mr. Lincoln on the point at issue with General Frémont. The other German papers sustain Frémont's side.

Truly, yours,

JOHN A. KENNEDY,
Superintendent.

—

DEPARTMENT OF STATE, *Washington, September 24, 1861.*

JOHN A. KENNEDY, Esq.,
Superintendent of Police, New York.

SIR: Your letter of the 22d relative to the National Zeitung has been received and I will wait for the receipt of the additional paper mentioned by you before taking further steps in the matter.

I have the honor to be, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

—

OFFICE OF THE SUPT. OF THE METROPOLITAN POLICE,
New York, September 29, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: In relation to the National Zeitung I have to say that I posted a copy of the issue of 21st instant at the same time my letter of 22d was posted. Yesterday I sent you a copy of that day's issue. I find it in no manner disposed to slacken its virulence. The number of yesterday is in some respects more hurtful than any of its predecessors. But you can judge of that by a perusal better than I can inform you, receiving as I do the translation from highly excited Germans who desire the whole committee of publication to be hanged. It appears to me, however, that the arrest is called for of O. Bengue, the editor in chief, and Hepke or Korn, the business men of the concern, and one other

man whose name I am not sure I have correctly but who goes around Brooklyn with a copy of the paper in his hand extolling the articles in it and confidentially informing those he supposes sympathize with him that such and such an article in it is from his pen. He is a physician in Brooklyn. The arrest of three such men would satisfy to some extent the wishes of the loyal German population and may lead to an immediate suspension of publication.

Very truly, yours,

JOHN A. KENNEDY,
Superintendent.

—

OFFICE OF THE SUPT. OF THE METROPOLITAN POLICE,
New York, October 6, 1861.

F. W. SEWARD, Esq.

DEAR SIR: I send by mail to-day the eleventh number of the National Zeitung. It does not flag in its course. I also send you an old number (July 20) of the London Standard * containing a letter of Manhattan dated July 6, and which has a dialogue in it that may amuse you if you have any time just now for a quiet smile. Independent of the converse between you and the captain the article is not calculated to do harm. On the contrary, in reference to the slavery question it is very well calculated to inform the world in advance what this war is coming to. His reference to Frémont is prophetic, especially so when you look at the date of his letter. I don't think Frémont had then arrived from Europe. I know he did not go West until after the Bull Run affair for I saw him in Philadelphia on July 22, and there is no personal acquaintanceship between him and Manhattan.

Want of health has kept me from my office for a day or two, so that I could not until to-day send for Mr. Scoville to let him have the benefit of the explanation in the letter of your father relative to his letter. He tells me he sent the letter on Spanish affairs to you. While conversing with him to-day he showed me a letter from the committee of publication of the Herald and Standard which I regard of some importance. It announced to him that the committee had determined to allow him £2 for each of the letters they had received, and would allow him £3 each for all in future. It also requests him to furnish them with leaders on American affairs, for which they are ready to pay liberally. Is it not worth while for him to have help in preparing leaders? At any rate would it not be well to take some trouble and assume some expense in order to have control of such articles in two London papers? Mr. Weed is not in town to-day or I would lay the subject before him. Therefore I write you that something may be done early.

In case the National Zeitung contains anything worthy of making it an object worthy of being struck at the two principal parties are O. Bengue and William Arming. The latter is the Brooklyn man alluded to in my last to your father relative to this paper.

Very truly, yours,

JOHN A. KENNEDY,
Superintendent.

* Not found.

OFFICE OF THE SUPT. OF THE METROPOLITAN POLICE,
New York, October 19, 1861.

Hon. W. H. SEWARD, *Secretary of State.*

SIR: I have sent you one copy of every issue of the National Zeitung with a single exception. I infer you have not received them from what I learned of the fate of other papers sent to your office. I therefore notify you that the Zeitung of this day is posted with this letter.

Very truly, yours,

JOHN A. KENNEDY,
Superintendent.

—

[Translation of parts of the National Zeitung, October 19.]

THE CONFEDERATE STATES AND ENGLAND AND FRANCE.

Various circumstances assure that the recognition of the Confederate States by England and France is already as good as settled. The freeing of Missouri from the Northern force, or anything favorable to the Confederates indicating power to sustain themselves, would without question cause the blow to be struck. All ready for the occasion are Young, Ross, Butler, &c., and two regular envoys, Slidell and Mason, gone to Europe. * * * They have run the (paper) blockade. * * * Some Lincolnite war vessels have been sent after them from New York. * * * Their capture would not alter things at all. * * * France and England and the Confederate States are doubtless agreed that the latter should send properly authorized envoys. * * * It happens that about the same time Sir J. Ferguson, of the English Parliament, appears at Richmond with letters to Jeff. Davis, &c., and indicates him to be the bearer of important dispatches. * * * The cabinet shares the suspicion (of this understanding) and in its wavering malignity or blindness believes it should make preparation for war with those powers. Seward's sudden circular * * * enlightens us on this point. It is possible many simple-minded citizens would ask, Would the Government undertake at the same time war with England, France and the Confederates? Is it possible a Government chosen by the people would plunge that people into utter and absolute ruin? It can only be answered, The Government we now have is capable of anything.

A DREADFUL ILLUSTRATION.

The London Times sets forth the condition of Mexico: "The Republic in fact no longer exists." The Zeitung remarks: "The whole course and declared purposes of the abolitionists indicate that they, if their rebellion succeeds, intend a like fate for this people. Is it yet too late to put a stop to this?"

BUT HOW?

Taking a distinction as to quarrels in the German and Swiss Confederacies as quarrels of princes and not of the people, the Zeitung remarks:

"Who has eyes must see that our calamity, this satanic civil war, springs from the unholy intermeddling of the Northern abolitionists with the relations of slavery which pertain exclusively to the South, and which they cannot forego but with which the North has no more

to do than with Russian Laplanders. The Government in the North instead of setting a limit and term in place and time to this infamous spontaneous assumption has much the more inclined to the abolition movement and increased the difficulty and stirred the people to carry this assumption with the sword into the Southern States. This must lead to permanent separation—at least make a thorough reunion more difficult. * * *" (Here comes another contrast with Germany.) "How is it here? The abolitionist whether plain citizen or office-holder, priest or soldier follows the party movement, its intrigues and gains. Beyond that he takes no interest; for that he raves against the South and tries to carry out his party's schemes. * * * No counter movement is got up at the North against this abolitionism to quiet its ravings, therefore it is folly to think of the preservation of the Confederation (Union). The Union admits no separate independent State government interests, or in other words is not made by the States but by the people, and even therefore must fall to pieces when the people will. This is done by war. To coerce a confederacy of free States by force of arms—impossible!" Suggests, "The President should gather a general convention at Indianapolis, but the Northern abolition element must be shut out. The South will never endure it and will not endure the Northern people until they stand aloof from it."

WITHOUT DISTINCTION OF PARTY.

The Union organization of New York called by its right name would be nothing more than an association for obtaining votes under false pretenses. The false pretense is that no party distinction will be recognized in future.

ONE OR THE OTHER, OR—

The demoralizing influx of lukewarmness, the corrupting influence of indecision upon political affairs shows nowhere more plainly than in the present course of North American entanglements. The final solution thereof would have occurred long since had not the flocks of political hybrids everywhere interposed objections. The abolition terrorism would long since have reached the height to which it tended and from which it must have fallen back if the deserters from the National party which had joined it had not hung on with leaden weight. The National party would long since have worked out a reconstruction if the hybrids who rendered its measures nugatory had been got rid of.

—

DEPARTMENT OF STATE, *Washington, October 23, 1861.*

Hon. MONTGOMERY BLAIR, *Postmaster-General.*

SIR: Information has been laid before this Department in regard to the disloyalty of the National Zeitung, a journal published in the city of New York, and the improper influence exercised by it. The evidence is of so conclusive a character that I hereby recommend that the circulation of the journal in question in the mails of the United States may be prohibited.

I have the honor to be, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

POST-OFFICE DEPARTMENT, *October 28, 1861.*

Hon. F. W. SEWARD, *Assistant Secretary of State.*

SIR: I am instructed by the Postmaster-General to acknowledge the receipt of your letter of the 23d instant and to inform you that the National Zeitung, of the city of New York, was excluded from the mails by an order of the Department under date of 12th of September last on the suggestion of the honorable the Secretary of State. It is believed the order has been faithfully carried out by the New York postmaster.

I have the honor to be, very respectfully, your obedient servant,

ST. JOHN B. L. SKINNER,
Acting First Assistant Postmaster-General.

OFFICE OF THE SUPT. OF THE METROPOLITAN POLICE,
New York, January 13, 1862.

F. W. SEWARD, Esq., *Assistant Secretary of State.*

SIR: I inclose you herewith copies of the three last numbers of the National Zeitung. This publication is represented to me as becoming more and more belligerent. However, it is well you should have these numbers examined and determine what course is best to take in order to cure its insanity.

Very truly, yours,

JOHN A. KENNEDY,
Superintendent.

NEW YORK, *January 24, 1862.*

His Excellency W. H. SEWARD,
Secretary of State, Washington.

EXCELLENCE: I take the favor to inform you that in the city of New York is published a paper—under the name New-Yorker Journal, a paper which has much circulation and in consequence of it a great influence as it is published every day, Sundays excepted. This New-Yorker Journal is a thorough-paced secession paper, and unloyal to the highest degree to this present Government, in witness whereof I inclose an exemplar of it for the better information of [your] excellence.

With consideration of the highest regard, I have the honor to be, respectfully, your excellency's obedient servant,

C. F. SPINA.

[Inclosure.—Translation of extracts from New-Yorker Journal, January 24, 1862.]

[No. 1.]

We live in a period of the highest political excitement. Opinion, the holy living fire to which man owes his God-like qualities, is again degraded to a dumb idol to be used for human sacrifice, and the position for the freest development of civilized culture is trampled by political cannibalism.

[No. 2.]

No compromise with the negro party. This alone can be the basis of a successful effort to bring about a reconstruction of the Union. No compromise with a party which under any circumstances would tread the white man's rights under foot. Away with a party which would offer these rights to the imaginary claims of the negro.

[No. 3.]

The great delusion of the moment consists in this that we of the North idly think we have nothing more important to do than to bring back the seceding Confederates into the Union, whilst in truth we have to watch over, first, personal liberty; second, the supremacy of our own race throughout the continent; third, the welfare of millions of all races.

[No. 4.]

The question lies between civilization and barbarism—growth—flourishing prosperity—happiness through upholding the laws of nature or degradation, and chaotic desolation through contending against them.

[No. 5.]

That such contest is no child's play is shown by the gigantic dimensions which such conflicts have assumed in earlier centuries. Those who take part therein on the side of civilization must be ready with steady decision and moral courage to appear on the field of conflict.

[No. 6.]

The melancholy condition of public affairs arises from this, in the North these matters are looked at on one side only and that the wrong (unright) side.

[No. 7.]

The cause of right which has its representative in this paper we shall endeavor to maintain in entire fulfillment of the promises above stated.

[No. 8.]

The thoroughly false principle that sovereign States can "rebel" is that which solely and alone now as for eighty years leads us into a most pernicious war. The misery springing therefrom will alone teach us the only true political wisdom by which the Government confined to the realization of just principles would successfully avoid all that management of matters which especially leads to corruption.

[No. 9.]

Can a State rebel or be at the same time sovereign and subject? As little as a father can be his own son, a king his own vassal. Our States exist absolutely, not under Congress; they are not subject to Congress, and yet the war is waged by us solely in the idea that they are.

[No. 10.]

The abolitionists first speechified and quarreled and platformed the Southern States out of the Union and now draw the sword to fight them again into it. Astonishingly wise people.

[No. 11.]

The abolitionists want to force the Southern negroes to work for wages against their own and their owner's will. Astonishingly sagacious people.

[No. 12.]

The Albany Argus says that the great Republican party had failed to attain its purpose. This is not true. The purpose was to get the Government into its hands so as to fill its pockets as full as the Democratic party if not fuller. This purpose it had attained superbly. That the confederation should thereby get to land don't trouble that party.

[No. 13.]

Virginia has not sent funds to England to pay up the State indebtedness. This may give opportunity to the English Government to intervene to the satisfaction of their subjects, as Spain, France and England are now doing in Mexico.

[No. 14.]

It is under consideration to abolish the tariff in the Confederate States. It will not be long ere the North must follow. Good again; thanks to competition. Everything has its two sides in this wonderful world.

[No. 15.]

The Albany Evening Journal assures the Argus that the Republican party will not let go their purpose of sustaining the Union, on which the City News observes that neither of the existing parties can save the Union and least of all the Republican. Well who is to do it? The opposition party; to which we devote our time and strength so long as it is the party of the future, of the Constitution, of moral force and operates in that spirit in which the grand and beautiful confederation was framed.

—

BROOKLYN, *February 11, 1862.*

Hon. W. H. SEWARD, *Secretary of State.*

SIR: The undersigned on behalf of a number of citizens of German birth begs leave to call your attention to a paper published in the city of New York in the German language, a copy* of which is herewith inclosed, which ought not to be tolerated. Its articles are filled with gross abuse of the Government, and in fact the paper if published in the South could not be worse. It is circulated gratis among the Germans of New York and Brooklyn, and the undersigned feels greatly mortified that such a pest is allowed to fulminate its treason among the Germans who give their blood and treasure for the Union. The undersigned has no private malice in this matter not even knowing the editors, but as a loyal citizen he feels it his duty to call your attention to it, and the undersigned hopes that you will not only order the paper to be suppressed but also to send the editors to Fort Lafayette. The undersigned has marked some of the most violent articles.

Hoping that this letter will meet your approval, I have the honor to remain, your obedient servant,

JACOB ROSENGARDEN.

N. B.—In reference to myself I respectfully refer you to Mr. George E. Baker.

*Not inclosed.

OFFICE OF THE SUPT. OF THE METROPOLITAN POLICE,
New York, February 14, 1862.

F. W. SEWARD, Esq., *Assistant Secretary of State.*

SIR: Yours of the 12th with the inclosures of the letter of Jacob Rosengarden and a copy of the New-Yorker Journal is this moment received. The New-Yorker Journal is a daily which has grown out of the National Zeitung, numerous copies of which I have forwarded to your Department. I have preserved all the numbers of the Journal, as I did of the Zeitung while it was published. The object and course of both papers are the same, viz, to bring the Union cause into disfavor with our German population. I have so informed you repeatedly in regard to the Zeitung, as you will find on reference to my letters to the Secretary of August 19,* September 10, 14, 22 and 29, and to yourself of October 6 and January 13.

I am informed that the same committee that managed the Zeitung manages the Journal and that the same agents and editors (with some additions) are employed on it. In a day or two I will send you a full file of the paper. I have it now in the hands of translators for my own information. During the time the Journal has been published I am continually called on by disgusted Germans anxious to have the active parties arrested. Since I have been writing this letter two have called on me in relation to it, one of whom tells me he wrote to the Secretary of War in relation to the paper two weeks ago and feels greatly disappointed in nothing having been done to abate the nuisance. I herewith return you Mr. Rosengarden's letter.

Very truly, yours,

JOHN A. KENNEDY,
Superintendent.

Memorandum found in files of State Department.

FEBRUARY 15, 1862.

Zeitung (newspaper), National, of New York City.
Not arrested.

R. H. M.

DEPARTMENT OF STATE, *Washington, February 24, 1862.*

MY DEAR JUDGE: Will you have the kindness to read these papers† and tell me whether the tone is of a character so treasonable as to call for any action on the part of the Government, such for instance as prohibiting its circulation through the mails?

Very truly, yours,

[E. D.] WEBSTER.

[No date.]

Mr. WEBSTER.

MY DEAR SIR: In ready compliance with your request I have given all the time I could from employment more imperative to a review of the German papers returned herewith, and have added the substance of some paragraphs to what had already been done by another pen, as an indication of the general tone of such papers. It is certainly such as to stir one's gall; but yet the thing is managed so adroitly that it would be very difficult to hold them to any penalty as they could almost

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*Not found. †Inclosures not found.

always shield themselves behind the example of the papers they quote, the freedom of speech in Congress and at public meetings, and the publication of the Southern arguments under the sanction even of Congress. Besides unlimited abuse of public men has always been the first resource of papers of small circulation edited by hot-brained partisans with more zeal than discretion or integrity of purpose, and this seems to have passed from the times of the Aurora and the Citizen down to the present as a species of editorial heirloom.

This German quotes freely from the Tribune, Times, Journal of Commerce and Evening Post whenever an article in either of them can subserve his purposes and sustain him in expressing his opinions more obtrusively and obnoxiously without additional risk of Fort Warren; but perhaps nothing can have worse effect than the republication of Jefferson's letter to Giles; yet under the circumstances that can scarcely be objected to, but is so much the worse that he is regarded by the Germans as the soundest teacher of American liberty, &c., and surest exponent of American democracy.

You invite my opinion whether the tone of these papers is of character so treasonable as to call for prohibition of circulation through the mails. My fingers itch to write yes, but yet second thought suggests that the result would probably only increase circulation and influence. The surest counteraction would come from the columns of an ably conducted German paper from the now very gratifying progress of events, and of the earliest possible inoculation of our German citizens with a passable knowledge of our language.

Yours, very truly,

W. HOGAN.

Case of Pierce Butler.

Pierce Butler, a citizen of Philadelphia, was arrested by order of the Secretary of War, but at what time or on what charge the Department of State has no information. He was sent to Fort Lafayette and there confined August 20, 1861. On the 24th day of September, 1861, he was released from confinement on his solemn pledge that during the present troubles he would do no act hostile to the United States and would not visit South Carolina without a passport from the Secretary of State.—*From Record Book, State Department, "Arrests for Disloyalty."*

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WAR DEPARTMENT, *Washington, August 15, 1861.*

Hon. WILLIAM MILLWARD, *U. S. Marshal, Philadelphia:*

Arrest Pierce Butler, of Philadelphia; make careful examination for commission from the Southern Confederacy. Send him at once under guard to Fort Hamilton.

SIMON CAMERON,
Secretary of War.

—

PHILADELPHIA, *September 18, 1861.*

General CAMERON, *Secretary of War.*

MY DEAR SIR: I have a letter from William Roche Wister* this morning stating he had handed you my letter of the 16th* about Pierce

* Not found.

Butler, and that you said you would have to "think of it." What I have done is entirely without Mr. Butler's knowledge. What he would like would be a trial here in the city of his birth. Conscious of his innocence he will ask no favor from those who imprisoned him. His daughters are both strong Northern women, and they are deeply distressed by their father's imprisonment. One is married to one of the staunchest of our party. As Mr. Butler was arrested by your order and as he is innocent, on your own account, on the Administration's and on his children's the sooner he is released on a proper parole and bonds the better. It will much oblige me.

Yours, truly,

C. H. FISHER.

[Indorsement.]

SEPTEMBER 21, 1861.

Mr. Butler declines taking the oath of allegiance in the belief that he might lose his property in the South. I would let him go if he would promise to remain.

SIMON CAMERON.

DEPARTMENT OF STATE, *Washington, September 21, 1861.*

Col. MARTIN BURKE, *Fort Hamilton, N. Y.*

COLONEL: Pierce Butler, a prisoner at Fort Lafayette, may be released upon giving his pledge in writing that during the present troubles he will do no act hostile to the United States Government and will not visit South Carolina without a passport from the Secretary of State.

I am, your obedient servant,

WILLIAM H. SEWARD.

FORT HAMILTON, *New York Harbor, September 24, 1861.*

TO ALL WHOM IT MAY CONCERN:

Be it known that I, Pierce Butler, have given my solemn pledge that during the present troubles I will do no act hostile to the United States and will not visit South Carolina without a passport from the Secretary of State.

PIERCE BUTLER.

[Witness:]

G. V. S. AIKIN,
Second Lieutenant, Eighth Infantry, U. S. Army.

WASHINGTON, *April 18, 1862.*

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

I transmit to Congress a copy of a correspondence between the Secretary of State and Benjamin H. Brewster, of Philadelphia, relative to the arrest in that city of Simon Cameron, late Secretary of War, at the suit of Pierce Butler for trespass, *vi et armis*, assault and battery and false imprisonment.

ABRAHAM LINCOLN.

[Inclosure No. 1.]

PHILADELPHIA, *April 16, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: By the directions of General Simon Cameron I send you a summons issued by the supreme court of this State at the suit of Pierce Butler *v.* Simon Cameron, July 1–November 17, 1861. The writ is returnable the first Monday of May, 1862, and is for trespass, *vi et armis*, assault and battery and false imprisonment. The cause of action is no doubt founded upon the supposed misconduct of General Cameron in causing the arrest of the plaintiff, Mr. Pierce Butler, and placing him in Fort Warren or some other public fortification without authority of law while he, General Cameron, was Secretary of War. As I am instructed the act was not the act of General Cameron, and was done by those who commanded it be done for just reasons and for the public good.

You will please communicate the fact of this suit to the President and such other official persons as should properly be advised of it and have such action taken as shall relieve the defendant Simon Cameron from the burden, cost and responsibility of defending this suit.

By the directions of General Cameron I have as his private counsel ordered my appearance for him, while I also invite and request the intervention of the proper authorities in his behalf and for his protection.

I am, sir, truly, &c.,

BENJAMIN H. BREWSTER.

[Sub-inclosure.]

EASTERN DISTRICT OF PENNSYLVANIA, *ss.*

The Commonwealth of Pennsylvania to the Sheriff of Philadelphia County, greeting:

We command you that you summon Simon Cameron, late of your county, so that he be and appear before the justices of our supreme court, at our same court to be holden at Philadelphia in and for the eastern district of the State of Pennsylvania on the first Monday of May next to answer Pierce Butler of a plea of trespass, *vi et armis*, assault and battery and false imprisonment, and have you then and there this writ.

Witness the Hon. Walter H. Lowrie, chief justice of our said supreme court, at Philadelphia, the 15th day of April, A. D. 1862.

JAS. ROSS SNOWDEN,
Prothonotary of the Supreme Court, Eastern District.

Attested copy:

PHILIP J. BROWN,
Deputy Sheriff.

[Inclosure No. 2.]

DEPARTMENT OF STATE, *Washington, April 18, 1862.*

Hon. BENJAMIN H. BREWSTER, *Philadelphia.*

SIR: I have received your letter of yesterday stating that by directions of Mr. Simon Cameron you transmit to me a summons issued out of the supreme court of the State of Pennsylvania at the suit of Pierce Butler against Mr. Cameron for trespass, *vi et armis*, assault and battery and false imprisonment in causing the arrest of the plaintiff without authority of law.

This communication has been submitted to the President, and I am directed by him to say in reply that he avows the proceeding of Mr. Cameron referred to as one taken by him when Secretary of War under the President's directions and deemed necessary for the prompt suppression of the existing insurrection.

The President will at once communicate this correspondence to the Attorney-General of the United States and also to Congress.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, April 18, 1862.*

Hon. EDWARD BATES, *Attorney-General.*

SIR: I transmit for your information a copy of a correspondence between this Department and Benjamin H. Brewster, of Philadelphia, relative to the arrest of Simon Cameron, late Secretary of War, at the suit of Pierce Butler.

I have the honor to be, your obedient servant,

WILLIAM H. SEWARD.

—

ATTORNEY-GENERAL'S OFFICE, *May 5, 1862.*

GEORGE A. COFFEY, Esq.,
U. S. District Attorney, Philadelphia.

SIR: Of course you have unofficial information of an action brought in the supreme court of Pennsylvania for the eastern district by Pierce Butler *v.* Simon Cameron, "in a plea of trespass, *vi et armis*, assault and battery and false imprisonment." The copy of the writ sent to me does not disclose the fact that the action is founded upon any official act of the ex-Secretary of War; but it is well understood here that the action arises out of the arrest of Mr. Butler upon political grounds and his supposed complicity in the existing rebellion. Upon this supposition the President adopts the act of the Secretary of War in restraining Mr. Butler temporarily from his liberty, and desires that the suit shall be fully defended as a matter which deeply concerns the public welfare as well as the safety of the individual officers of the Government.

Mr. Cameron has retained private counsel for his defense, Mr. Benjamin H. Brewster, 706 Walnut street, Philadelphia. Mr. Brewster's letter to Mr. Seward is before me wherein he says:

> I have as his (Cameron's) private counsel ordered my appearance for him, while I also invite and request the intervention of the proper authorities in his behalf and for his protection.

By authority of the President therefore I request that you will give attention to the case and render whatever aid the full defense of the action may in your good judgment require. There are other actions pending of a somewhat similar character—especially one against Secretary Welles in this District—and no doubt they will greatly multiply unless met vigorously and carefully *in limine*. Of course Mr. Brewster will see that there is no judgment by default, but to bar accidents please see to it. There is a bill pending in Congress which if passed will facilitate defenses in such cases.

With great respect, your obedient servant,

EDWARD BATES.

OFFICE OF U. S. ATTORNEY FOR THE
EASTERN DISTRICT OF PENNSYLVANIA,
Philadelphia, May 7, 1862.

Hon. EDWARD BATES,
Attorney-General of the United States.

SIR: I have the honor to acknowledge the receipt of your letter of the 5th instant instructing me to give my professional and official attention to the suit recently instituted against Hon. Simon Cameron by one Pierce Butler, of this city, and to render whatever aid the full defense of the action may require. It is my pleasure to say in reply that I will be most happy to co-operate with Mr. Benjamin H. Brewster, Mr. Cameron's private counsel, in defending the case, and to contribute whatever assistance it is within my power to render throughout the progress of the cause.

I have the honor to be, with sentiments of high esteem and respect, your obedient servant,

GEO. A. COFFEY,
U. S. Attorney.
J. HUBLEY ASHTON,
Assistant U. S. Attorney.

Order made by the U. S. Senate, July 11, 1862.

Ordered, That the Committee on the Judiciary be discharged from the further consideration of the message of the President of the United States relative to the arrest of Simon Cameron, late Secretary of War, at the suit of Pierce Butler, for false imprisonment.

Case of John Garnett Guthrey.

John Garnett Guthrey, of Petersburg, Va., was arrested* at New York on or about the 21st day of August, 1861, and taken to Fort Lafayette and there confined. He was charged on the information of some members of the detective police with holding unlawful intercourse with persons in the insurrectionary States. On his arrest there was found in Guthrey's possession a large amount of State bonds of several of the insurrectionary States with evidence of their having been then recently purchased in New York for account of parties residing in Petersburg, Va., and a number of letters addressed to persons in the State of Virginia which he said he had received with the purpose of carrying them to Virginia. On the 3d day of October, 1861, the said Guthrey was released on his parole to do no act hostile or injurious to the United States and not to go to or correspond with any rebellious State. The said Guthrey was again arrested on the 24th day of December, 1861, charged on the oaths of Samuel Hyman and Thomas P. Wood with breaking his parole by corresponding with persons in the seceded States and laying plans to return to Virginia himself by way of England and Cuba as soon as he could get possession of his bonds. The said Guthrey remained in custody at Fort Lafayette February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

*See affidavit of Robert Murray, September 28, 1861, in case of Millner, *post*, for important reference to Guthrey's arrest.

NEW YORK, *August 21, 1861.*

Hon. W. H. SEWARD, *Secretary of State:*

I now have John Garnett Guthrey, of Petersburg, Va., in custody with State bonds, drafts and money belonging to Southern owners amounting to a very large sum. Let me have an order for the disposition of his person. I will write particulars by mail.

JOHN A. KENNEDY,
Superintendent of Police.

—

DEPARTMENT OF STATE, *Washington, August 22, 1861.*

Lieut. Gen. WINFIELD SCOTT, *Washington.*

GENERAL: I will thank you to issue an order to Col. Martin Burke to receive as a prisoner at Fort Lafayette John Garnett Guthrey, of Petersburg, Va., who has been arrested at New York.

I have the honor to be, general, your obedient servant,

WILLIAM H. SEWARD.

—

NEW YORK, *August 22, 1861.*

Hon. W. H. SEWARD:

What am I to do with John Garnett Guthrey, of Petersburg, concerning whom I telegraphed you last night?

JOHN A. KENNEDY,
Superintendent.

—

OFFICE OF SUPERINTENDENT OF POLICE,
New York, August 23, 1861.

Lieut. Col. M. BURKE, *Commanding at Fort Hamilton.*

SIR: By direction of the Secretary of State I send to your custody Mr. John Garnett Guthrey, of Petersburg, Va. He will be delivered to you by Mr. Inspector Leonard.

Very truly, yours,

JOHN A. KENNEDY,
Superintendent.

—

OFFICE OF SUPERINTENDENT OF POLICE,
New York, August 24, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: On 21st instant, when Mr. John Garnett Guthrey, of Petersburg, Va., was arrested by Sergeant Young and Detective King, of my force, there was found on his person and among his effects 61 bonds of the State of Tennessee of the par value of $1,000 each; 22 bonds of the State of North Carolina each $1,000; 35 bonds of the State of Virginia each $1,000; 4 bonds of the State of Virginia each $500; 6 bonds of the State of Georgia each $500; 10 Northern Indiana Railroad bonds each $1,000; 16 Atlantic and Gulf Railroad bonds each $500; 3 Peoria and Oquawka Railroad bonds each $1,000, and money to the amount of $1,114.45, the principal part of which he admitted was the property of sundry persons and institutions located at Petersburg. A part he claimed as his individual property.

I have directed $200 of the amount to be placed in the hands of Lieut. Col. M. Burke for the personal use of Guthrey while he may

remain in confinement. The balance is held subject to seizure by the U. S. marshal under the act of August 6, 1861, whenever he is prepared to act in the case. I deem it proper for me to adopt this course in order that the interest of my officers in the prize may be properly protected. I herewith forward to you an inventory of the property found in the possession of Guthrey.*

Very respectfully,

JOHN A. KENNEDY,
Superintendent.

—

DEPARTMENT OF STATE, *Washington, August 27, 1861.*

JOHN A. KENNEDY, Esq.,
Superintendent of Police, New York.

SIR: I have to acknowledge the receipt of your two communications† of the 24th instant, and to state in reply that your course with regard to the cases of Guthrey and Miles is approved.

I am, sir, respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

DEPARTMENT OF STATE, *Washington, August 28, 1861.*

Lieut. Gen. WINFIELD SCOTT.

GENERAL: I have the honor herewith to return the papers‡ in the case of Miles and Guthrey which you yesterday referred to this Department, and to state in reply that John A. Kennedy, esq., superintendent of police at New York, has represented to this Department that he has caused to be deposited with Colonel Burke at Fort Hamilton the sum of $200 to defray the personal expenses of Miles, and also a like sum to defray those of Guthrey, which seems to supersede the necessity of making any further provision at this time for those objects.

I have the honor to be, general, your obedient servant,

FREDERICK W. SEWARD,
Acting Secretary.

—

NEW YORK, *August 28, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: The inclosed letter has been addressed to me by a friend of Mr. Guthrey who has been for several years and still is a resident of Brooklyn. His name does not appear because being a Southerner he does not wish through his sympathy for the unfortunate to become in time an object of suspicion. It will perhaps be sufficient for me to say that the writer is a gentleman and that I put implicit faith in the accuracy of his statements.

I do not know under what charges Mr. Guthrey has been arrested but can well understand that in particular cases injustice may be done unwillingly by those who are connected with the administration of the Government. In any examination that may be had of the case of Mr. Guthrey I would therefore respectfully submit the inclosed statement for confirmation or rejection according to the light that may be shed

* See case of George Miles, p. 533, for Seward to Kennedy, August 27.
† See case of George Miles, p. 532, for one of these letters.
‡ Not inclosed.

upon it by such investigations as it may suit your honor to direct in the premises. I would fain hope that the result of such investigation will be the acquittal of the gentleman in whose behalf I venture to address these lines to you.

I have the honor to be, respectfully, your obedient servant,

A. A. LOW.

[Inclosure.]

NEW YORK, *August —, 1861.*

A. A. LOW, Esq.

DEAR SIR: Your kind consideration is asked to the following statement of facts relating to Mr. John Garnett Guthrey, of Petersburg, Va., now confined at Fort Lafayette by order of the honorable Secretary of State at Washington. The writer has known Mr. Guthrey many years and regards him as he is regarded by all who know him best as a most peaceable, quiet, orderly citizen and modest, dignified, high-toned gentleman and Christian. In politics he has been a Henry Clay Whig though never a partisan, and not many days ago told the writer he had not been to a political meeting in several (the writer thinks thirteen) years.

His late mission to this city was a purely unselfish one—most positively undertaken on his part for the sole benefit of the church in Petersburg, of which he has long been a vestryman and liberal supporter. The facts fully are these: About a year ago the congregation of the above church determined and took steps to erect a new and larger place of worship. Mr. Guthrey, though a man of moderate means, headed the subscription list with a donation of $500. About $5,000 are yet to be raised to complete this church, and recently when a party of gentlemen sought Mr. Guthrey as a suitable person to come here and buy for them as an investment some stocks of the Southern States the conditions he named and to which they assented were that these gentlemen should pay to him only his actual expenses of the trip and donate $500 to Grace Church.

In furtherance of this agreement Mr. Guthrey came to this city bringing with him over $55,000 furnished by the gentlemen in question. Other funds were sent on to him, making over $60,000, with which he bought $118,000 in Southern State bonds. It is certain that neither Mr. Guthrey nor those whom he represents are directly or indirectly agents of the Confederate Government for the leaders in this movement are known to be hostile to the investment of Southern funds in this way.

The needles and cotton found on Mr. Guthrey which cost about $15 were not for sale but for family use—for the wives of the gentlemen who sent him on and for the wife of his pastor, all of whom own sewing machines made in the Northern States and bought here or of Southern agents. The needles were all sewing-machine needles, bought chiefly as was the cotton of a sewing-machine establishment that made all the machines but one owned by these ladies. Mr. Guthrey did not suppose he was violating the spirit or intent of any law by carrying these supplies.

Some sealed letters directed to sundry persons in the Southern States were in Mr. Guthrey's possession when arrested but up to that time there had been no prohibition of letter writing to the South. Mr. Guthrey, however, was totally ignorant of the contents of these letters, and his invariable reply to parties who asked him to take such was in substance, "Yes I will take them and put them in my trunk; but if I

am examined on my way back in either Kentucky or Tennessee I shall most likely be required to show any letters I may have about me and shall not hesitate to do so." This he supposed as did others would be regarded as unobjectionable by all authorities and it further demonstrates his repeatedly expressed determination to do nothing to make trouble.

It is believed that John Garnett Guthrey has been arrested and is now confined by orders of the honorable Secretary of State under the misapprehension that he is an agent of the Confederate States, and this plain statement of facts is submitted in the hope that if substantiated to your satisfaction the Secretary will order Mr. Guthrey to be at once released and the bonds restored to him.

With many thanks for the kind attention already extended to the writer he begs leave to subscribe himself, sir,

Your obedient servant,

H. C. HARDY.

SOUTHERN DISTRICT OF NEW YORK, *ss:*

Henry C. Hardy, of the city of New York, being duly sworn deposes and says that the foregoing is a copy of a letter addressed by him to A. A. Low, of said city, and the same contains a true statement of all the facts and circumstances within deponent's knowledge respecting John G. Guthrey. Deponent is a loyal Union man and would not seek the release of said Guthrey if deponent believed that he was acting or intending to act in any manner in aid of the rebellion. Deponent further says that he saw said Guthrey when he first came on here for his last visit to this city; that he presented himself to this deponent, showed his papers to him and stated his object to be to make investments for certain persons in Petersburg, to wit: Reuben Ragland, John M. Wyche, Thomas Wallace, William T. Joynes and perhaps others, having reference to the private interests of the gentlemen for whom he acted and with no public object whatever.

H. C. HARDY.

Sworn to this 20th day of September, 1861, before me.

STEWART L. WOODFORD,
Notary Public in New York City.

DEPARTMENT OF STATE, *Washington, September 20, 1861.*

SETH C. HAWLEY, Esq., *Metropolitan Police, New York.*

SIR: I inclose all the papers in the Department relative to the case of John Garnett Guthrey, now a prisoner at Fort Lafayette. His friends ask for his release on the ground that his visit to New York was solely on business connected with a church at Petersburg, Va., and that the property found upon him was to be invested for the benefit of that church. If the investigation of the case, which I will thank you to make, should lead to a confirmation of these statements his discharge will be ordered as there is no disposition to arrest or detain any person engaged in business of that character.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

NEW YORK, *September 28, 1861.*

WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have taken such testimony as has been presented for and against John G. Guthrey, now confined in Fort Lafayette, and examined his case as desired by yours of the 20th instant and beg leave to make the following report:

It appears that Mr. Guthrey purchased in this city and [was] about to carry away to the States now in rebellion a large amount of bonds of several of the States in rebellion. The amount and character of those bonds appear in a schedule furnished by J. A. Kennedy, superintendent of police, to your Department. The purchase and possession of so large an amount of securities under the circumstances was sufficient ground for arresting and detaining him until further investigation should establish his guilt or innocence. The evidence against him is confined to the circumstance that he had such securities and sealed letters directed to persons residing in the rebelling States and was about to carry them to those States.

Such transactions under ordinary circumstances would not be evil in themselves nor contrary to good morals or the common law. Unless his acts are made criminal by the laws of Congress or were designed to aid the enemies of the Government they were innocent. By the testimony of Mr. Henry C. Hardy, consisting of his affidavit, a commercial statement from his books and his letter transmitted through Mr. A. A. Low and now verified by affidavit, it may be held to be probably established that Mr. Guthrey acted in the premises with innocent and commendable motives without any design to aid the Confederate States or injure the United States. It cannot be pretended that paying good funds for the bonds in question was calculated to injure any one except the parties who made the purchase or benefit the States or people in rebellion.

Mr. Guthrey had in his possession letters from persons here directed to individuals residing in the Confederate States and was about to carry them South. They were sealed and he was ignorant of their contents. To carry them was indiscreet, perhaps culpable, but the design to carry them does not amount to a crime. Though the securities found on Mr. Guthrey may be confiscated under the laws of Congress on that subject from the testimony before me I do not see that Mr. Guthrey's acts have made him liable to any further punishment.

All which is submitted.

Respectfully,

SETH C. HAWLEY.

I inclose herewith all the documents transmitted to me from the State Department and also affidavit of John S. Young, detective, New York; affidavits of Robert King, detective, New York; affidavits of Henry C. Hardy, merchant, New York; commercial statements from books of Henry Hardy.

S. C. H.

[Inclosure No. 1.]

METROPOLITAN POLICE DISTRICT, *ss:*

Henry C. Hardy being duly sworn doth depose and say as follows: I am a commission merchant doing business at No. 47 Front street, New York. I have long known Mr. John G. Guthrey, of Petersburg, Va., and we have been intimate friends. About the 8th or 9th of August last he

came to New York for the purpose of investing sums of money for several persons in Virginia by purchase of public securities of Southern States, the design being to take advantage of the state of the market for such securities and purchase them at a cheap rate. With this design he applied to me as an old friend to collect his money here and purchase the State bonds. I did this business for him as an old friend and in this manner came to a knowledge of his design in the transactions. I know all the parties for whose account he made the purchases. They are all men advanced in life. They are men who have means to invest and operate with and I feel confident that the business was all private, commercial or financial business, and in no way connected with the military or political affairs of the country. I am confident that the object and motive of Mr. Guthrey in doing this business is truly and fully stated in a letter written by me and not signed addressed to Mr. A. A. Low and by him transmitted to the Secretary of State, William H. Seward. Annexed hereto is a statement of the account between myself and Mr. Guthrey covering the whole transaction, showing how and when the business was done; how the money was collected and invested. The relations between Mr. Guthrey and myself were friendly and confidential and I have no doubt he told me the whole truth without concealment. The business was done openly and without any thought on my part or, as I believe, on his that he was committing any offense. I made all the entries on my books of the transactions just as they occurred with his knowledge, and he never made any suggestion of any concealment or evasion. In relation to letters found on him I have stated the facts truly in the letter to Mr. Low hereinbefore referred to. They were left at my office sealed. He did not know the contents nor did he or I suppose that the carrying of letters was an offense. He said to one party who asked him to take a letter that if there was anything contraband in it he had better not send it as he would have to show it. The account I have furnished annexed* is a correct transcript of my books. If I had known or supposed that the business he was upon was either illegal or wrong I should not have aided him in the business and advised him not to proceed with it. And further saith not.

H. C. HARDY.

Sworn before me this 28th of September, 1861.

S. C. HAWLEY,
Chief Clerk of Police.

[Inclosure No. 2.]

METROPOLITAN POLICE DISTRICT,
City and County of New York, ss:

Robert King being duly sworn doth depose and say as follows: I am a member of the Metropolitan police of New York attached to the detective force. Sergeant Young, of the detective force, and myself on or about the 21st of August last went to several hotels in search of John G. Guthrey and found him at Fifth Avenue Hotel and arrested him. We brought his baggage to the central police office where it was searched and the bonds found in his trunks. We also found some money upon him. On delivering him at the office I was dispatched to Ohio on business and had no further personal knowledge of the case.

* Statement of account omitted.

When arrested he asked me why he was arrested. I replied that you will find out at the office. He said, "I suppose it is because I am a Southern man or because my sympathies are with the South." I left next day for Ohio.

ROBERT KING.

Sworn before me this 28th day of September, 1861.

S. C. HAWLEY,
Chief Clerk.

[Inclosure No. 3.]

METROPOLITAN POLICE DISTRICT,
City of New York, ss:

John S. Young being duly sworn doth depose and say as follows: I am sergeant of the Metropolitan police in command of the detective force in the city of New York. In that capacity and with the advice of the superintendent of police, John A. Kennedy, I arrested Mr. John G. Guthrey at the Fifth Avenue Hotel on or about the 25th day of August last, Detective King assisting me. We brought him and his baggage to the central office, where [we] found the bonds and money in his possession, a schedule of which was furnished by Superintendent Kennedy to the Secretary of State. Mr. Guthrey was committed to Fort Lafayette. In my investigations prior to the arrest of Mr. Guthrey I learned that he was in the habit of intercourse with George Miles, who is now a prisoner in Fort Lafayette, and with Walker, also a prisoner in the same place. This I learned by report, and these circumstances pointed to Mr. Guthrey as a party to be watched. I do not know of my own knowledge any treasonable or illegal acts beyond those connected with the purchase of the bonds. The arrest of Mr. Guthrey was actually made by Officer King. I was not at the hotel at the time. When he and his baggage were brought to the central office I searched and found the bonds and money as stated in the schedule.

JOHN S. YOUNG.

Sworn before me this 28th of September, 1861.

S. C. HAWLEY,
Chief Clerk.

SOLICITOR'S OFFICE, *September 30, 1861.*

Hon. S. P. CHASE, *Secretary of the Treasury.*

SIR: I have the honor herewith to return a letter of Hon. William H. Seward, Secretary of State, dated 13th instant, inclosing one from John A. Kennedy, esq.,* superintendent of police of New York, and a schedule of property found in the possession of John Garnett Guthrey, of Virginia, who has been arrested as a political prisoner.

The object of the letter of the superintendent of police was to inquire as to the disposition proper to be made of said property and that of the letter from the Secretary of State to submit to you the question of the expediency of instituting proceedings for the confiscation of the property, which question you have referred to me. In regard to this question I have to say that I presume from the fact that this property was found in possession of a person arrested for complicity with those who are in rebellion against the Government that the strong probability is that the property itself was being used or held for the purpose of promoting the

* See Kennedy to Seward, p. 510, August 24.

insurrection now existing against the Government. If so it is of course liable to seizure and condemnation, and I know of no reason why it should not be condemned accordingly.

I have the honor to be, with high respect,

EDWARD JORDAN,
Solicitor.

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NEW YORK, *October 1, 1861.*

Hon. SIMON CAMERON, *Secretary of War.*

SIR: We have the honor to report that pursuant to the instructions of the War Department we have examined the case of John Garnett Guthrey, a citizen of the State of Virginia, now confined as a state prisoner at Fort Lafayette in the harbor of New York; that a personal interview was had with the said Guthrey in which he fully stated his object in visiting the State of New York; that it was purely for business purposes entirely disconnected with the present unfortunate troubles existing in the country; that he has not taken any part with the proceedings of the so-called Confederates in their attack upon the Government of the United States, but on the contrary by his advice and efforts has endeavored to sustain the General Government; that at an early stage of the rebellion and before any action was taken by the State of Virginia he was one of a party in Petersburg, Va., the place of his residence, to haul down the secession flag which had been presumptuously raised in that city; that he with thousands of others in Virginia are true and loyal men but are entirely helpless so far as action is concerned in sustaining the United States Government; that he never has nor does he intend to take action against the Federal Government nor give aid and comfort to those in arms against it; is ready and willing to give any pledge which may be required by the Department to that effect; that the inclosed letter and affidavit of H. C. Hardy,* a most respectable and intelligent merchant of this city, fully states the purposes and objects of Mr. Guthrey's visit to New York and that we have full confidence in the truth of the same.

After considering this case we are of opinion that there does not seem sufficient grounds on which to detain Mr. Guthrey as a prisoner of state, and therefore recommend to the War Department that he be discharged from custody upon such conditions as the Department deem just.

Yours, very respectfully,

E. DELAFIELD SMITH,
U. S. District Attorney.
WALDO HUTCHINS,
Of Counsel.

—

DEPARTMENT OF STATE, *Washington, October 2, 1861.*

ROBERT MURRAY, *U. S. Marshal:*
(For Col. Martin Burke, Fort Lafayette, N. Y.)

Release John Garnett Guthrey on engagement to do no act hostile or injurious to the Government of the United States nor enter nor hold correspondence with any insurrectionary State during insurrection without consent of the Secretary of State.

F. W. SEWARD,
Assistant Secretary of State.

*See Hardy to Low, pp. 512, 513.

FORT HAMILTON, *October 3, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Inclosed please find engagement of John Garnett Guthrey agreeably to your telegram dated October 2, 1861.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

[Inclosure.]

FORT HAMILTON, *October 3, 1861.*

I, John Garnett Guthrey, do solemnly give my word of honor that I will do no act hostile to the Government of the United States or injurious to it. I do also solemnly pledge my word of honor not to enter or correspond with insurrectionary States during the present insurrection without the consent of the Secretary of State of the United States.

JNO. G. GUTHREY.

Witnesses:

WALTER L. FRANKLIN,
Lieutenant.

J. CARBERY LAY,
Lieutenant.

TREASURY DEPARTMENT, *October 5, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to return herewith the papers inclosed in your letter of the 13th ultimo* from John A. Kennedy, superintendent of the Metropolitan police at New York, with the schedule of property found in the possession of John Garnett Guthrey, of Virginia, arrested and taken to Fort Lafayette as a political prisoner, the said papers having been submitted by you for my consideration as to the expediency of proceeding against the property under the confiscation act. I inclose also a copy of the report of the Solicitor of the Treasury, to whom the papers were referred for his opinion. The seizure having been made by an officer not placed by law under my control or supervision, and the forfeiture being claimed under the act of August 6, 1861, which confers on me no power of remission or mitigation, I do not conceive that this case falls within my jurisdiction, and the papers are therefore returned.

I am, very respectfully,

S. P. CHASE,
Secretary of the Treasury.

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413 BROOME STREET, NEW YORK, *December 8, 1861.*

F. W. SEWARD, *Assistant Secretary of State.*

DEAR SIR: When in September last I made to you a favorable report in the case of John G. Guthrey, of Virginia, the evidence seemed to warrant the conclusion that he was not a political conspirator and that he was engaged in private financial speculation. He was liberated on parole, the terms of which I do not know.

From recent reports I am inclined to think that he has become a conspirator in some degree. Our department has established a communication with him unknown to him, and from that source we are informed that he expects soon to obtain possession of his State stocks, and is

* Not found, but see Jordan to Chase, p. 516.

preparing to go to England, first sending his bonds there by unsuspected parties, and from thence to get to Havana and the rebel States. If that scheme should be accomplished it is possible that his bonds may be transmuted into arms or other contraband property. It is said that his parole does not preclude his going to England. A secessionist in England with $100,000 is capable of doing more mischief than he could do at home. If his parole does not preclude his going to England it would be well to restrict him to a residence in the city of New York.

He is moving all interests he can reach to get hold of his bonds; has said that he operated only through Black Republican agencies because the Administration is Black Republican. This he said in reply to a suggestion that he should employ J. T. Brady. He has said that he was not proceeding by process of law here to recover his bonds, but was operating directly with the Administration, and had assurances from his counsel that within ten days he would have possession of his bonds by an order from Washington. He is reported to have about $2,000 in the hands of his agent here which had not been paid over when he was arrested and that it will take all of that to get his bonds back.

It is further reported that Mr. Guthrey has entertained the proposition to supply a young man with money claimed to be necessary to get a commission in the U. S. Army with the design of having the officer when opportunity should present go over to the rebels with whatever information or other aid he could command. It is claimed that Guthrey entered into this scheme with avidity, and only held back the money because he needed all of his $2,000 above mentioned to use in getting possession of his bonds. It is further reported that Guthrey has sent the numbers of his bonds South and made arrangements to have payment refused except to himself.

Our detective department has obtained reports to the effect I have written, and if they should prove true the man would be safest in a fortress. But lest there should be some mistake I would suggest that for the present the action if any should be, first, hold on to the bonds; second, require a parole that shall restrict his travels to the city of New York, where the police can observe him.

Yours, respectfully,

SETH C. HAWLEY.

DEPARTMENT OF STATE, *Washington, December 9, 1861.*

SETH C. HAWLEY, Esq., *New York.*

SIR: I have received your communication of the 8th instant relative to John Garnett Guthrey. In reply I have to state that representations which appear to be entitled to credit have been made to me that Mr. Guthrey was engaged at the time of his arrest in converting funds to aid in building a church at Petersburg, Va. I do not therefore deem it advisable at the present time to make a new order in his case. Still I hope you will continue the surveillance over his movements.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

OFFICE OF THE SUPT. OF THE METROPOLITAN POLICE,
New York, December 9, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Understanding all sorts of efforts were making by Mr. Guthrey, who was lately a prisoner at Lafayette, to obtain possession of the bills,

State scrip and cash that was attached as property about to be applied to rebel use on the complaint and information of two of my officers I have been using the facilities of my department to obtain information in regard to the movements of Mr. Guthrey and his friends. By referring to my letters of August 24 you will see the amount found on Guthrey, as well as that found on his companion, George Miles.*

By the means alluded to I learn that Miles notwithstanding his oath to the contrary has found his way to Richmond, and to-day Guthrey received a letter from him dated Richmond, December 4. To a person who has his confidence he (Guthrey) said that if his arrest had been delayed twenty-four hours they would have got $7,000 more on him than they did, as Mr. H. C. Hardy had procured for him that money's worth more which he had not had time to deliver over and that it still remained in Mr. Hardy's possession. And further he said that it was perfectly safe in Hardy's hands as Messrs. Moses Taylor and Stevenson (I have not yet ascertained what Mr. Stevenson) were the friends of Mr. Hardy, and the Government would not dare to disturb Mr. Hardy with such friends. He also to-day expressed great confidence in being able to recover the attached property through the influence of Messrs. Taylor and Stevenson even if the property was confiscated; that should they fail he had a last resort through Mr. Del. Smith, which he wished to avoid if possible, but did not give as a reason for avoiding the last resort that it would cost him heavily.

When he recovers the bonds, &c., he will not attempt to go directly to the South but will go to Europe, thence to the West Indies and watch his chance to get home with his property. I would like to get possession of Miles' letter to him to prove his forfeiture of the condition of the release of Miles as well as to prove that Guthrey is in correspondence South in violation of his stipulation. But I would not like to rearrest a discharged prisoner without direct orders to that effect.

I would like to hear from you early on this business so as to be able to determine what course it is proper for me to take.

Very truly, yours,

JOHN A. KENNEDY,
Superintendent.

DEPARTMENT OF STATE, *Washington, December 11, 1861.*

JOHN A. KENNEDY, Esq.,
Superintendent of Police, New York.

SIR: I have received your letter of the 9th instant relative to John Garnett Guthrey. In reply I have to state that whenever you have conclusive evidence that he has violated the terms of his parole you will at once return him to Fort Lafayette.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

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413 BROOME STREET, NEW YORK, *December 11, 1861.*

F. W. SEWARD, *Assistant Secretary of State.*

SIR: I have received the letter of the honorable Secretary of State of 9th of December relating to Mr. John Garnett Guthrey. If it is proper

* See case of Miles, p. 533.

I should like a copy of the parole of Mr. Guthrey in order to know what latitude has been allowed him. If you can furnish me a copy please do so or give me an order on Col. Martin Burke, of Fort Lafayette, for a copy.* * * *

Yours, respectfully,

S. C. HAWLEY.

DEPARTMENT OF STATE, *Washington, December 13, 1861.*

SETH C. HAWLEY, Esq., *New York.*

SIR: I have received your letter of the 11th instant. In reply I inclose herewith copies of the parole† of J. Garnett Guthrey and George Miles, which you required.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

OFFICE OF THE SUPT. OF THE METROPOLITAN POLICE,
New York, December 22, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have taken the affidavit of Samuel H. Hyman,‡ a native of Richmond, Va., who deposes to the fact that $7,000 in bonds belonging to J. G. Guthrey are represented to be in the hands of Mr. H. C. Hardy, No. 47 Front street, by Guthrey to him, and also states in effect that Hardy is custodian of his confidential matters. Hyman also testifies to Guthrey having stated to him that he has written at least three letters to friends in the insurrectionary States and has received some from them. Under your former instruction I feel at liberty to arrest Guthrey on this information, but I fear he has his letters, &c., in the hands of Hardy, and I need an extension of the order to Hardy and the papers in his possession. I would advise authority to that effect to be given me immediately by telegraph. I think I mentioned in a former letter that Hardy is also a Virginian and has a branch house at Norfolk.

Very truly, yours,

JOHN A. KENNEDY,
Superintendent.

OFFICE OF SUPERINTENDENT OF POLICE,
New York, December 25, 1861.

Lieut. Col. M. BURKE, *Fort Hamilton.*

SIR: Pursuant to directions from the honorable Secretary of State of December 11 I herewith deliver to your custody Mr. John G. Guthrey, of Richmond [Petersburg], Va.

Very respectfully, yours, &c.,

JOHN A. KENNEDY,
Superintendent.

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*For omitted part see case of George Miles.

†For parole of Guthrey, see p. 518; for that of Miles, see p. 540.

‡See pp. 522, 523 for Hyman's affidavit.

OFFICE OF THE SUPT. OF THE METROPOLITAN POLICE,
New York, December 26, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: On the 24th instant Mr. John Garnett Guthrey, of Richmond, Va., was again taken into custody and yesterday was taken to Fort Hamilton and delivered to Lieut. Col. M. Burke. The inclosed affidavits of Samuel H. Hyman and Thomas P. Wood furnish the evidence on which I have acted under the discretionary authority given me in yours of 11th instant. The same affidavits implicate Mr. H. C. Hardy, of No. 47 Front street, New York, the brother referred to being in Norfolk, Va., in charge of their house there. Mr. Hardy was also taken in charge on 24th, but after examining him and finding him well inclined to deliver up all he has in his possession or in reach belonging to Guthrey I released him on oral parole. To-day I expect him to deliver over to me whatever bonds, &c., of the kind he retains control of. He informed me that he had loaned the bonds on call and deposited the cash. By taking the course I have with him this property which no doubt was passed out of his hands for the purpose of concealing it may be recovered. In any other course recovery would have been impossible.

Very truly, yours,

JOHN A. KENNEDY,
Superintendent.

[Inclosure No. 1.]

METROPOLITAN POLICE DISTRICT, *New York City, ss:*

Samuel H. Hyman being duly sworn doth depose and say as follows: I reside in the city of New York, No. 32 West Houston street; Richmond, Va., was my native place; I resided there until about one year since. I know John Garnett Guthrey, of Petersburg, Va., who was lately a prisoner in Fort Lafayette. I was introduced to Guthrey by a man by the name of Bateman who was in Fort Lafayette with him. Bateman has gone to England. I understood he was paroled not to go to States in rebellion. I understood from Bateman that he intended to get from England to the South. I represented to Guthrey that I wished to get to the South and wanted his assistance. I had repeated interviews with him night after night for some weeks, he always cautioning me to speak low and to secrecy.

I told him the only safe way to get there was to get a commission in the Federal Army and then escape across the lines; that I could get a commission with money; that I had but $500 myself; that it would cost from $800 to $1,000, and that I would like him to assist me to that extent. He expressed a desire and willingness to aid me but stated that all his bonds and funds had been seized except $7,000 in bonds and $2,000 in money, which was in the hands of Hardy & Co., or Hardy & Bro., 47 Front street, who had purchased his bonds for him. The $7,000 in bonds not seized had come in to Hardy from the broker after Guthrey was arrested and his bonds seized, and thus escaped seizure. He said the difficulty about aiding me was that all the money in Hardy's hands would be required to pay the parties for getting his other bonds free and he did not dare to have the $7,000 in bonds put on the market.

In the course of these conversations he told me his plans after he should get possession of his bonds, as follows: He intended to send them to England by putting them into the possession of some passenger going to England who would not be suspected, and to slip off him-

self and go from England to Havana and thence find his way into the rebel States; or if he could not do that to send the bonds to England and try his chance to get South from here. He also informed me that he had taken the numbers of most of the bonds that were seized just before he was taken and that he had sent the numbers to the governors of the several States by which they were issued and applied to have them repudiated and new ones issued in their stead if they should confiscate the bonds here. He told me the name of the firm of three lawyers (names not remembered) employed by him to get back his bonds. I asked him why he did not employ Brady. He replied that he had employed these lawyers because they were Black Republicans, and Hardy had advised him that they would have more weight with the Administration. He said that one of the lawyers had been at Washington on that business week before last and that he expected to have it settled every day.

He informed me about the 7th or 8th of December that he had received a letter from home dated the 4th of December informing him that they had seen a prisoner from Fort Lafayette who had broken his parole and he was certain it was Miles. He said this letter stated they dare not write much fearing he would not receive the letters, but he said the letter contained more than they would think. He also said that he had written two or three letters home but did not know whether they were received. He said he would give anything to get home, and if he could get back his bonds he would not care if the whole town was burned.

He expresses his feelings very strongly with the Southern rebellion; that it never could be put down as long as they had a dollar left at the South. He also hoped to see England at war with the United States; that that would be the best thing that could happen for the Southern States. He said that he had been informed that the official authorities here could be approached with money to get his bonds free, but he said he was intending to take his chance to get his bonds by Hardy and the lawyers who were backed by Moses Taylor and Mr. Stephens or Stevenson, president or cashier of some bank, and if he failed in that he should have an attempt made to see what could be done with money with the officials. He said if he had had any idea of being arrested he never should have had the bonds in his possession, but should have kept them locked up in Hardy's safe. He had taken them to his room to take the numbers when he was taken.

Hardy is from Norfolk, where there is a house of Hardy & Bro. conducted by the brother of this Hardy. He said that as soon as he got this thing settled he would be off; he would not stay in the town a day. He boards at the New York Hotel, which is frequented chiefly by secessionists. He does not talk much; says he will not talk to Yankees; is very prudent. He spends the forepart of the day in Hardy's office, dines about 5 o'clock, and goes to bed at 9. He said they had means of corresponding with Richmond that the people here know nothing about, and I understand that Hardy is constantly receiving information or letters from Norfolk and Richmond, but he did not say this directly. If he had money in his possession I have no doubt he would have aided me in my pretended plan of getting South. And further saith not.

SAMUEL H. HYMAN.

Sworn before me this 22d day of December, 1861.

S. C. HAWLEY,
Chief Clerk.

[Inclosure No. 2.]

METROPOLITAN POLICE DISTRICT, *New York City, ss:*

Thomas P. Wood being duly sworn doth depose and say as follows: I live in New York. I have on several occasions been in company with Samuel H. Hyman whose affidavit is annexed, passing as his friend and as being of the same opinion as Hyman and Guthrey. I can therefore corroborate many of the statements of Mr. Hyman, and particularly his statement of the plan of Mr. Guthrey for getting his bonds and sending them to England and going there himself and from there to the Southern States. Guthrey has always expressed a desire to get his bonds and get off home and all his talk has been favorable to secession. I also heard the statement of receiving the letter from Petersburg, Va., which spoke of the prisoner from Lafayette who had broken his parole, as stated in the affidavit of Mr. Hyman. And further saith not.

THOMAS P. WOOD.

Sworn before me this 22d of December, 1861.

S. C. HAWLEY,
Chief Clerk.

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413 BROOME STREET, NEW YORK, *December 26, 1861.*

F. W. SEWARD, *Assistant Secretary of State.*

SIR: The proceedings for the condemnation of the funds found in possession of J. G. Guthrey are approaching a conclusion and will be disposed of in a few days. Under the present state of the law success is doubtful even with an earnest effort on the part of the officials, and unfortunately the desire to succeed is doubted in the best informed quarters. This is a gentle statement of the belief entertained here. Under such circumstances to allow the case to go on now would be sure to result in defeat. The money does not belong to Mr. Guthrey but to sundry citizens, firms or companies South.

The allegation that he was here on this business for a church, according to his own showing has only this degree of truth. When he undertook to do this business for these parties who own the funds he required them instead of paying him for his services to subscribe $500 toward paying the debt of his favorite church, and all the evidence of this there is in the case is his own statement. The testimony recently taken shows that Mr. Guthrey only awaited the release of this money to go back to his home, and that he is as far from being favorable to the Union as any Virginian.

If this proceeding is allowed to proceed now the result will be that the funds will be released; a not inconsiderable portion will remain with the New York lawyers who manage the business and the remainder go South to strengthen the rebellion. The sure method of preventing this is to direct a discontinuance of the legal process and order the funds to be sent to the State Department. As long as the funds are here the lawyers will not be idle. It is to be hoped that this course will be taken at once.

Yours, respectfully,

JOHN A. KENNEDY,
Superintendent.
SETH C. HAWLEY.
ROBERT MURRAY,
U. S. Marshal.

DEPARTMENT OF STATE, *Washington, December 28, 1861.*

JOHN A. KENNEDY, Esq.,
Superintendent of Police, New York.

SIR: Your letter of the 26th instant with its inclosure has been received. Your proceedings in the case of John Garnett Guthrey and H. C. Hardy are approved.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

NEW YORK, *December 30, 1861.*

[Hon. WILLIAM H. SEWARD.]

MY DEAR GOVERNOR: I have been requested to forward the inclosed to you and at the same time to testify to the high character of Mr. Moses Taylor.

Ever truly, yours, &c.,

R. M. BLATCHFORD.

[Inclosure.]

NEW YORK, *December 28, 1861.*

MOSES TAYLOR, Esq.

MY DEAR SIR: I beg leave to ask most respectfully your attention to the following statement:

On the 21st of August last my friend Mr. John Garnett Guthrey, of Petersburg, Va., was arrested at the Fifth Avenue Hotel in this city, deprived of a large amount of property, chiefly bonds of the Southern States bought here in the usual way, and sent to Fort Lafayette. There was no charge against Mr. Guthrey, and after about six weeks of confinement he was released on his parole of honor not to go into any of the rebellious States, &c., without first having obtained permission from the honorable Secretary of State. Since Mr. Guthrey's release he has lived very quietly in this city, and through counsel has been making efforts to obtain again possession of his property which has been libeled I believe by the parties who made the arrest, and is sought to be condemned or confiscated in the U. S. district court in this city on the ground as I learn that it was about to be carried South in violation of law. The case was to have been tried by appointment on the 26th instant.

On the 24th instant without process and so far as I can learn on no charge Mr. Guthrey was again arrested in this city by order of the superintendent of police, doubtless in obedience to instructions from the State Department at Washington, and on the 25th instant was sent again to Fort Lafayette. There are circumstances of very peculiar hardship in Mr. Guthrey's case and I earnestly invoke your kind offices in his behalf. I have known Mr. Guthrey long and well, and I believe him to be totally incapable of any act unbecoming a Christian gentleman.

I am, sir, with great respect, your obedient servant,

H. C. HARDY.

[Indorsement.]

NEW YORK, *December 28, 1861.*

I have entire confidence in Mr. Hardy's statement, and in my opinion the case of Mr. Guthrey is one of great hardship and he should be released.

MOSES TAYLOR.

NEW YORK, *January 2, 1862.*

Hon. WILLIAM H. SEWARD.

MY DEAR GOVERNOR: Our friend M. O. Roberts will see you on a matter in which he feels much interested—in the imprisonment of James [John G.] Guthrey in Fort Lafayette since the 26th of December. He as well as others of our friends here feels confident that this second arrest of him has been made on some misrepresentation, and that an investigation of the facts will show it. His friends earnestly beg for such investigation and it is at their request that I address you. Unless they can clear him from the charge whatever it is that is made against him they will not for a moment seek his release.

I am, very truly, yours, &c.,

R. M. BLATCHFORD.

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413 BROOME STREET, NEW YORK, *January 2, 1862.*

F. W. SEWARD, *Assistant Secretary of State.*

SIR: The case against the funds of Guthrey must be tried—and will be lost as matters now stand I think—on the 7th. Shall anything be done to avoid that result? If the measures suggested in the communication of Mr. Kennedy, the marshal (Murray) and myself forwarded by Mr. Webster should be approved by you please use the telegraph in carrying them out at once.

Yours, respectfully,

S. C. HAWLEY.

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NEW YORK, *January 2, 1862.*

[MARSHALL O. ROBERTS.]

DEAR ROBERTS: I hand you inclosed a letter just received from Mr. Hardy in relation to Mr. Guthrey. I wish you would see Mr. Seward and say to him from me that I think this is a hard case and there is no doubt in my mind about the propriety of releasing Mr. Guthrey from Fort Lafayette.

Yours, truly,

MOSES TAYLOR.

[Inclosure.]

NEW YORK, *January 2, 1862.*

MOSES TAYLOR, Esq.

MY DEAR SIR: I am greatly obliged by your kind interest in behalf of my poor friend Mr. Guthrey. In view of it it seems to be my duty to tell you I have just been told that he is charged at the Department of State in Washington with having intercourse with the South and being about to go thither secretly in violation of the parole he gave when released from Fort Lafayette about the 1st of October last. My knowledge of and confidence in the man will not allow me to credit the charge one moment. By a released prisoner, Mr. Eagle, he received recently via Fortress Monroe a letter from his business partner. It was inspected and marked approved at Fortress Monroe. He showed it to me and I am sure the State Department would not complain of it. I have no idea that he has written a line to the South or had it done. He very recently refused to send a message home by a foreign consul then in this city on the ground that it would violate his parole. I am

so assured by an old friend of Mr. Guthrey, resident here, a very respectable gentleman now retired from business, who will cheerfully testify thereto if need be.

I am, sir, very respectfully, your obedient servant,

H. C. HARDY.

It may seem superfluous but I will add my firm belief that he has never had any idea of going home without first having obtained liberty from the Department of State. If the libel suit pending against his property had been tried on the 26th ultimo as it was appointed it was I think his intention then to apply to the Department of State for leave to go home.

H. C. H.

—

NEW YORK, *January 6, 1862.*

Hon. F. W. SEWARD, *Assistant Secretary of State.*

DEAR SIR: On my return I find Mr. Hutchins so situated by reason of the extreme illness of a member of his family that he may not be able to visit Mr. Guthrey. I have therefore to request that the permission to see Mr. Guthrey be made so as to admit Mr. Hutchins or myself. The charge made against Mr. Guthrey we understand to be that he violated his parole by writing South or attempting to go South. It is now desirable that he should have an opportunity to make his explanation. We can scarcely believe it possible that he should have been guilty of either offense, as he has been engaged in preparing for the trial of a cause involving a large amount of property in which the question of his loyalty is involved.

Your early attention would oblige, yours, very respectfully,

AUGUSTUS SCHELL.

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DEPARTMENT OF STATE, *Washington, January 29, 1862.*

SETH C. HAWLEY, Esq., *New York.*

SIR: Herewith I inclose a sworn statement from Mr. J. Garnett Guthrey, a prisoner at Fort Lafayette. Will you please return it to this Department after reading it with your opinion thereon?

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

[Inclosure.]

STATE OF NEW YORK, *Kings County, ss:*

John G. Guthrey, now in Fort Lafayette, being duly sworn says that he was arrested on the 24th day of December last in the city of New York; that as he has been informed the cause of his arrest was the alleged violation of his parole in writing to his friends in the South and in making arrangements to leave the city of New York. This deponent in answer to said alleged charges denies that at any time since his release from Fort Lafayette, on or about the 3d day of October last he has written or communicated in writing with any person or persons in Virginia or any other of the Southern States, and he denies that he has at any time made any arrangements to leave the State of New York in violation of his parole, nor has he had any intention of leaving said

State without the authority of the Government of the United States being first obtained. And this deponent further saith that he has important business which requires his attendance in the city of New York; and this deponent further saith that he has faithfully observed the conditions on which his release from Fort Lafayette was formerly granted, and that there is no truth in the allegations which he understands have been made against him. And further this deponent saith not.

And this deponent further saith that he has not received any communication from the South since his said release except a letter from Reuben Ragland, of Petersburg, Va., some time in the middle of December last, which letter as deponent was informed came by the way of Norfolk under a flag of truce and was examined, as its indorsement stated, by ——— Davis, provost-marshal, which letter is now in the possession of the U. S. authorities, the same having been taken from this deponent at the time of his arrest. And further saith not.

JNO. G. GUTHREY.

Sworn before me this 13th day of January, 1862, at Fort Lafayette, I being a commissioned officer in the U. S. Army, and recourse cannot be had to any officer named in 925th article of the Army Regulations of 1857 and 1031 of regulations of 1861 prior to a commissioned officer.

CHAS. O. WOOD,
First Lieutenant, Ninth Infantry, Commanding Post.

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NEW YORK, *February 11, 1862.*

Hon. FREDERICK W. SEWARD, *Assistant Secretary of State.*

DEAR SIR: It is now some two weeks since I had an interview with you relative to the release of John G. Guthrey now in confinement at Fort Lafayette. If no report has yet been made to the Department in his case may I request that action may be had as soon as consistent with the public interest, as I am convinced that Mr. Guthrey is unjustly deprived of his liberty.

Very respectfully, your obedient servant,

WALDO HUTCHINS.

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NEW YORK, *February 12, 1862.*

F. W. SEWARD, *Assistant Secretary of State.*

SIR: In pursuance of your order I have re-examined the case of J. Garnett Guthrey and had an interview with him in Fort Lafayette. I am satisfied that he did not break or attempt to break his former parole. The evidence adduced against him on that point was from a tainted source and narrated an attempt by interested parties to induce him to commit himself, which attempt was unsuccessful. Mr. Guthrey is an honest man in everything except his political fidelity. On that head he is a Virginia abstractionist whose prayers are always against the Government. Until his funds that have been libeled are released or confiscated he can be trusted on parole. My belief is that he will keep the conditions faithfully and that he ought to be offered his release on the former conditions. He says to me that he would as soon remain in the fort but if offered the choice I think he will accept liberty.

I have been a little embarrassed in his case by the following circumstance, which has delayed my conclusion in his case, to wit: On Friday,

the 7th last, a gentleman called on me in relation to Mr. Guthrey. He did not disclose his name. On Monday last, the 10th, Hon. Augustus Schell called on me in relation to Mr. Guthrey and informed me that the gentleman who called on Saturday was from his office. The next day I learned that Doctor Ives was in Fort McHenry and that he was the man who called on me from Mr. Schell's office. Not knowing what Mr. Ives is held for I have not allowed the circumstance to prejudice the case of Mr. Guthrey.

On reflection I think Mr. Guthrey should be offered his parole as before. I think also that the suit for the sequestration of the funds taken with Mr. Guthrey ought to be pressed to an issue at once and decided one way or the other. At this point Mr. Moses H. Grinnell called on behalf of Mr. Guthrey and submitted an affidavit* and petition which I inclose. I return herewith the paper inclosed to me and also those submitted by Mr. Grinnell.

Yours, respectfully,

S. C. HAWLEY.

[Inclosure.]

NEW YORK, *February 8, 1862.*

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SIR: The undersigned merchants of this city most respectfully ask your candid notice of the following plain statement of the facts in behalf of Mr. John G. Guthrey, now in confinement at Fort Lafayette. Mr. Guthrey we will premise is over fifty years of age, known to us personally as a man of unusually mild, retiring manners and inoffensive disposition. We regard him as a highly honorable Christian gentleman. Mr. Guthrey is a native of Virginia, resident at the city of Petersburg, where he has been engaged in the manufacture of tobacco. He reached this city on the 8th of August last, his avowed object being to buy the stocks of Southern States in consequence of their then low price here. His purchases were made at the regular board of brokers in the usual way, and such stocks are still daily bought and sold there.

On the 21st of August Mr. Guthrey was arrested at the Fifth Avenue Hotel in this city by the detective police, under orders we judge from the Department of State, and sent to Fort Lafayette. The parties who made the arrest deprived him of sundry bonds, checks, drafts and moneys we believe to the nominal value of over $150,000. After six weeks of confinement Mr. Guthrey, against whom personally we believe no charge was brought, was released from imprisonment on giving his parole not to go or write South except by your permission. The bonds and money taken from him were libeled in the U. S. district court here for confiscation on the ground that they were being carried South in violation of law. After many delays the case was set for trial on the 26th of December last.

On the 24th day of December, two days before the trial was to have taken place, Mr. Guthrey was again arrested by the detective police and on Christmas Day was sent to Fort Lafayette where he yet remains. We are told this second arrest is made under a charge of violating his parole. In reply to this we take leave to refer you to the accompanying

*Affidavit not found.

copy of an oath or affidavit* of Mr. Guthrey made at Fort Lafayette on the 13th ultimo. We have read it carefully and unhesitatingly declare our confidence in the truth of it.

We beg leave now, sir, with great deference, to say that Mr. Guthrey has not in our opinion deserved the punishment he has so long and patiently borne and to venture the hope that it will seem to you proper to restore him to his liberty.

We are, sir, with great respect, your obedient servants,

JAS. T. A. PATTERSON,
104 Front Street.
WM. H. PRICE & CO.,
77 Front Street.
SAML. G. BAPTIST,
93 Water Street.
M. H. GRINNELL.

Without knowing anything of his business I believe Mr. Guthrey to be a most reliable, quiet Christian gentleman.

JAMES HUNTER,
174 Front Street,
[AND ELEVEN OTHERS].

WAR DEPARTMENT, *February 17, 1862.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

COLONEL: You may release Mr. John Garnett Guthrey, a prisoner confined at Fort Lafayette, on his giving his written parole of honor that he will render no aid or comfort to the enemies in hostility to the Government of the United States.

I am, colonel, &c.,

E. M. STANTON,
Secretary of War.

FORT HAMILTON, *New York Harbor, February 20, 1862.*

Hon. E. M. STANTON,
Secretary of War, Washington, D. C.

SIR: Inclosed please find the parole of honor of J. Garnett Guthrey, signed by him to-day in obedience to your directions.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

[Inclosure.]

FORT HAMILTON, *New York Harbor, February 20, 1862.*

I, John Garnett Guthrey, do solemnly promise on my word that I will render no aid or comfort to the enemies in hostility to the Government of the United States.

JNO. GARNETT GUTHREY.

Witness:

HARRY C. EGBERT,
First Lieutenant, Twelfth Infantry.

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* See p. 527 for Guthrey's affidavit.

Case of George Miles.

George Miles, of Richmond, Va., was arrested* by John A. Kennedy, superintendent of police in New York City, August 21, 1861, and committed to Fort Lafayette. He was charged with collecting moneys in loyal States for persons residing in the insurrectionary States. Money and securities belonging to persons living South were found on his person. An order was issued from the Department of State dated October 3, 1861, directing Colonel Burke, commanding at Fort Lafayette, to release Miles on his taking the oath of allegiance and stipulating that he will neither enter any of the States in insurrection against the authority of the Government of the United States nor hold any correspondence with persons residing in those States without permission of the Secretary of State, and that he will do no act hostile to the United States during the present insurrection. He was accordingly released October 5, 1861.—*From Record Book, State Department, "Arrests for Disloyalty."*

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WASHINGTON, *August 21, 1861.*

J. A. KENNEDY, *Superintendent, New York:*

Send George Miles to Fort Lafayette and send the money to me.

WILLIAM H. SEWARD,
Secretary of State.

—

OFFICE OF THE SUPERINTENDENT OF POLICE,
New York, August 22, 1861.

Lieut. Col. M. BURKE.

SIR: By direction of the Secretary of State I send in charge of Mr. Inspector Leonard Mr. George Miles, of Richmond, Va., whom he wishes detained.

Very respectfully,

JOHN A. KENNEDY,
Superintendent.

—

FORT LAFAYETTE, *August 23, 1861.*

Colonel BURKE,
Commandant Fort Lafayette and Fort Hamilton.

DEAR SIR: On my arrest on Wednesday afternoon, August 21, 1861, I had taken from me by Superintendent Kennedy, of the New York police department, a package of money sealed in a brown envelope containing over $7,000 in Southern bank notes, checks on Northern banks and negotiable notes on Richmond merchants; also not inclosed in this envelope two checks on New York banks for $4,500; one certificate of Virginia State stock for $1,000; also $1,000 in gold and $225 in gold taken from my person by the sergeant of police who arrested me, making in all $1,225 in gold; also in an envelope directed to Crew & Pemberton, Richmond, negotiable notes on Richmond for collection

* See affidavit of Robert Murray, September 28, 1861, in case of Millner, *post*, for important reference to Miles' arrest.

for something like $2,000. I do not now recollect any other money I may have had, nor do not say that there is other money, as my letters and papers were taken from me.

For none of this money have I any receipt or acknowledgment and deeming you to be the proper person to take and hold this money I have taken the liberty of writing to you on the subject to either obtain the money or an acknowledgment for the same. I claim of this money as my individual property the $1,225 in gold, the Virginia certificate of State stock for $1,000 and $200 of the Virginia bank notes; in all $2,425; also about $900 of the negotiable notes made payable in Richmond to my order. My individual property should at least be in your possession, as I am innocent of any act or attempt to violate the laws of the Government sufficient to place me in my present unpleasant situation, and could my case be properly heard and the proofs I could bring to bear in my case I have no doubt of my being released.

I shall try and bear my confinement as a man unconscious of offense to the Government, hoping all will come right and trusting in your honor as an officer and a gentleman to protect my property as far as it lies in your power.

All of the property in my possession belonged to private citizens. Will you have the kindness to let the letters written be forwarded and confer a favor by letting me know your determination about the money?

I remain, respectfully,

GEORGE MILES.

P. S.—I have only $10 in money and my meals cost me $1 per day. Unless you obtain my money or some portion of it from Mr. Kennedy I shall have no means of buying common necessities.

G. M.

—

OFFICE OF SUPERINTENDENT OF POLICE,
New York, August 24, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: At the time when Mr. George Miles, of Richmond, Va., was arrested Mr. Sergeant Young and Detective King of my force, who effected the arrest, found on his person and among his effects one certificate or bond of the State of Virginia for the par value of $1,000 and sundry bank bills, specie, checks, &c., amounting in the gross to $13,129.16, all of which property Miles admitted to me belonged to persons now residing in Richmond, excepting the Virginia State bond and $1,000 in gold which he claimed as his individual property. I have directed $200 of the amount to be placed in the charge of Lieut. Col. M. Burke for the personal use of Miles while in confinement. The balance is held for seizure by the U. S. marshal whenever he is prepared to libel it. Meanwhile I deem it proper to forward you an inventory of the property, which accompanies this note.

Very respectfully,

JOHN A. KENNEDY,
Superintendent.

[Inclosure.]

Inventory of assets found in possession of George Miles, August 31, 1861.

Virginia 6 per cent bond of $1,000, No. 6913.		
Amount of bank bills, certificates of deposits, in package addressed to Messrs. J. T. and S. G. Thayer, 17 Central Wharf		$7,119.16
Amount of cash in bank bills		285.00
Amount of cash in gold		1,225.00
Amount in checks payable to the order of James Thomas, jr., on the Bank of North America, New York:		
No. 5352	$2,500.00	
No. 5353	2,000.00	
		4,500.00
		13,129.16
Of this amount I have deposited in the charge of Lieut. Col. M. Burke at Fort Hamilton, for the personal use of Miles, in gold		200.00
Balance cash, &c., in hand		12,929.16

J. A. KENNEDY,
Superintendent.

DEPARTMENT OF STATE, *Washington, August 27, 1861.*

JOHN A. KENNEDY, Esq.,
Superintendent of Police, New York.

SIR: I have to acknowledge the receipt of your two communications* of the 24th instant and to state in reply that your course with regard to the cases of Guthrey and Miles is approved.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

DEPARTMENT OF STATE, *Washington, August 28, 1861.*

Lieut. Gen. WINFIELD SCOTT, *Washington.*

GENERAL: I have the honor herewith to return the papers in the case of Miles and Guthrey which you yesterday referred to this Department and to state in reply that John A. Kennedy, esq., superintendent of police at New York, has represented to this Department that he had caused to be deposited with Colonel Burke at Fort Hamilton the sum of $200 to defray the personal expenses of Miles and also a like sum to defray those of Guthrey which seems to supersede the necessity of making any further provision at this time for those objects.

I have the honor to be, general, your obedient servant,

F. W. SEWARD.

FORT LAFAYETTE, *New York Harbor, August 31, 1861.*

Hon. SIMON CAMERON, *Secretary of War.*

DEAR SIR: I am a tobacco manufacturer of the city of Richmond whose whole business has been done with Northern commission merchants. At the commencement of these troubles I had a shipment of tobacco seized on the schooner Mary which was afterward released. Feeling some uneasiness about the safety of my goods I went North and was kindly received and well treated.

On my return home I was solicited by Mr. Thomas, a wealthy manufacturer, to return and wind up his business in the Northern cities.

* See case of John Garnett Guthrey, p. 510, for one of these letters.

After some persuasion I agreed to go, especially as my own business was ruined and I wanted to go North to try and make arrangements to commence my business North. I had business in Boston with Fisher & Co., Tilton & Co., Abbot & Co. and J. T. & S. G. Thayer; in New York with Messrs. Charles M. Connelly & Co. and Buckley & Moore; in Philadelphia with Buckner, McCammon & Co., Mercer & Antels, Motz & Beam and Donan & Tait.

This business was purely of a peaceful nature. These were the only parties with whom I had any transactions. I received several letters and accounts and some moneys from these parties; also several letters I supposed of a peaceful and family nature left for me with the request that I would mail them in Nashville. I know nothing of the contents of these, but suppose the contents were not unfriendly to the United States Government as I could not believe that any one would betray my confidence so far as to impose upon my kindness and make me the bearer of any treasonable correspondence.

I claim to be free from any act of hostility or any intention to violate any law of the United States Government either here or at home, and defy proof of any act of mine to justify my present imprisonment. What property I have is principally in the North, and two letters of mine—one in the hands of Fisher & Co., of Boston, and one in the hands of Buckner, McCammon & Co., of Philadelphia—can be produced wherein I requested them not to send me any money as I preferred its remaining where it was. I also proposed to Mr. Buckner, of the firm of Buckner, McCammon & Co., of Philadelphia, to start one of his sons in business with me and I would on my return home make my arrangements and move my family to Philadelphia. This proposition of mine was taken into consideration by Mr. Buckner. You can easily ascertain these proofs as they should have some bearing on my case.

I did receive some money for myself (which was taken from me) to pay off some debts in the event of my making arrangements to move my family North. Some portions of the moneys I had in my possession were drafts on Richmond merchants for collection there. I also had business on my return with Cincinnati and Louisville tobacco houses.

I believe, sir, I have given you the whole truth in relation to my business North and feel confident if you would look into my case that your sense of justice and right would urge it upon you to procure my release. You are not only depriving me of my liberty but are causing a great deal of unhappiness to my wife and children. I have no relations to look after and befriend them.

Respectfully, yours,

GEO. MILES.

FORT LAFAYETTE, *September 17, 1861.*

Hon. SIMON CAMERON, *Secretary of War.*

DEAR SIR: I understand I was arrested and imprisoned in this fortress on the charge of collecting money to carry South. If this is the only charge why cannot my liberty be restored, as I have given up the money? It is true I cannot afford to lose this money, but my business is fast going to ruin with no one to look after my interests. I have fifty hired hands with no one to look after and take care of them, to say nothing of my own family who are left in an unprotected situation. In collecting this money I was innocent of any intention to break the laws, as President Lincoln's proclamation was not promulgated till after I had

collected the greater portion of this money and I was informed and so understood that this proclamation did not go into effect until the expiration of fifteen days.

If you have any other charge against me of disloyalty to the Government I humbly petition for an opportunity to clear myself, feeling confident that I can bring proof sufficient to convince you that I am simply a business man; have never taken any part in the secession of the Southern States. If I am held as a prisoner of war you did me a wrong as I am not a native of the South. I am from New Jersey.

Is there no way by which I can be restored to my wife and children? Cannot I give my parole to report in Washington and have a hearing, or can I not be released under bonds? Am I to be kept here to the ruin of my health while all my interests are to suffer and go to ruin? I beg of you to give me a hearing or at least let me know why I am detained here. I ask this much in the name of justice and humanity.

Respectfully, yours,

GEO. MILES.

(Copy to Hon. William H. Seward.)

—

PHILADELPHIA, *September 19, 1861.*

J. LESLEY, Jr.

SIR: I send you my niece's letter in regard to Mr. Miles' imprisonment at Fort Lafayette. You can read it and then hand it to the general. You can tell him who A. J. Buckner is as he deals altogether with the South in the tobacco trade. He is worth $300,000. He says Miles is loyal and if necessary he will go his security for his appearance or for anything the general may want. I would say that my niece is a lady and daughter of A. J. Buckner, of this place. I hope you will urge it on him to have Miles released if not incompatible with the public interest. Please let me know what the general will do in the matter.

Oblige, yours, in a hurry,

T. T. DERINGER.

[Inclosure.]

PHILADELPHIA, *September 19, 1861.*

[Lieut. Gen. WINFIELD SCOTT.]

MY DEAR GENERAL: Mr. Miles has been arrested and I would refer you to my niece's letter in regard to his sentiments. The letter is long but it will pay you for its perusal. Her father, A. J. Buckner, knows him well. He is the largest tobacco commission merchant in the United States, connected altogether with the South. He will go any amount of bail for Mr. Miles if you require it. Now, general, if it is no serious charge against Miles I do hope for the sake of humanity you will have him released. I could write you a volume but I know your time is precious. Anything you may require in regard to Miles' loyalty can be substantiated by Buckner and Woodward. I will leave it with you hoping you will answer.

Truly, your true friend,

T. T. DERINGER.

[Sub-inclosure.]

LINWOOD, *September 13, 1861.*

MY DEAR UNCLE: I presume you will be somewhat perplexed to see my name affixed to these pages for it has been some time since we met

and a much longer one since you received a note from me, but I hope by their rareness when they do arrive they will be doubly appreciated and the love for the writer strengthened. You are well aware that the Government has very properly found it necessary to take into safe-keeping men who have been known to possess rebel proclivities and at the same time, even in case of innocence, they are allowed but small chance of defense, and you know too there are men living in the very heart of the South who are loyal Union men to the backbone though afraid to express their sentiments there. Such a one is Mr. Miles. He came up here on his own private business and it was before the law passed prohibiting any money to be paid the rebel States. During his short stay in Philadelphia he ran down and took tea with us, and in course of conversation he remarked he had always been partial to the North and hoped ere long to persuade his wife to leave the South forever and take up their abode in the North. (I write this to show you his feelings, and his friends knowing this it seems to me worse than criminal to hesitate in striving to have him released.) Mr. Woodward's grandma was present and asked him if he did not fear meeting with difficulties here, being a Southerner. He replied, "Oh, no; my business has nothing, nothing at all to do with either North or South. It is entirely of a private business nature and interferes with no one." He had transacted his business and was on his way home when he was arrested and put in Fort Lafayette. If there ever was an unjust arrest it was this. He has one of the loveliest wives, who is quite delicate, and two children, and he can neither hear from nor see them. Is it not as bad as death and so sad? The arrest of those wretched traitors to their country's cause is a deed of charity to us all, but in this case it is a mistake and should be rectified. Now, uncle, for your part. Now, uncle, you know you have much influence with the Secretary of War, Mr. Cameron, and you can get almost any request you make granted, and I want you for my sake, for God's sake, have justice done this person. If I can induce you to have him released through your good influence I will consider it is the only righteous act of my life and my gratitude to you will be unspeakable. Suffice it to say at any time and in any way I can repay you it shall be done with my whole heart. I could scarcely sleep last night thinking of that poor wife's feelings. God knows if she be still living. We are promised a rich reward if we "do justly and love mercy." This will be both justice and mercy. Mr. Woodward and I were speaking of Mr. Miles last evening and he did not know exactly what to do, but thought he would see you and get your advice on the subject; but he is like other business men, puts things off until it is too late; and you know, dear uncle, blood is thicker than water and if an act of justice and mercy is to be done I would like one of my own relatives to be the means of effecting it. This is entirely between you and me. I will be sincerely obliged if you will answer as soon as you consider it and say what can be done. Mr. Woodward does not know I am writing you, neither will I tell him till I have heard from you. God in His mercy grant your answer may be hopeful. If Mr. W. calls upon you before you answer this do not say I have written you, only give him your good advice. I must close.

Believe me, dear uncle, prayerfully, your niece,

LAVINIA.

Direct Mrs. T. W. Woodward, Linwood Station, Delaware County, Pa.

DEPARTMENT OF STATE, *Washington, September 23, 1861.*

SETH C. HAWLEY, Esq., *New York.*

SIR: I inclose herewith the papers in the case of George Miles, a prisoner confined at Fort Lafayette. Will you please proceed to take proofs in his case, giving notice to John A. Kennedy, esq., and other parties, and report the result of your examination to me.

I am, dear sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, September 25, 1861.*

Hon. SETH C. HAWLEY, *New York.*

SIR: On the 23d instant this Department transmitted the papers to you for examination and opinion in the case of George Miles, a prisoner confined at Fort Lafayette, and herewith I inclose a letter* from that person to the Secretary of War and by him referred to this Department which you will please examine and return with the other papers.

I am, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

FORT LAFAYETTE, *October 1, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: It is now six weeks since I have been imprisoned. I have made two appeals to you to be released. My business at home is going to the dogs. I have a wife, children and two sisters dependent upon me for support and you are well aware that provisions and clothing are scarce and very dear. I left them with a small amount of money not expecting to meet with this cruel treatment. I am unable to hear from or to get a letter to them and for their sakes I will cheerfully make any sacrifice.

You have taken from me a considerable amount of money. This money I cannot afford to lose but I will make no claim to it. If I have broken any law in the collection of this money let the loss of it be a sufficient punishment. I am willing to take the oath of allegiance and to execute bonds for the faithful performance of the same, and I again state to you that I have never aided the rebellion of the Southern States either directly or indirectly. I have never meddled in politics and have been the loser by this rebellion in the prostration of my business, and ask my release as a loyal citizen of the whole Union.

If you have any other charge than that of collecting money what is it, and how am I to prove my innocence if I am to be deprived of a personal examination? I have no outside influence to bring to bear upon my case for I am a poor man. I am not able to employ counsel nor do I know of any being employed in my case. Therefore I humbly submit my case to your judgment and ask a release for the sake of my family. If this is denied me then I ask that you will allow me to forward through Washington a letter to my family.

Respectfully, yours,

GEO. MILES.

* See Miles to Cameron, August 31; also September 17.

NEW YORK, *October 1, 1861.*

Hon. WILLIAM H. SEWARD,
Secretary of State, United States.

SIR: Yours of the 23d September with inclosures in relation to George Miles, confined in Fort Lafayette, were received in due course. I have examined his case and taken all the testimony against him that I can discover, and beg leave to make the following report:

It appears that George Miles was a commercial agent engaged in disposing of property and collecting moneys in the loyal States for persons in the States declared in the President's proclamation to be in insurrection. That when arrested he had in possession securities and moneys so collected which he was about to carry South to the States in insurrection. A schedule of these securities and moneys was furnished you by the superintendent of police, J. A. Kennedy, and is herewith reinclosed.* It further appears that he was seeking to cover up the funds and property of his employers to save them from confiscation.

Even if the securities and moneys found on Mr. Miles are subject to confiscation under the act of Congress approved August 6, 1861, or the fifth section of the act approved July 13, 1861, his acts as they appear in the testimony do not amount to a legal offense for which he could be personally convicted as a criminal. I do not think it can be pretended that the securities and moneys were intended to be used or employed in aiding, abetting or promoting insurrection or resistance to the laws. I do not see how any offense can be established against Mr. Miles.

Very respectfully, yours,

SETH C. HAWLEY.

I inclose herewith the documents transmitted to me and in addition the affidavit of John S. Young, sergeant of detectives, which contains all the evidence I can hear of against Mr. Miles.

[Indorsement.]

OCTOBER 3, [1861].

Let Miles be released upon taking the oath of allegiance and engaging to hold no correspondence and do no act hostile or injurious.

W. H. S[EWARD].

[Inclosure.]

METROPOLITAN POLICE DISTRICT, *City of New York, ss:*

John S. Young being duly sworn doth depose and [say] as follows: I am sergeant of the detective force of New York. I arrested George Miles at the Metropolitan Hotel, New York, about or before 20th of August last and searched him and his baggage and found the funds described in a schedule furnished by Superintendent J. A. Kennedy to the Secretary of State, also numbers of letters addressed to persons South from persons here. These letters were sealed. Miles was prepared to start for the South that evening. He had been a room mate with a man by the name of Jones who talked violent secession doctrines very openly and indiscreetly. Miles said less and was more discreet. Miles said that his business was as agent for Southern men of business in selling commodities and collecting money and sending it South, and that this was done to prevent confiscation of property. He

* See p. 533 for Kennedy's inventory.

said some of the funds in his possession were his own; that the exact amount he could not state. We found also copies of letters purporting to have been sent to Boston urging and directing the shipping, disposing of and covering up the property and demands of his principals to avoid confiscation. It appears by his papers that he was agent of Mr. Thomas, an extensive merchant of Richmond.

Mr. Miles stated that he was not a Southern man; that he was born in New Jersey; had been long in business in the South; that for this reason probably he was employed to do this kind of business upon the idea that he could do it more advantageously than a mere Southern man, but that he had no connection with or sympathy with the rebellion. The letters that related to matters in Boston were sent to Boston; the other letters are with the marshal of the southern district of New York.

JOHN S. YOUNG.

Sworn and subscribed to before me this 28th day of September, 1861.

S. C. HAWLEY,
Chief of Detectives.

—

DEPARTMENT OF STATE, *Washington, October 2, 1861.*

SETH C. HAWLEY, Esq., *New York.*

SIR: On the 23d ultimo I transmitted to you the papers in the case of George Miles. If you have not already done so will you please examine them as soon as you conveniently can and return them to this Department with your opinion as to the case?

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, October 3, 1861.*

Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

SIR: Let George Miles, a prisoner confined at Fort Lafayette, be released on taking the oath of allegiance to the Government of the United States stipulating that he will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State; and also that he will not do anything hostile to the United States during the present insurrection. I transmit this order to Robert Murray, esq., U. S. marshal, who has been instructed by this Department to cause a police examination to be made in some cases of the persons and baggage of prisoners discharged from custody, to the end that no correspondence or other improper papers be conveyed by them to persons outside the fort.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, October 3, 1861.*

SETH C. HAWLEY, Esq., *New York.*

SIR: Your report as to the case of George Miles dated October 1 1861, with the inclosures has been duly received.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

FORT HAMILTON, *October 5, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: According to your orders of the 3d instant I have this day released George Miles * * * and herewith inclose [his] separate oath of allegiance and parole.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

[Inclosure.]

STATE OF NEW YORK, *County of Kings, ss:*

I, George Miles, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States against all enemies whether domestic or foreign and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any State convention or legislature to the contrary notwithstanding; and further that I do this with a full determination, pledge and purpose without any mental reservation or evasion whatsoever; and further that I will well and faithfully perform all the duties which may be required of me by law. So help me God.

GEORGE MILES.

Sworn to and subscribed before me this 5th day of October, 1861.

CHARLES W. CHURCH,
Justice of the Peace.

FORT HAMILTON, *October 5, 1861.*

I, George Miles, do give my word of honor that I will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission of the Secretary of State, and also that I will do no act hostile to the United States during the present insurrection.

GEORGE MILES.

Witnesses:

CHARLES W. CHURCH.
J. C. LAY.

PHILADELPHIA, *October 7, 1861.*

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

DEAR SIR: Mr. George Miles, of Richmond, Va., was arrested by the Government in New York City about the 19th day of August last and confined in Fort Lafayette. Having been acquainted and transacted business with him for a period of two years (and from all of our conversation and transactions with him we believe him to be a loyal citizen) we feel it a duty we owe Mr. Miles to put the Government in possession of such facts as have come under our immediate notice, to wit: Mr. Miles left Richmond for the purpose of making arrangements through us to carry on the manufacturing of tobacco in this city, and for the purpose of defraying his traveling expenses accepted from James Thomas, jr., of Richmond, a power of attorney to close up his accounts in the Northern and Eastern cities. This detained him much longer than he anticipated and as he was about leaving for his home with his business but partially accomplished was arrested.

Mr. Miles is a native of Trenton, N. J., and is willing to bind himself to remove his family north of the Potomac if necessary to his release. He has but limited means, with a wife and several small children depending upon him. In all of our conversations with him he expressed himself decidedly as a Union man and is desirous of getting into business in the North and settling with his family amongst us.

We are, yours, respectfully,

BUCKNER, McCAMMON & CO.

UNITED STATES, *Eastern District of Pennsylvania:*

David C. McCammon, of the city of Philadelphia, being duly sworn, says that he is a member of the firm of Buckner, McCammon & Co., merchants of the city of Philadelphia; that he knows the contents of the foregoing letter and that the same is true of his own knowledge.

D. C. McCAMMON.

Sworn to and subscribed before me at Philadelphia this 7th day of October, 1861.

CHARLES F. HEAZLITT,
U. S. Commissioner.

—

DEPARTMENT OF STATE, *Washington, October 19, 1861.*

JOHN A. KENNEDY, Esq., *Superintendent of Police, New York.*

SIR: Herewith I transmit to you a letter received at this Department from George Miles relative to money, checks and notes taken from him at the time of his arrest.* Will you please consult with the U. S. district attorney and report to me what proceedings have been taken in the premises?

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

—

WILLARD'S HOTEL, *October 20, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: Having been unable to obtain an interview with you I on yesterday obtained an interview with the President to get him to use his influence with you in my behalf. He appeared to take some interest in my case and may possibly have spoken to you on the subject. I have taken the liberty of writing to you to-day as I am compelled to return to Philadelphia this afternoon, my money not holding out. You are a father and can appreciate my feelings toward my absent family at a time like this and will excuse my perseverance for your permission to go to them. I was arrested by your order and imprisoned several weeks at a time when you were allowing others to reach their homes. No charge of disloyalty being maintained against me I was released by your order on the oath of allegiance and pledge of honor not to go home without your permission. This pledge I cannot break. If I was innocent at the time of my arrest, and you have an affidavit on file in your Department from one of the first houses in Philadelphia proving me to be loyal and that I was making arrangements to go into business and remove my family there to reside; if these statements are true, do you not in justice to yourself owe me some reparation, and will you not when you send home your released

* Not found.

prisoners give me permission to go with them? If you cannot do this will you not release me of so much of my parole as will allow me to get home by my own exertions?

Respectfully, yours,

GEORGE MILES.

---

111 BROADWAY, NEW YORK, *October 24, 1861.*

Hon. S. P. CHASE, *Secretary of the Treasury:*

Inclosed I submit the affidavit of Mr. George Miles, whose property a list of which is given was seized under the direction of John A. Kennedy, esq., police superintendent of this city, August 24, 1861, and for the release of which he applies. The facts in the case are briefly these: Mr. Miles came North August 2, 1861, principally for the purpose of making arrangements to remove his business to New York or Philadelphia and also as agent of James Thomas, of Richmond, to make collections, &c. Soon after his arrival his property was seized and he taken to Fort Lafayette where he remained till October 5 when he was released upon the oath of allegiance, the examination in his case disclosing the fact that the gold lace, the only contraband property found in his possession, was not his property nor in any respect under his control and that he was merely engaged in his private business. The Government authorities admit that the act of August 6 does not apply to his case but claim to hold it under the act of July 13 and the President's proclamation of August 16. As you will observe Mr. Miles left Richmond two weeks before the proclamation was issued and therefore his errand was not then unlawful. Admitting therefore that he was collecting money to carry South, having done this without violating any law I submit to your consideration the hardship of depriving him of this property then lawfully in his possession. Added to this the fact that by this seizure he is deprived of all means of support renders this appeal for your consideration especially necessary. It seems to me also that in a legal point of view, apart from all other considerations, the seizure was premature as at most there was but the intent to proceed South. At the time of his arrest he was returning to the hotel at which he then occupied rooms and where he intended to remain till the following day at least.

Trusting that the case may receive your favorable consideration and soliciting as a great favor to Mr. Miles in his present situation an early reply, I remain, very respectfully, your obedient servant,

THOMAS G. RITCH.

[Inclosure.]

SOUTHERN DISTRICT OF NEW YORK:

George Miles being duly sworn deposes and says that up to the 2d day of August, 1861, he was a resident of Richmond, in the State of Virginia, and engaged in the manufacture of tobacco. At the time this deponent came North he brought a large number of letters with him directed to the relations and friends of wounded prisoners at Richmond, which he duly mailed as requested; that on the 2d day of August, 1861, he left Richmond to make arrangements to remove his business to Philadelphia, it being impossible for him to continue it at Richmond. To defray his expenses he accepted a power of attorney from Mr. James Thomas, of Richmond, to wind up his business in the Northern cities. Deponent further states that while he was in the city of New York, to wit, on the

24th day of August, 1861, he was arrested by direction of John A. Kennedy, esq., superintendent of police, upon the charge as deponent was subsequently informed of collecting money to carry South; that the only property over which deponent had any control or in which he had any interest was the following: One Virginia 6 per cent bond of the denomination of $1,000; a package addressed to Messrs. J. T. and S. G. Thayer, Boston, Mass, containing $7,119.16 in bank bills and certificates of deposit; bank bills and gold, $1,510; certified checks upon Bank of North America, New York, payable to the order of James Thomas, $4,500, and a package of notes belonging to Messrs. Buckner, McCammon & Co., of Philadelphia, against parties in Richmond and given deponent for collection, amounting to $2,900; that one package containing gold lace, which is given in the list of property belonging to deponent, was not purchased by nor for deponent nor has he at any time had any interest therein, and the said package was given to deponent by a person named Jones, a resident of Richmond and an acquaintance of deponent, in Maiden Lane near Broadway, with a request that deponent would take it to the hotel at which deponent and said Jones were then staying as he the said Jones was going in a different direction; that upon deponent's arrival at this hotel with the package in his possession he was arrested and removed to Fort Lafayette, where he remained from August 22 to October 5, when he was released upon taking the oath of allegiance; that the said Jones was also on the same day arrested, but as deponent was informed was released on the plea of ill health and has since returned South, as deponent believes. Deponent says that he first met said Jones at Philadelphia, and that at no time have the said Jones and the deponent had any business relations in common or any other intercourse than that of acquaintance. Deponent further states that it is and has been since his arrival North his intention and desire to remove his business and family to the North and remain here; that his entire property now remaining to him is included in the property seized and now held by the New York police department, and that if said property were confiscated this deponent would be entirely without means to engage in business or to support his family; that he has never done any act or thing inconsistent with his obligations as a loyal citizen of the United States Government, and that as evidence of his good faith in the matter he is willing that the property may be placed in charge of deponent's attorney in New York or of such other of deponent's friends as may be acceptable to the U. S. district attorney and no part of the same delivered to deponent except with consent of the said district attorney.

GEORGE MILES.

Sworn to before me this 24th day of October, 1861.

CHARLES NETTLETON,
Notary Public in the City of New York.

PHILADELPHIA, *November 9, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: I have endeavored in every honorable way to obtain your consent to go to my family under parole of honor to return or to be released from my parole to you. You not only refuse to allow me to pass by your permission but you refuse to allow me the privilege of writing to my family. You are well aware that I have never been dis-

loyal to the Government, for you have ample proof of my loyalty. You had me imprisoned within the walls of Fort Lafayette several weeks when I should have been released on examination. I was released by your orders, taking the oath of allegiance to support the Constitution and giving my pledge of honor to you individually not to go or correspond South without your permission. You hav e allowed the New York police to take and keep my property, compelling me to live on the bounty of others for my present support. I have written to Mr. Frederick [W.] Seward, Assistant Secretary of State, requesting permission to go for my family or to be returned to my imprisonment, as I cannot enjoy my liberty believing as I do that my family are in great distress about me and possibly suffering many privations. I have appealed to you by letter being refused a personal interview and you refuse to answer my petition.

Believing that you do not intend allowing me to go for my family I have no other resource left me but to throw up my parole and on your order return to my prison. Therefore I now, sir, give you fair and honorable notice that I do not after the expiration of four days consider myself in honor bound to wait your permission to return home. I shall respect my oath of allegiance but shall consider myself untrammeled as respects my parole. My address in this city is Messrs. Buckner, McCammon & Co., where I shall await your pleasure four days and will report to any fortress you may order in that time should you think it proper not to send me back to my imprisonment. And if I should succeed in reaching my home I shall consider myself bound to return with my family.*

Respectfully, yours,

GEORGE MILES.

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413 BROOME STREET, NEW YORK, *December 11, 1861.*

F. W. SEWARD, *Assistant Secretary of State.*

SIR: * * * I am getting rid of the little confidence I have possessed in Southern men. George Miles who was set free on my report (probably) has evaded his parole I suppose, as he is now said to be in Richmond. I should like to know what were the conditions if any of his release.†

Yours, respectfully,

S. C. HAWLEY.

Case of Charles Barkley and the Schooner H. Middleton.

Charles Barkley was master of the schooner H. Middleton, which vessel was captured outside the port of Charleston, S. C., August 21, 1861, and conveyed to New York. Captain Barkley was conveyed to Fort Lafayette and from thence transferred to Fort Warren. He was charged with having run the blockade and with being disloyal to the United States Government. In a letter of December 2, 1861, he requests the Secretary of State to have him exchanged for some person who may have been captured by the insurgent privateers, thus confessing his sympathy with the rebel cause. The U. S. district attorney

* See case of Guthrey, p. 509 *et seq.;* see Kennedy to Seward, p. 519; Hawley to Seward, p. 544, and affidavit of Hyman, p. 522 for, further information as to Miles' movements.

† The omitted part of this letter relates to case of John Garnett Guthrey. See p. 520.

for the southern district of New York made application for the examination of Captain Barkley in the U. S. district court in a cause pending for the condemnation of the schooner H. Middleton as a prize, and in compliance therewith an order was issued from the Department of State dated January 14, 1862, directing Colonel Dimick to deliver Captain Barkley to U. S. Marshal Murray, of New York, and on the same day an order was made directing U. S. Marshal Murray to receive the prisoner and convey him to New York and after his examination to take him to Fort Lafayette. U. S. Marshal Murray received Captain Barkley and conveyed him to New York. No information has been received at the Department of State this February 15, 1862, showing whether or not Captain Barkley has been again committed to Fort Lafayette.—*From Record Book, State Department, "Arrests for Disloyalty."*

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DEPARTMENT OF STATE, *Washington. September 16, 1861.*

Col. MARTIN BURKE, *Fort Hamilton, N. Y.*

COLONEL: Application having been made to this Department for leave for Mr. Archibald, the British consul at New York, to visit certain of his countrymen at Fort Lafayette captured on board the schooner Henry Middleton off Charleston you may grant the desired permission.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

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DEPARTMENT OF STATE, *Washington, September 21, 1861.*

Col. MARTIN BURKE, *Fort Hamilton, N. Y.*

COLONEL: Among the prisoners on board the schooner Henry Middleton, recently captured off Charleston and sent into New York, was a Danish subject named Andres Stambol, who with others is now understood to be at Fort Lafayette. It being desirable for the Danish consul at New York to have an interview with that person you will grant it in the presence of a commissioned officer.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

—

WASHINGTON, *September 22, 1861.*

Hon. WILLIAM H. SEWARD, &c.

SIR: It is my duty earnestly to request you to give immediate and serious attention to the inclosed copy of a dispatch which I have received to-day from Her Majesty's consul at New York. I have learned from it that not less than nine British subjects are confined in irons in an overcrowded casemate in Fort Lafayette for no other crime (as is stated) than being found on board vessels captured on the charge of attempting to run the blockade. The following is a list of these unfortunate men: William Simms, William Williams, Joseph Clifton, Richard Revel, forming part of the crew of the schooner H. Middleton, and Bernard Coogan, passenger by the same vessel, imprisoned on the 7th instant; William Smith, John Angus, Charles McClenahan and William Perry, shipwrecked seamen taken on board a small coasting craft, the Colonel Long, imprisoned on the 13th instant.

I have the honor to be, sir, with the highest consideration, your most obedient humble servant,

LYONS.

[Inclosure.]

BRITISH CONSULATE, *New York, September 20, 1861.*

[Right Hon. Lord LYONS.]

MY LORD: Referring to my dispatch of the 13th instant and your lordship's reply of the 16th instant I have the honor to acquaint your lordship that I yesterday visited the British sailors imprisoned at Fort Lafayette, and beg leave to report that there are four seamen who formed part of the crew of the schooner H. Middleton, bound from Charleston, S. C., to Liverpool, which was captured on the 21st ultimo shortly after leaving Charleston by the U. S. ship Vandalia. These men who were imprisoned at Fort Lafayette on the 7th instant are respectively William Simms, aged forty-nine, a native of Chichester, a married man having a wife and children at Portsmouth; William Williams, aged twenty-two, a native of Liverpool; Joseph Clifton, aged nineteen, a native of Montreal, and Richard Revel, aged twenty-five, a native of Wexford.

Simms and Williams arrived at Charleston from Liverpool on board the American bark Susan G. Owen about the end of April and were paid off there. They remained unemployed and unable to leave Charleston until the 6th of August when in order to reach England they shipped in the H. Middleton, being the first vessel which left Charleston for Liverpool after the blockade. Clifton arrived at Charleston in the American ship Amelia from Havre about the end of January and was paid off there and remained there unemployed with the exception of a few days' labor until the 9th of August when he shipped in the H. Middleton also in order to reach England. Revel arrived at Charleston from Havana on the 10th of June in the schooner Victoria and was discharged there. He also remained unemployed until the 9th of August when he shipped in the H. Middleton with the view of returning to England.

In addition to these four seamen Bernard Coogan, aged twenty-six, a native of Galway, was a passenger from Charleston to Liverpool. He had gone out to Charleston by the Columbia, arriving there on the 12th of March and intending to remain with a brother who is settled there. Finding no encouragement to remain and being unable to bear the expense of a journey northward he took advantage of the H. Middleton, the first vessel by which he could return home, and in which the captain gave him a passage. The master of the H. Middleton, a very intelligent man, corroborated the statement of the seamen and Coogan. Having closely examined them myself I see no reason whatever to doubt the truth of these statements.

Besides these men of the H. Middleton I found in the same room with them four other British seamen named William Smith, aged seventeen, a native of Henley-on-Thames; John Angus, aged twenty-four, a native of Shetland; Charles McClenahan, aged twenty-two, a native of Belfast and William Perry, aged forty-four, a native of Manchester, married and having a wife and three children at Manchester, who were taken by the U. S. ship Jamestown on board a small coasting craft called the Colonel Long near Charleston about the 4th instant, and were imprisoned at Fort Lafayette on the 13th instant.

Smith, Angus and McClenahan were part of the crew of the British bark Prima Donna bound from Havana to New York, which was wrecked on the Florida coast during the hurricane of the 16th of August. Having after much labor and many privations reached a small settlement called Miami where they remained some days a small coasting

craft or fishing smack called the Colonel Long above mentioned put into that place, and the master in consideration of their assisting him to gather a quantity of limes agreed to carry them to Charleston. They accordingly left Miami in this vessel taking with them a letter from the mate of the Prima Donna to Her Majesty's consul at Charleston, now in my possession.

Perry was a seaman on board the British bark Sir Walter Raleigh, also wrecked on the 15th of August on the Florida Reefs. He was for seven days on a raft from which he was taken in an exhausted state by a Mr. Johnston belonging to Miami, who carried him to his house and treated him very humanely for a week, when he embraced the opportunity of reaching Charleston in company with the other seamen of the Colonel Long, but which was captured on the way thither as above mentioned. This poor man is still in a weak and miserable condition, having suffered severely from bruises and injuries during and subsequent to his shipwreck.

I have further to report that the whole of these nine men are kept continually in irons. They form part of the number of twenty-seven men who occupy one room—a casemate—the dimensions of which Lieutenant Wood informed me were ten feet wide, thirty feet long and about eight feet high.

I have the honor to request that your lordship will be so good as to bring the foregoing facts under the notice of the United States Government.

I feel satisfied that a knowledge of the circumstances which I have above detailed cannot but be followed by an order for the discharge of these poor men, some of whom have survived the perils of shipwreck only to be made prisoners while attempting to reach an asylum, and all of whom have been actuated by no more criminal motive than that of a desire to return to their native country.

I have, &c.,

E. M. ARCHIBALD.

—

DEPARTMENT OF STATE, *Washington, September 23, 1861.*

Right Hon. Lord LYONS, &c.

MY LORD: I have the honor to acknowledge the receipt of your note of yesterday inviting my attention to an accompanying copy of a dispatch addressed to you by Her Britannic Majesty's consul at New York relative to certain British subjects now imprisoned in Fort Lafayette and to state in reply that orders have been given for their release.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, September 23, 1861.*

Col. MARTIN BURKE, *Fort Hamilton, N. Y.*

COLONEL: You are hereby authorized to discharge William Simms, William Williams, Joseph Clifton, Richard Revel, Bernard Coogan, William Smith, John Angus, Charles McClenahan and William Perry, detained as prisoners at Fort Lafayette, N. Y., who are understood to be British subjects.

I have the honor to be, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, September 23, 1861.*

Col. MARTIN BURKE, *Fort Hamilton, N. Y.:*

Upon the receipt of this letter you will discharge from custody the Danish subject Andres Stambol understood to be a prisoner at Fort Lafayette, concerning whom I addressed you a letter on the 21st instant.

I am, your obedient servant,

WILLIAM H. SEWARD.

NEW YORK, *October 2, 1861.*

Hon. W. H. SEWARD.

SIR: We have been employed as the counsel of the captain and part owner of the schooner Henry Middleton, libeled by the United States for condemnation. Captain Barkley, the master, is confined in Fort Lafayette, and for no offense but that of being found on the vessel (a course not unusual as we understand in such cases), and we are deprived of the means of consulting with him or preparing his defense in the suit against his vessel (to which suit we believe he has a perfect defense), as also from getting personal effects of his on board the vessel. We would respectfully ask permission to see him and prepare the defense in his case, stipulating not to take any steps to procure his personal release unless the Government accord it. It would seem very hard to prevent us seeing and conversing with him or subjecting the communications of counsel to the inspection of the military officer in command, virtually compelling him to defend through the military officer of the United States. We would submit to the fair consideration of the United States whether it is of any possible use or equitable to keep the captain there under the circumstances.

Yours, respectfully,

BEEBE, DEANE & DONOHUE.

DEPARTMENT OF STATE, *Washington, October 4, 1861.*

Hon. GIDEON WELLES, *Secretary of the Navy.*

SIR: Application having been made to this Department for intercourse with persons on board the schooner Henry Middleton, understood to have been captured off Charleston, I will thank you for such information as may be in the Navy Department in regard to the circumstances attending the capture in order that the propriety of granting the application may be determined.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, October 8, 1861.*

Col. MARTIN BURKE, *Fort Hamilton, N. Y.*

COLONEL: Messrs. Beebe, Deane & Donohue, who represent themselves as counsel for Captain Barkley, of the schooner Henry Middleton, who is confined at Fort Lafayette, request an interview with him on business. You will accordingly cause it to be granted to them or either of them in the presence of a commissioned officer of the United States.

I am, colonel, your very obedient servant,

WILLIAM H. SEWARD.

[redacted]

SUSPECTEI

DEPARTMENT OF STATE, *Wash...*

Messrs. BEEBE, DEANE & DONOHUE, *New Yor...*

GENTLEMEN: Your note of the 2d asking an interview with Cap Barkley, of the schooner Henry Middleton, confined at Fort Lafaye..., has been received. In reply I have to inform you that Colonel Burke has accordingly been directed to cause your request to be complied with.

I am, gentlemen, your very obedient servant,

WILLIAM H. SEWARD.

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U. S. MARSHAL'S OFFICE, *New York, October 10, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: * * * In the fort there were ten more sailors who were perfectly willing to take the oath of allegiance if they had not been intimidated by Charles Bartlett [Barkley], captain of the H. Middleton, who is a rank secessionist and confined in the same apartments with them. This man is calculated to do a great deal of mischief by his secession proclivities, and boasts that he ran the blockade three times before he was caught, and that he would do the same thing again if he was at liberty. I would, therefore, respectfully request authority to have him removed from his present quarters and transferred to some safe place where he can do no mischief.

Very respectfully, yours,

ROBERT MURRAY,
U. S. Marshal.

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DEPARTMENT OF STATE, *Washington, October 11, 1861.*

E. DELAFIELD SMITH, Esq.,
U. S. Attorney for the Southern District of New York.

SIR: I inclose a copy of a letter* of the 5th instant and its accompaniment addressed to this Department by the Secretary of the Navy relative to the case of the Henry Middleton which is understood to be pending in your district.

I am, your obedient servant,

WILLIAM H. SEWARD.

—

NEW YORK, *October 11, 1861.*

Hon. WILLIAM H. SEWARD:

Charles Bartlett [Barkley] ought to be transferred to Bedloe's Island with the Hatteras Inlet prisoners.

ROBT. MURRAY,
U. S. Marshal.

[Indorsement.]

Send him there.

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DEPARTMENT OF STATE, *Washington, October 12, 1861.*

ROBERT MURRAY, Esq., *U. S. Marshal, New York:*

Transfer Charles Bartlett [Barkley] to Bedloe's Island.

F. W. SEWARD.

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* Omitted here; see p. 87.

WASHINGTON, *October 28, 1861.*

Hon. WILLIAM H. SEWARD, &c.

SIR: Her Majesty's Government have had under their consideration the note which I had the honor to address to you on the 22d ultimo with the dispatch from Mr. Consul Archibald which accompanied it.

Her Majesty's Government have learned with much surprise from these papers the cruel treatment to which the nine British seamen who were imprisoned in Fort Lafayette were subjected by the U. S. authorities. Her Majesty's Government are unable to comprehend the grounds on which persons who were accused of no offense were confined in irons and treated as criminals, and although it has been satisfactory to them to learn from the answer which you did me the honor to make to my representations on the subject that orders were given for the release of these men, yet Her Majesty's Government cannot but consider that some amends are due to them for the suffering to which they were thus causelessly exposed.

Her Majesty's Government have accordingly intrusted me to bring the matter again to the notice of the Government of the United States and to express the hope that due compensation may be awarded to the sufferers.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

LYONS.

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DEPARTMENT OF STATE, *Washington, October 29, 1861.*

Right Hon. Lord LYONS, &c.

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of the 28th instant. In that communication you inform me that Her Majesty's Government have learned with much surprise the cruel treatment to which the nine British seamen who were imprisoned in Fort Lafayette were subjected by the U. S. authorities. You add that Her Majesty's Government are unable to comprehend the grounds on which persons who were accused of no offense were confined in irons and treated as criminals, and that although it has been satisfactory to the British Government to learn from you that upon the representations you had made to this Government orders were given for the release of the seamen, yet Her Majesty's Government cannot but consider that some amends are due to them for the suffering to which they were causelessly exposed. You state that upon these grounds Her Majesty's Government have instructed you to bring the matter again to the notice of the Government of the United States and to express the hope that due compensation may be awarded to the sufferers.

The case thus presented to me is mainly built on representations made to you by the British consul at New York, founded as he says upon the statements of the parties interested. In these statements they represented themselves as British seamen who had neither done nor meditated any wrong against the Government of the United States; that they had all been unfortunate, while some of them had been shipwrecked and that the latter having escaped from previous evils were innocently found on board lawful vessels, were captured and subjected to inhuman treatment.

It is my duty to consider this case free from these illusions. The owners of the schooner Henry Middleton are insurgents and traitors. The vessel was captured while pursuing a forbidden trade and attempt-

ing to run the blockade at Charleston. Upon this ground she is held for forfeiture by law with all the property found on board, and all parties captured in the vessel must be condemned as insurgents against the Government, and so falling into the hands of the public authorities they become prisoners of war. The case of the vessel called the Colonel Long is substantially the same.

The persons on whose behalf you appeal were found among the seamen on board of those two vessels and navigating the same. Together with others they became prisoners of war and as such were conveyed to Fort Lafayette, a fortification situate in the approaches to the harbor of New York. Being seamen and brought there simultaneously with privates who had been taken in battle in other vessels the officer in charge thought it prudent to put them in irons until his superior officer should direct what disposition should be made of a body of prisoners so large as to be deemed dangerous.

The British consul applied through your lordship to this Department for leave to see them. Leave was granted. In the same way it was made known to the Government that the nine persons in question though found acting with insurgents against the United States claimed not only to be subjects of the Queen of Great Britain but to have gone on board the vessels not from choice but necessity to seek a return to their native country. So soon as these representations were heard the nine men were released from imprisonment and set at large.

The President thinks that this act of national comity does not properly draw after it an obligation to make any compensation to the persons to whom the clemency of the Government was thus promptly and without inquiry extended.

I avail myself of this opportunity to offer to your lordship a renewed assurance of my high consideration.

WILLIAM H. SEWARD.

FORT WARREN, *December 2, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: On the 21st of August last I was taken prisoner by the U. S. sloop of war Vandalia outside the port of Charleston, S. C., on board the schooner Henry Middleton, of which I was master, and have been detained in custody since that time under your orders as I am informed, and upon the charge of having run the blockade. There are also confined with me here William St. George, J. F. Newton, S. F. Newton and Robert Grissons, of the schooner Albion, captured on August 16 off Charleston by the U. S. gun-boat Seminole; E. Sibern, J. A. Douglass, E. Baum and E. O'Neil, of the schooner May Wood, captured off Hatteras Inlet September 9 by the Pawnee, and E. Myatt, of the schooner Colonel Long, taken by the Jamestown off the coast of Florida. We have lately seen in the newspapers an announcement of the arrival in Charleston, S. C., of sundry prisoners, being the officers and crews of vessels captured by Confederate privateers. Should any exchange of the prisoners in question be comtemplated or proposed I desire to suggest on my own behalf and am requested by the persons before mentioned to suggest on theirs that our position would appear to make us suitable parties for that purpose. My own crew have all been discharged heretofore by your orders. Permit me respectfully to commend our case to your attention in the view proposed.

I remain, your obedient servant,

CHARLES BARKLEY.

OFFICE OF U. S. DISTRICT ATTORNEY,
New York, January 10, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: On January 8 instant when the prize cause of the schooner Henry Middleton and cargo was reached in its order on the day calendar of the U. S. district court, Mr. Donohue, counsel for Charles Barkley, claimant, stated to the court that his client was confined at Fort Warren and that he had been unable to communicate with him. The district judge gave Mr. Donohue the inclosed certificate and ordered the cause to be adjourned to the 22d of January instant to await any action the Government might feel disposed to take in the premises. Mr. Barkley was I believe master of the vessel at the time of her capture but has never been examined before the prize commissioners. If not inconsistent with the views of the Department it would facilitate the cause and strengthen the probabilities of condemning the vessel and cargo should the master be regularly examined. I desire only to lay the facts before the Department, leaving the matter of course entirely to its decision.

Very respectfully, your obedient servant,

E. DELAFIELD SMITH,
U. S. District Attorney.

[Inclosure.]

U. S. district court. The United States *v.* The Schooner Henry Middleton, her tackle, &c.

This cause being called in its order on the calendar, the U. S. district attorney being present and ready to try, the claimant's counsel stating that the claimant Charles Barkley is confined in Fort Warren, Boston, and his counsel is prevented from communicating with his client except in presence and hearing of a Government officer, it is hereby certified that it is usual and proper that the counsel have the privilege of communicating privately with his client without being in the hearing of a stranger.

Dated January 8, 1862.

LAWR. R. BETTS,
U. S. Judge.

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DEPARTMENT OF STATE, *Washington, January 14, 1862.*

E. DELAFIELD SMITH, Esq.,
U. S. District Attorney, New York.

SIR: I have to acknowledge the receipt of your letter of the 10th instant and its inclosures relative to the case of the prize vessel the Henry Middleton. In reply I inclose herewith an order addressed to Col. Justin Dimick directing him to deliver the prisoner Charles Barkley into the custody of Robert Murray, esq., the U. S. marshal, and an order for that officer to proceed to Fort Warren, receive the prisoner and convey him to New York to be examined. I will thank you to deliver these two inclosures to the U. S. marshal.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

[Inclosure No. 1.]

DEPARTMENT OF STATE, *Washingto*

ROBERT MURRAY, Esq., *U. S. Marshal, New York.*

SIR: It has been represented to this Department that the testimony of Charles Barkley, a prisoner confined in Fort Warren, is important in the prize cause of the schooner Henry Middleton and cargo. You will therefore proceed to Fort Warren, take the prisoner into your custody and convey him to New York. After he shall have been examined you will commit him to Fort Lafayette and report to this Department. I inclose the necessary order addressed to Col. Justin Dimick.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

[Inclosure No. 2.]

DEPARTMENT OF STATE, *Washington, January 14, 1862.*

Col. JUSTIN DIMICK, *Fort Warren, Boston.*

SIR: You will please deliver Charles Barkley, a prisoner confined in Fort Warren, into the custody of Robert Murray, esq., U. S. marshal for the southern district of New York.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

U. S. MARSHAL'S OFFICE, *New York, January 21, 1862.*

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SIR: In compliance with the order contained in your dispatch of the 14th instant I have transferred Charles Barkley, captain of the H. Middleton, from Fort Warren, Boston, to this city, and after undergoing an examination before the prize commissioners I shall in pursuance of the same order confine him in Fort Lafayette.

I am, sir, your most obedient servant,

ROBT. MURRAY,
U. S. Marshal.

P. S.—The prisoner was originally committed in the name of Charles Bartlett.

—

FORT LAFAYETTE, *March 13, 1862.*

Hon. SECRETARY OF WAR.

SIR: After leaving Charleston, S. C., on board schooner Henry Middleton bound to Liverpool, of which vessel I was master, I was captured by the U. S. sloop of war Vandalia on the 21st day of August, 1861. On the 22d of the same month I was transferred to U. S. steam frigate Roanoke, off Charleston. On the 6th of September I was again transferred to steamer Quaker City, then lying in Hampton Roads; there put in irons and brought to Fort Lafayette where I was placed in company with privateersmen in a small room much crowded, and in leg chains or irons. About the 10th of September I was released from the irons and on the 14th of September I was removed to Fort Wood at Bedloe's Island and placed in solitary confinement until the 30th day of September, when with other prisoners I was removed to Fort

Warren, at which place I was confined until the 19th or 20th of January, 1862, when I was removed to New York and confined in the House of Detention until the 5th of February, in which interval I was taken before the U. S. prize commissioners to give testimony in the case of my vessel, after which the prize commissioners said they had no further use for me in the case of my vessel and I presumed that I would be restored to my liberty, but when the privateersmen were removed from the Tombs to Fort Lafayette I was taken to the Tombs and transferred with them, which was on the 5th day of February, since which time I have been confined with them.

I consider my case one of peculiar hardship. I have not been tried for any offense but have been knocked about from prison to prison without notice or being informed of the reason, and I respectfully ask that you will have my case investigated or let me be informed of the character of my position. I have now been almost seven months a prisoner and have no idea whether I am considered a prisoner of war, or in what class of prisoners I am considered.

I am, very respectfully, your obedient servant,

CHAS. BARKLEY.

—

FORT LAFAYETTE, *March 31, 1862.*

COMMISSIONERS ON STATE PRISONERS.

GENTLEMEN: I beg leave respectfully to call your attention to the inclosed copies of letters* I addressed to Hon. W. H. Seward and Hon. Edwin M. Stanton on the dates of the same, and hope you will investigate my case at your earliest convenience.

Very respectfully, your obedient servant,

CHAS. BARKLEY.

—

OFFICE OF THE COMMISSION
RELATING TO STATE PRISONERS,
New York, April 28, 1862.

ROBERT MURRAY, Esq., *U. S. Marshal, New York.*

SIR: You will please bring before the Commission to-morrow (Tuesday, April 29) at 11 a. m. the following-named prisoners confined at Fort Lafayette, viz: * * * Charles Barkley. * * *

By order of the Commission:

E. D. WEBSTER,
Secretary.

—

OFFICE OF THE COMMISSION
RELATING TO STATE PRISONERS,
New York, April 29, 1862.

Lieut. Col. MARTIN BURKE, *Fort Lafayette.*

COLONEL: Charles Barkley and John Courrier having given their written parole of honor not to render aid or comfort to enemies in hostility to the Government of the United States you will please discharge them. * * *

Very respectfully, yours,

JOHN A. DIX,
EDWARDS PIERREPONT,
Commissioners.

*Not found as inclosures, but see *ante.*

APRIL 29, 1862.

I, Charles Barkley, of Charleston, S. C., do hereby give my parole of honor that I will render no aid or comfort to the enemies in hostility to the Government of the United States.

CHAS. BARKLEY.

Signed in presence of—

E. D. WEBSTER,
Secretary.

Case of Jerome R. Barber.

August 21, 1861, Jerome R. Barber was arrested in Onondaga County, N. Y., and indicted for treason in the U. S. district court at Auburn, of which the Attorney-General was informed by telegraph from the district attorney of the northern district of New York the same day. He was taken to Fort Lafayette by order of the State Department and placed in custody there on the 24th of August. The evidence shows that Barber is a native of Onondaga County, N. Y., where he resided till two or three years before his arrest, when he went to Louisiana from whence he wrote a letter to his brother which was received and shown a short time before his arrest, in which he stated that he was a military engineer in the Confederate Army and was going North to build forts on the Mississippi; that Louisiana was the State of his adoption and he should fight for it as long as he had an arm to defend it. In the letter he mentioned his brother who had joined the Federal Army, and he said he had rather he were dead. Barber came to Onondaga County about three weeks before his arrest. After he came home he stated that he had a commission in the Confederate Army; that he built the fortifications in Vicksburg, Miss. After his return he was driving about the country with livery teams and excited suspicion that he was engaged in mischief. After his arrest he admitted to the officer who arrested him that he had been in the service of the Confederate States as an engineer and that he built the forts at Vicksburg. It appears from his own admissions that Jerome R. Barber is a traitor. Having been transferred to Fort Warren the said Barber remained in custody there February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

AUBURN, *August 21, 1861.*

Hon. EDWARD BATES, *Attorney-General:*

A man is arrested here who is employed in Mississippi as he says as military engineer and was about to return and had arranged to carry letters to the South. I caused his arrest and indictment. The evidence would hardly convict him of treason but he is an unsafe man to go to the enemy. His name is Jerome Barber. What shall I do—let him bail or hold him?

WM. A. DART,
U. S. District Attorney.

DEPARTMENT OF STATE, *Washington, August 22, 1861.*

Lieut. Gen. WINFIELD SCOTT, *Washington.*

GENERAL: I will thank you to issue an order to Col. Martin Burke to receive as a prisoner at Fort Lafayette Jerome Barber, who has been arrested at Auburn, N. Y.

I have the honor to be, general, your obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, August 22, 1861.*

WILLIAM A. DART, *Auburn, N. Y.:*

Your telegram to Attorney-General received. Deliver Jerome Barber to the marshal or deputy, who will carry him to Fort Lafayette, in custody of Col. Martin Burke, who is instructed to receive him.

WILLIAM H. SEWARD.

—

WAR DEPARTMENT, *Washington, August 22, 1861.*

Lieut. Col. MARTIN BURKE, *Commanding Fort Hamilton:*

General Scott says receive and confine as a prisoner in Fort Lafayette Jerome Barber, who has been arrested at Auburn, N. Y.

E. D. TOWNSEND,
Assistant Adjutant-General.

—

OFFICE OF DEPUTY U. S. MARSHAL,
Syracuse, August 26, 1861.

Hon. W. H. SEWARD.

DEAR SIR: Your order to remove Jerome Barber to Fort Lafayette was handed me by W. A. Dart, U. S. attorney. I delivered him to the fort the 24th of August, 9 a. m. I understand a man of our city went to Washington and advised men belonging to our Onondaga regiment that Government had no right to hold them any longer, and I learn six of the men have left and come to this county with their muskets, &c. I shall take these men in custody and keep them for further orders and find out what was said to them by the man I mention. Inclosed please find names* of other men who are here and say they shall not return. Please hand it to the proper officers. If detectives are to be appointed by the Government I wish to take a hand in it as my arrangements are such through the county I can do much good. The man Barber I arrested in this county and shall soon have more of the [same] kind. The course taken with Barber has done much good in our vicinity.

Yours, obediently,

R. R. LOWELL,
U. S. Deputy Marshal.

—

SYRACUSE, *August 27, 1861.*

Hon. W. H. SEWARD.

DEAR SIR: I forgot to put this slip* in the other letter. * * * Our city is in a better shape since Barber was transported to Fort Lafayette. I can clean this county of rebels.

Yours, obediently,

R. R. LOWELL,
Deputy U. S. Marshal.

*Not found.

U. S. MARSHAL'S OFFICE, *Lockport, September 2, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: At the late term of the U. S. district court for this district held at Auburn one Jerome Barber was indicted for treason. The Attorney-General of the United States was advised by telegram of the case, in answer to which the district attorney for this district received your telegram as follows:

WASHINGTON, *August 22, 1861.*

WILLIAM A. DART:

Your telegram to Attorney-General received. Deliver Jerome Barber to the marshal or deputy, who will carry him to Fort Lafayette, in custody of Col. Martin Burke, who is instructed to receive him.

WILLIAM H. SEWARD.

Previous to receipt of this telegram the prisoner had been arrested upon capias issued out of said district court returnable at same term, brought into court, arraigned upon the indictment and plead thereto. The capias had been returned to clerk with marshal's return indorsed thereon. Judge Pratt appeared in prisoner's behalf and moved the court to admit prisoner to bail. Judge Hall postponed argument of the motion and further consideration of the subject to Thursday, the 29th instant. At this stage of the case your telegram was received and placed in the hands of two of my deputies, who immediately departed with the prisoner to Fort Lafayette, and he was delivered at the fort on the 24th instant as directed in said telegram and I have the receipt of the officer in command at the fort therefor. To prevent all attempt at rescue on the part of the friends of Barber at Syracuse he was by advice of the district attorney taken by way of Canandaigua, Elmira and New York and Erie Railroad to Fort Lafayette. It was feared that the telegram would not in such case be sufficient authority to hold him though we should have assumed that it was and have held him at any risk. As such cases may occur again I would like to receive the instructions and views of the Government, and if proper to have a formal written order follow the telegram.

I am, sir, with great respect, your obedient servant,

EDWARD J. CHASE,
U. S. Marshal.

DEPARTMENT OF STATE, *Washington, September 5, 1861.*

EDWARD J. CHASE, Esq.,
U. S. Marshal for the Northern Dist. of New York, Lockport.

SIR: Your letter of the 2d instant relative to the case of Jerome Barber has been received. Your course in regard to that person is entirely approved. It is conceived that under existing circumstances the public safety requires in similar cases a suspension of ordinary judicial proceedings. If therefore any arrests should hereafter be made by you or any of your deputies for such causes you will at once apprise this Department by telegram and directions will be given through the same medium to place the prisoners in the custody of the military authorities of the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

SYRACUSE, *September 13, 1861.*

Hon. WILLIAM H. SEWARD.

MY DEAR SIR: Allow me to call your attention to the matter of Jerome Barber, who was lately indicted for treason at Auburn and who is now at Fort Lafayette. Mr. Barber is a native of this county and until within about three years always lived here. For about three years Barber has lived in the South engaged as engineer in constructing levees on the Mississippi River. A short time since Barber came North on a visit and while here was arrested and taken before the U. S. commissioner. A day or two afterward he was indicted at Auburn and taken there. I appeared as his counsel. We offered to give bail, and the matter of bail was postponed till the next Thursday after the court adjourned. The hearing was to be had before Judge Hall at his office in Buffalo. Barber was immediately taken to Fort Lafayette. I am convinced that he is wrongly imprisoned and that there is nothing of the matter. He made an affidavit in open court that he was not guilty of the matters alleged in the indictment, and now what he very much desires is his trial. The court at which he may be tried sits next month at Albany. Will you please inform me if the Administration intend to give such men the benefit of a trial and if Barber will be allowed his trial or not?

Perhaps you will be easily assured that I would not attempt to shield any man from his just deserts especially in times like these when I remind you that I was a long time a partner of H. C. Goodwin, of Madison County, with whom I believe you were personally acquainted. And if I were not constrained to believe in the entire innocence of Barber I would not attempt to effect his release. I take the liberty to address you as I learn that Barber was taken to the fort by your order. I hope to hear from you soon.

Most truly, yours,

D. J. MITCHELL.

DEPARTMENT OF STATE, *Washington, September 23, 1861.*

WILLIAM A. DART, Esq.,
U. S. District Attorney for the Northern Dist. of New York.

SIR: Will you please send to this Department a statement of the proofs in the case of Jerome Barber?

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

U. S. DISTRICT ATTORNEY'S OFFICE,
Potsdam, September 27, 1861.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SIR: Your letter of 23d instant requesting a statement of the proofs in the case of Jerome Barber is received. The proofs before the grand jury were as follows: Mrs. Cornelia D. Castle, of Onondaga Hill, Onondaga County, testified that she knew Jerome Barber and had for several years previous to his going to Louisiana, where he went from Onondaga about two years ago. He was a surveyor and a man of some education. Knew his brother Charles Barber, who resides at Onondaga. Charles showed me a letter from Jerome a short time ago. It was dated at New Orleans. It stated that the writer had a friend who was going

to Louisville and who would mail it there. The letter stated that he (Jerome) was a military engineer in the Confederate Army and was going North to build forts on the Mississippi; that Louisiana was the State of his (the writer's) adoption and he should fight for it as long as he had an arm to defend it. In the letter he mentioned his brother who had joined the Federal Army, and he said he had rather he were dead. There was a slip of paper in the letter that appeared to have been cut from a daily newspaper that stated that Jerome had been appointed an engineer on the levee works. The letter was inclosed in an envelope and bore the postmark of Owego, in this State. Witness further stated:

Jerome Barber came to Onondaga about three weeks ago (the examination was taken August 20, 1861). He has had a livery team from Syracuse and has been driving about the country a great deal. After he came home he stated that he had a commission in the Confederate Army and that he built the fortifications in Vicksburg, Miss. I tried to get the letter after I saw it but found it had been destroyed or secreted.

R. R. Lowell, deputy U. S. marshal, Syracuse, N. Y., was examined and testified that about two weeks before a justice of the peace residing at Onondaga Hill gave him notice that a man who had been an officer in the Confederate service was running about the country with livery teams as he thought for mischief. He referred me to Mrs. Castle, who made the complaint before U. S. Commissioner William C. Ruger, of Syracuse, N. Y. I arrested Barber and made search for the letter but could not find it. Barber was at William Earl's, in Marcellus, about eighteen miles from Syracuse, when I found him. He admitted to me that he had been in the service of the Confederate States as an engineer and that he built the forts at Vicksburg. He stated that there was $18,000 due him on levee bonds, and that he must return to Louisiana soon or suffer great loss.

The witnesses are all credible and left no doubt upon the mind of the district attorney as to the truth of their statements, and that Barber was a rebel officer and intended soon to return South to join the rebel forces. The grand jury found a bill against him for treason but there is no evidence upon which to try him for that offense. He has powerful friends who seemed anxious for his release and who have undoubtedly exerted themselves in his behalf, but from all the information that has come to the knowledge of the district attorney he thinks he ought not to be at large.

Very respectfully, your obedient servant,

CHAS. O. TAPPAN,
Assistant District Attorney.

ELBRIDGE, ONONDAGA COUNTY, N. Y., *October 10, 1861.*

Hon. WILLIAM H. SEWARD.

DEAR SIR: The undersigned takes the liberty of writing to you in behalf of his friend Mr. Jerome Barber, who is now a state prisoner in Fort Lafayette. If this epistle should do him no good I pray you let it do him no harm. Mr. Barber was a private pupil of mine in the spring and summer of 1856; lived in my family. I taught him the higher mathematical sciences and qualified him to be a navigator, teacher or engineer. I am a very radical Republican; have always acted against the radical Democrats, and at that time (1856) Mr. Barber, then twenty-six years of age, held similar sentiments—at least so far as I now remember. That was the year of those outrages in Kansas

and the worse than outrage against Senator Sumner, and we were much excited about these things. Mr. Barber said one day that he would take his rifle and march to Kansas and help to drive out and exterminate the slave-holders there were it not that an election was soon to be held which he thought would change the course of things. You can see by this that he has no natural sympathy for slavery or slave-holders. Soon after this Mr. Barber went to some place near New Orleans where a relative of his had some iron works, he acting for a while as clerk. He did not like this employment very much and he sought a place of assistant engineer in keeping up the embankments against the river at Lake Providence in Louisiana. The chief engineer being a Southerner and not well versed in science soon discovered that Mr. Barber was more at home in the business than himself, and he being wealthy and not liking the responsibility Mr. Barber was offered the place with a salary of $3,000. This is his story, but there is little reason to doubt it for I received letters from him postmarked Lake Providence with Mr. Barber's name and title of State engineer printed on the envelope. Now we must consider that Mr. Barber was a young man. The people about his early home had done nothing for him. His new friends at the South had done everything for him and we should not wonder if it turned his head. War came; his business was interrupted, his loyalty for the South probably suspected because he was from New York and his salary cut off. He returned to his early home disappointed and probably embittered and in his debates with the rustic inhabitants of his native hills no doubt he used strong language, and I am convinced that this is the first of his offending.

The report has been that he was engineer at Memphis but I think this is not true. It was also said that he was commissioned to purchase provisions and supplies for the Southern army. I do not know how this is but I do not believe it. He has too much common sense to boast of such things among his country associates if it were really true. He is one who is sometimes fond of boasting and like all boasters his truths become very elastic. It is the opinion of those who know him best that he is not worthy of the distinction that the Government has given him and that were he set at liberty he would have no power to do the country harm and I doubt whether he would have the disposition to do so. I write this letter without his knowledge, leave or approbation. It is true I received a letter from him a few days since on a scientific subject and his only complaint in it is that he is accused of crimes without being granted a trial, and at first view this does look hard and is in direct opposition to American professions, but a nation in war must take care of itself in spite of constitutions and of technicalities in law.

Yours, in behalf of justice,

H. N. ROBINSON.

P. S.—The Republicans here are indignant against President Lincoln for his modification of General Frémont's proclamation. We are all for General Frémont, right or wrong.

WAR DEPARTMENT, *Washington, February 21, 1862.*

Col. JUSTIN DIMICK, *Fort Warren, Boston Harbor.*

COLONEL: You may release on the 22d of February instant the following prisoners confined in Fort Warren upon their engaging upon

honor that they will render no aid or comfort to the enemies in hostility to the Government of the United States: J. R. Barber. * * *

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

FORT WARREN, *Boston Harbor, March 17, 1862.*

Hon. EDWIN M. STANTON,
Secretary of War, Washington, D. C.

SIR: In reply to yours of the 15th I have the honor to report that the following-named persons have taken their parole and left agreeably to your order of the 21st ultimo: J. R. Barber. * * *

I am, sir, with highest respect, your obedient servant,

J. DIMICK,
Colonel First Artillery, Commanding Post.

Cases of Mrs. Greenhow and Messrs. Walker and Van Camp.

Mrs. Greenhow* was arrested on the 23d day of August, 1861, in the city of Washington by order of the War Department and was placed under military guard at her own house. She was afterward transferred to the Old Capitol Prison. She was charged with being a spy in the interest of the rebels and furnishing the insurgent generals with important information relative to the movements of the Union forces. At the time of her arrest a number of cipher letters and a large quantity of correspondence containing military information evidently intended for the insurgents were found torn into fragments in the stove where they had probably been cast by her. Some of these fragments were assorted and placed together so as to be read and copied. Mrs. Greenhow while imprisoned did not hesitate to express her sympathy for the success of the rebellion. The said Rose O'N. Greenhow remained in custody in the Old Capitol Prison February 15, 1862, when in conformity with the order of the War Department of the preceding day she was transferred to the charge of that Department.

William J. Walker was arrested by the provost guard in Washington, August 23, 1861, and was committed to Thirteenth Street Prison; from thence transferred to the Old Capitol Prison by order of General Porter. He was charged with being engaged in contraband and treasonable correspondence with the rebels. At the time of his arrest he was entering Mrs. Greenhow's house at a very late hour of the evening of the day on which she was placed under surveillance. An order was issued from the Department of State dated November 19, 1861, directing General Porter to release Walker on his taking the oath of allegiance stipulating that he will neither leave the city of Washington nor enter any of the States in insurrection against the authority of the United States Government, nor hold any correspondence with persons residing in those States without permission from the Secretary of State and that he will do no act hostile to the United States during the present insurrection. Walker refused to take the above-prescribed oath

* In connection with these cases see cases of Thompson and McArthur, Mrs. Baxley and Mrs. Morris, *post.*

and stipulation on the 19th of November. Subsequently he signified his willingness to take the oath in the form it had been tendered to him, and he did take it and was released November 26, 1861.

A. Van Camp was arrested in Washington about the 21st of December, 1861, by order of the Secretary of State and committed to the Old Capitol Prison. The charges against Van Camp were that he was a spy and aided in the escape of Dr. J. C. Herndon, late of the U. S. Army, who deserted and carried to the rebels important information, and also that Van Camp not only consented but sanctioned the enlistment of his son in the rebel army. It appears from the report made to the provost-marshal by Major Allen, his agent, that Van Camp's son was wounded at the battle of Bull Run and that in violation of the President's proclamation Van Camp clandestinely passed the lines of the Federal Army and visited the leaders of the rebellion, and was allowed to pass amongst them without let or hindrance, enjoying their entire confidence. The said A. Van Camp remained in custody at the Old Capitol Prison February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

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WASHINGTON. *September 14, 1861.*

Hon. WILLIAM H. SEWARD.

MY DEAR SIR: I think there must be some misapprehension in the case of Mr. William J. Walker, now imprisoned in this city on the supposed charge of treasonable correspondence with the enemy. Nothing so much surprised me on my arrival in this city a few days ago as the news of his arrest, for I have known Mr. Walker intimately for years past and have seen no occasion to entertain other than the highest esteem for him politically and personally. Up to a very recent period—the time of my departure from here to North Carolina—Mr. Walker had uniformly expressed himself to me as became a loyal and patriotic man. Did I believe him otherwise I would be the last to intervene in his behalf. But I have confidence that an investigation of his case will disclose his entire innocence of what is probably only a malignant and false charge.

I ask you, dear sir, respectfully but earnestly under the peculiarly trying circumstances of Mr. Walker's case to use your efforts toward a speedy examination of the charge against him. He has an aged mother and a family mainly dependent on him for their support. The humiliation of imprisonment on a suspicion so discreditable and infamous as treason I know deeply affects the members of his household, and in justice to them suffering as they are with him Mr. Walker should receive a prompt and impartial trial. I desire this letter to be filed with any papers the provost-marshal may have in the case to be used in behalf of Mr. Walker.

I am, very respectfully, your obedient servant,

CHARLES HENRY FOSTER.

—

49 WALL STREET, NEW YORK CITY, *October 12, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I understand that Mr. William J. Walker, of the city of Washington, D. C., was arrested some weeks since and now is confined in said city under suspicion of disloyalty to the Government. Permit me to say that in the summer and fall of 1853 I occupied a house on the

east side of Twelfth street, just above F street, said city, and in consequence became acquainted with Mrs. Oceana Walker who occupied (and still occupies) the house immediately adjoining on the north. I ere long discovered that Mrs. Walker was in very reduced circumstances and had a considerable family of children on her hands without means of support. Both Mrs. Smith and myself were led to take a deep interest in her case and ultimately went to Postmaster-General Campbell (under President Pierce's Administration) and made a strong appeal to him in favor of her son, William J., and thus got him appointed a messenger in the General Post-Office at a salary of $600 or $700 per year, which office he held for a considerable period but ultimately resigned it in favor of his brother who holds it to this day. * * * William on throwing up the situation came to this [place] and became the agent of some Southern railroad or roads in promoting their interest by securing to them patronage, and was doing very well when the pending atrocious rebellion broke out which of course destroyed his business. He then returned to the city of Washington out of employment and I interested myself in his behalf and tried to get him a situation under the Government, when to my great surprise I learned he had been arrested for the cause already indicated.

I consider him a young gent of unspotted honor and rectitude, of very superior attainments and abilities, and I cannot believe he has committed crime or contemplated its perpetration, but if I thought there had been some indiscretion in his conduct I would ask you to overlook it in consideration of the filial piety which he has displayed for his aged mother.

With sentiments of high respect, I have the honor to subscribe myself your fellow-citizen,

TRUMAN SMITH.

—

POST-OFFICE DEPARTMENT, *October 22, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: William J. Walker, now in confinement as a prisoner of state, was for several years a messenger in this Department, well known to me. I certainly have never had any reason to doubt Walker's loyalty but have supposed him a well-meaning, harmless man. He was ambitious to rise above his position as messenger and applied himself diligently to educate himself for higher duties. I think he became correspondent of one or two newspapers and they may have been Southern papers, but this must have been before the great rebellion burst forth and could not I suppose have compromised him. I was surprised to hear of Walker's arrest and confinement upon charges of disloyalty, but as I have no knowledge of the circumstances under which they were made I can only say that my knowledge of him through several years would lead me to doubt his being seriously implicated in any treasonable act or project.

I have the honor to be, your obedient servant,

T. P. TROTT,
Chief Clerk.

[Indorsement.]

I concur in the statements of Mr. Trott.

A. N. ZEVELY,
Third Assistant Postmaster-General.
E. L. CHILDS,
Private Clerk.

WASHINGTON, *October 23, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Having ascertained that William J. Walker, of Washington, has been arrested on suspicion of disloyalty to the Government of the United States and now confined in this city, permit me to say I have known this gentleman for several years and still know him to be a gentleman of high sense of honor and great moral and intellectual attainments. Allow me further to add that up to the time of his arrest I have heard him frequently express himself as a strong Union man and opposed to this most atrocious rebellion against the Government of the United States. I know that he is not guilty of committing any disloyal act against the Government and I think a due examination of his case will prove the correctness of what I say. I hope you will give his case your earliest consideration and find it perfectly consistent with your official duties to release him.

I have the honor to be, yours, most respectfully,

MARION E. ROSS.

—

DEPARTMENT OF STATE, *Washington, October 28, 1861.*

Brig. Gen. ANDREW PORTER, *Provost-Marshal, Washington.*

GENERAL: Herewith I return to you some statements* in reference to one Walker, a prisoner in your custody. Will you please examine his case and return to this Department these papers with your report thereon?

I am, general, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

Papers found in the Confederate archives relating to Mrs. Greenhow and Van Camp.

[No. 1.]

CENTERVILLE, *October 29, 1861.*

Hon. J. P. BENJAMIN.

MY DEAR SIR: Your note of the 27th instant has been received with its inclosure. The note in cipher was addressed to me—that is, to Thomas John Rayford, a name I adopted before leaving Washington for purposes of cipher correspondence with Mrs. Greenhow by whom the note probably was written. As you will perceive from the translation inclosed the subject-matter is unimportant. I say Mrs. G. probably wrote the note, but it is quite possible she did not and that it is a shallow device of the enemy to entice [us] into a correspondence which shall fall into their hands. This is the best light to view it, as a correspondence with her or further use of that cipher is useless. This cipher I arranged last April. Being my first attempt and hastily devised it may be deciphered by any expert, as I found after use of it for a time. I accordingly would have discarded it long since had Mrs. G. escaped detection, and had indeed arranged a cipher to send her just as she was arrested. The War Department at Washington came into possession of one of her letters in this cipher and by its aid ought to have worked out the key. That does not matter as of course I used it with but the

* No inclosures found, but see preceding correspondence.

lady, and with her it has served our purpose including the one great service of saving General Bonham from a disastrous surprise on the 17th of July. I hear from another source that a reward is offered for the key. I am inclined to furnish it through a person in Washington and let the friend get the consideration, for I repeat the possession of the key can do them no possible good now nor can it prejudice any one. My suspicion has been excited by the way the value of the key is dwelt upon in this note and the desire to get at it on part of the enemy, for I cannot doubt that an expert could unravel it.

I know not who wrote the letter signed A. M. H. The place of attack he indicates is one that Doctor Van Camp has just come here to inform us has actually been determined on as the place of descent by the Annapolis armada. Callan, clerk of Senate Military Committee, is informant. It is doubted here, however, but the army has been put in order for such an exigency.

Last night I telegraphed information sent me that Cape Fear River, Smithville, &c., were the real points of attack. This came from one (Washington, 24th instant) with capacity and wit to make a most efficient emissary. Circumstances have placed her *en rapport* with me lately and I expect a good deal of timely, acute observation of a useful character from her, but as I cannot be altogether certain of her faith all will be received with caution and nothing communicated to her, as was my course I may also say with Mrs. G. The person in question communicates the name of an alien just from Portsmouth, Va., one E. B. Lukins, who is said to have given so much information deemed of value that he has already been commissioned. This man had drawings of batteries in the Peninsula. He, she says, has a brother-in-law by name of Ford now in the works at Sewell's Point from whom he learned a signal in use by us when our vessels are to run the blockade of York River. If there is such a signal it has been communicated, be assured. Generals Johnston and Beauregard think the matter ought to be examined into.

You rightly say the events of the last six months seem all a dream. The most dreamlike thing in the world's history is the presence here in Fairfax County in the month of October, 1861, twelve months from the time you were in San Francisco, of two hostile armies of formidable size such as now confront each other.

Be assured I shall be pleased to be of the least personal service to you in this quarter.

Yours, truly,

THOMAS JORDAN.

[No. 2.]

CENTERVILLE, *January 18, 1862.*

[The following] respectfully transmitted for the information of the War Department by instructions from General Beauregard.

THOMAS JORDAN,
Assistant Adjutant-General.

DECEMBER 28, 1861.

DEAR GENERAL: I wrote you yesterday giving you some information additional to that contained in my dispatch the day before. I omitted to say yesterday that I inclosed a dispatch from our friend Mrs. Greenhow, which I hope reached you to-day. I also inclosed one from our friend in B. To-day I have it in my power to say that Kelley is to advance on Winchester. Stone and Banks are to cross and go to Leesburg. Burnside's fleet is to engage the batteries on the Potomac and McClellan & Co. will move on Centerville and Manassas. This move will be made next

week. This information comes from one of McClellan's aides and from Fox, of the Navy Department. As I remarked yesterday be prepared for them on every hand and at every moment. Mason and Slidell have been given up and the Hall clique are furious. Look out for a smash-up. I send you the papers containing Seward's letter, &c.

Now, my dear general, look out for a large army, and tell your men (God bless them) to cut and slay until the last man is destroyed. Do not allow one to come back to tell the sad tale. No living man ever made such a desperate effort as McClellan will make. Nevertheless I believe he is a coward and is afraid to meet you. If some excuse is not hatched up you may certainly expect an attack next week. My God! general, give them the most awful whipping that any army ever received. McClellan's army will certainly number 180,000 or 185,000 men—perhaps more. Let our next greeting be in Washington. You shall have a warm reception. I write in some haste.

From Mrs. Greenhow.

DECEMBER 26.

In a day or two 1,200 cavalry supported by four batteries of artillery will cross the river above to get behind Manassas and cut off railroad and other communications with our army whilst an attack is made in front. For God's sake heed this. It is positive. They are obliged to move or give up. They find me a hard bargain and I shall be I think released in a few days without condition, but to go South. A confidential member of McClellan's staff came to see me and tell me that my case should form an exception and I only want to gain time. All my plans are nearly completed.

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HDQRS. CITY GUARD, PROVOST-MARSHAL'S OFFICE,
Washington, November —, 1861.

Brig. Gen. ANDREW PORTER, *Provost-Marshal.*

GENERAL: I have the honor to report that I have received at this office a communication from the State Department dated October 28, 1861, signed by F. W. Seward, Assistant Secretary of State, and addressed to yourself in the following words, to wit.*

In compliance with the above request and by your direction I have made a thorough examination of the case of William J. Walker and beg leave to submit for your consideration the following as my report thereon:

That the said Walker was arrested on the night of the 23d of August last under the following circumstances:

That on the morning of the same day by order of ——— I arrested Mrs. Rose O'Neal Greenhow at her own house, 398 Sixteenth street, Washington; that I stationed a guard which had been detailed for that purpose by myself inside the house in order to insure the safe-keeping of Mrs. Greenhow and to aid in the arrest of any persons who might call there for the purpose of seeing the prisoner while being ignorant of her arrest or even of such a suspicion. No guard was placed outside the house for the reason that it was believed many persons who were communicating with Mrs. Greenhow might continue to call, and thus reveal their identity and lead to their detection; that during the day on which Mrs. Greenhow was arrested I employed several of my operatives in searching her house and in examining her correspondence, a very large amount of which—much of it highly treasonable in character—was found in different parts of her house, and no small part of which was torn up recently as it appeared, some of the latter being thrown into the stove but not burned as there was no fire therein; that I continued several of my operatives at the said house during the night of said 23d of August with orders to detain any and all persons who should call and report their detention at once

* Omitted here; see Seward to Porter, p 564.

to me; that at about 10.30 o'clock on the night of said 23d of August the aforesaid W. J. Walker in company with another person named F. Rennehan came to the house of Mrs. Greenhow and were at once admitted by the man stationed in the hall for that purpose, where they were detained until my arrival at the house, when they were taken before the provost-marshal and there examined in presence of the Hon. Thomas A. Scott, Assistant Secretary of War; that they there represented themselves to have been making a friendly call on Mrs. Greenhow when they were arrested; that they were asked what their business was with Mrs. Greenhow and that their answers were evasive, indefinite and contradictory; that after a full examination it was the advice of Mr. Secretary Scott that both Walker and Rennehan should be held and they were accordingly sent to prison by order of Brigadier-General Porter, provost-marshal.

I beg leave to say in further continuation of this report that in order to the better understanding of the case it seems to me proper to review as briefly as I can some of the many facts connected with the character, practices and arrest of the said Mrs. Greenhow, in connection with whom and with which the said Walker stands connected. It was a fact too notorious to need reciting here that for months before her arrest Mrs. Greenhow was actively and to a great extent openly engaged in giving aid and comfort, sympathy and information to the enemies of the Government; that although she was living in the capital of the United States and under its governmental protection her house was the rendezvous for the most violent enemies of the Government, not a few of whom were rebels in arms against its authority and who were using every means in their power to accomplish its overthrow; that the house of Mrs. Greenhow was a sort of focal center where treason found a resting place and where traitors were supplied with every needed care and where they were furnished with every possible information to be obtained by the untiring energies of this very remarkable woman; that for a great number of years Mrs. Greenhow has been the instrument of the very men who now lead in the rebel councils and some of those who command their armies; who have successfully used her as a willing instrument in plotting the overthrow of the United States Government and which she no less than they had desired to accomplish; that since the commencement of this rebellion this woman from her long residence at the capital, her superior education, her uncommon social powers, her very extensive acquaintance among and her active association with the leading politicians of this nation has possessed an almost superhuman power, all of which she has most wickedly used to destroy the Government.

With her as with other traitors she has been most unscrupulous in the use of means. Nothing has been too sacred for her appropriation so as by its use she might hope to accomplish her treasonable ends. She has made use of whoever and whatever she could as mediums to carry into effect her unholy purposes. She has used her almost irresistible seductive powers to win to her aid persons who were holding responsible places of honor and of profit under the Government so that she might through them obtain information only known to the employés and agents of the Government and thus aid the rebels to organize and for so long a time to maintain such a powerful resistance to its authority. She has not used her powers in vain among the officers of the Army, not a few of whom she has robbed of patriotic hearts and transformed them into sympathizers with the enemies of the country which

had made them all they were. She had her secret and insidious agents in all parts of this city and scattered over a large extent of country. She had a long list of names arranged with great care and in alphabetical order composed of persons upon whom she and the other enemies of the Government had calculated to rely and who were to be rewarded when they should have completed its overthrow. She had alphabets, numbers, ciphers and various other not mentioned ways of holding intercourse with traitors unknown to any but themselves; all of which means she was in active use of at the time of and subsequent to her arrest. In the circle of her influence were very many women of various ages as well as men, which women like herself bore to the friends of the Government the most defiant habit. They openly talked of and as openly wished that the rebel leaders and their armed legions might take possession of Washington and hurl from power by force of arms the legally chosen and duly constituted authorities of the people of the United States. These women paid their visits to the camps of the rebel generals, gave them the right hand of fellowship, extended an invitation to them to come and take our nation's capital and promised them every aid they had power to render. They carried with them on such visits letters to those generals; letters which had been written by or collected at the house of Mrs. Greenhow; letters containing the most valuable information—all designed to aid the rebels in striking all the more effective blows. Statistical facts were thus obtained and forwarded that could have been found nowhere but in the national archives, thus leading me to the conclusion that such evidence must have been obtained from employés and agents in the various Departments of the Government.

I have further to report that for some days previous to the arrest of Mrs. Greenhow I had several of my operatives keeping watch over her house and also over the houses and persons of several who were well known to be in sympathy with Mrs. Greenhow and with other traitors and rebels against the Government. On the night previous to her arrest while I was keeping watch at and about the house of Mrs. Greenhow, being assisted by several of my operatives, an officer of the Army left her house at a late hour of the night and was followed by myself and one of my operatives, who when he discovered me commenced to run and was followed by myself and operative at a rapid gait, leading us to his quarters, where when we came up close behind him he called for the guard and ordered us both under arrest. The officer then went upstairs while I halted and looked at my watch. Said officer returned in twenty minutes with a revolver in his hand, saying that he went upstairs on purpose to get the revolver. The inquiry arises, was it for that purpose he staid thus or for the more probable one of hiding or destroying the evidence of his guilt obtained of Mrs. Greenhow or furnished to her; that I requested said officer to send word for me to Mr. Scott, Assistant Secretary of War, to General McClellan or to General Porter, all of which he refused to do, ordering us (myself and operative) into a most filthy and uncomfortable place under guard until morning, when we were discharged by Mr. Secretary Scott in person.

Such is the character and such were the associations of Mrs. Greenhow at the time of her arrest, since which time she has not ceased to lay plans, to attempt the bribery of officers having her in charge, to make use of signs from the windows of her house to her friends on the streets, to communicate with such friends and through them as she supposed send information to the rebels in ciphers requiring much time to decipher—all of which she supposed she was doing through an officer

who had her in charge and whom she supposed she had bribed to that purpose, but who faithful to his trust laid her communications before yourself.

At her house under the circumstances heretofore detailed, at an hour approaching to midnight, for no purpose which he was able to explain, in company with a man (Rennehan) who though confined since the 23d of August last in the same room with Walker and who has been residing in Washington for many years has as yet not even attempted to prove his loyalty, Walker had called as heretofore recited and was taken into custody. I need hardly recite his course and appearance at the examination at the office of the provost-marshal, and how that appearance and action impressed Mr. Secretary Scott as well as myself with the belief that Walker was not only not loyal but that his purpose at Mrs. Greenhow's at that hour of night was beyond even a negative disloyalty. Since that time I have seen nothing to change my opinion.

In conclusion permit me to say that the statements referred to in the communication aforesaid from the State Department have been examined by me, and they are or many of them from distinguished men—men whose statements are entitled to weight.* But I submit that they are all general in their character and do not specifically show that Walker is a loyal man. It is a melancholy fact that hundreds of men who before this rebellion were above reproach, who were ornaments in society and high perhaps in public station, are now acting the traitor's part and in this our hour of need are joining hands to strike down the best Government in and the hope of the world.

No one can regret the existence of such a state of facts more than myself, nor the reasons which impel me to conclude that under the circumstances it is safer and wiser to hold both these men until the Government has once more established itself on such a basis as that not only them but even Mrs. Greenhow herself may be permitted to go at large with no fear of consequences. It seems to me that this is a time when if ever the line of demarcation between loyalty and disloyalty should be so clearly marked as to admit of very little doubt. I sympathize with any and every person who is deprived of liberty, but it is far better that a few should suffer than that the lives of our best men and bravest soldiers should be sacrificed, or what is worse the country suffer betrayal by men who in all things else bear a good and valuable character.

If Rennehan is a loyal man why has he not undertaken the proof? My inference is he cannot. I believe that both he and Walker went to Mrs. Greenhow's that night for the purpose of receiving and carrying information to the enemy, and that as a military necessity they ought not to be discharged.

All of which is respectfully submitted.

Your obedient servant,

E. J. ALLEN.

DEPARTMENT OF STATE, *Washington, November 19, 1861.*

Brig. Gen. ANDREW PORTER, *Provost-Marshal, Washington.*

SIR: Let William J. Walker, a prisoner confined in this city, be released on taking the oath of allegiance to the Government of the United States stipulating that he will neither leave the city of Washington nor enter any of the States in insurrection against the authority

* It is probable some of the letters filed in Walker's favor are missing.

of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State; and also that he will not do anything hostile to the United States during the present insurrection. You will please make the stipulations a part of the oath.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

HDQRS. CITY GUARD, PROVOST-MARSHAL'S OFFICE,
Washington, D. C., November 19, 1861.

Brig. Gen. A. PORTER, *Provost-Marshal.*

GENERAL: I have the honor to report that agreeable to an order from the Department of State dated this day and addressed to yourself, signed by F. W. Seward, Assistant Secretary of State, ordering the release of William J. Walker, a prisoner confined in the Old Capitol Prison, I detailed one of my operatives to go to said prison and present him with the oath which it was ordered he should take on the occasion of discharge as a condition precedent by the Assistant Secretary aforesaid, with instructions to my operative to release said Walker if he took the oath but if he refused to let him remain in custody and report the case to me; that my operative went to the prison aforesaid and read the oath prescribed to said Walker, who upon hearing the same told my operative that he would not take the oath, objecting particularly to that part of it which allowed no mental reservation.

My operative further reports that said Walker offered among other reasons why he would not subscribe to the form of oath prescribed that he had relatives or friends in the South and that his sympathies were with them; that said Walker further told my operative that he was willing to give his parole of honor not to leave the city of Washington, but he would not take the oath; that the form of oath presented to Mr. Walker by my operative and which he refused to subscribe to was as follows, to wit.*

In conclusion I beg to submit that the occasion requires of me the reiteration of the opinion given in my previous report upon this case of William J. Walker that he is an unsafe man to be at large at such a time as this, when if ever the best efforts of every man whether in public or private life are required to maintain and defend the Constitution and flag of the United States. This man Walker is willing to enter upon his parole of honor that he will remain in the city of Washington during this rebellion unless permitted to depart by the Secretary of State. Why a parole of honor and not the oath? Because one binds him without mental reservation and the other does not. I further submit that the city of Washington is the very last place for such a man with such antecedents and upon his parole of honor to be allowed at large with his sympathies leaning South and his mental reservations unchecked, when upon that ground alone he refuses to swear like an honest man that he will do no act hostile to the best interests of the best Government on the face of the earth.

All of which is respectfully submitted.

Your obedient servant,

E. J. ALLEN.

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* Omitted here. See oath at p. 571, as finally subscribed by Walker.

HDQRS. CITY GUARD, PROVOST-MARSHAL'S OFFICE,
Washington, D. C., December 4, 1861.

Brig. Gen. A. PORTER, *Provost-Marshal.*

DEAR SIR: I have the honor to report that on the 19th of November last in accordance with an order from the Secretary of State addressed to yourself, and as I reported to you in full at the time, I tendered through one of my operatives to William J. Walker, a prisoner in the Old Capitol Building, the usual oath of allegiance with a view to his taking it and being discharged from custody. He declined to take such oath for reasons satisfactory to himself (which I reported to you in full at the time), and was left as he was found in prison. Subsequently it seems said Walker signified his willingness to take the oath in the form it had been tendered to him, and in accordance with your orders on the 26th of November the oath was again tendered to him, when he took it and was thereupon discharged from prison. I have the honor to hand you the oath inclosed herewith duly executed to be sent to the Secretary of State in accordance with orders coming from that Department.

Respectfully, your obedient servant,

E. J. ALLEN.

[Inclosure.]

HDQRS. CITY GUARD, PROVOST-MARSHAL'S OFFICE,
Washington, November 26, 1861.

I, William J. Walker, of Washington, D. C., do solemnly swear upon the Holy Evangelists of Almighty God without any mental reservation that I will at any and all times hereafter and under all circumstances yield a hearty and willing support to the Constitution of the United States and to the Government thereof; that I will neither take up arms nor aid those in arms against said Government; that I will not enter any of the States now in insurrection against the authority of said Government nor will I leave the city of Washington, D. C., without permission of the Secretary of State; nor will I hold any correspondence whatsoever with any person within said States now in insurrection during the rebellion excepting by permission from the Secretary of State; also that I will do no act hostile or injurious to the Union of the States, nor will I give aid, comfort or assistance to the enemies of the Government whether foreign or domestic, and that I will defend the flag of the United States and the armies fighting under it from insult and injury if it be in my power so to do, and that I will in all things deport myself as a good and loyal citizen of the United States.

WM. J. WALKER.

Witness:

W. B. HALL.

Subscribed and sworn to before me this 26th day of November, 1861.

THOMAS C. DONN,
Justice of the Peace for Washington County, D. C.

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DEPARTMENT OF STATE, *Washington, December 12, 1861.*

General ANDREW PORTER, *Provost-Marshal.*

GENERAL: The provost-marshal will inform Mrs. Greenhow that her correspondence with the commanding general of the army besieging

the capital renders all interference in her behalf with the regulations established by the military authorities for the prisoner's safety improper.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

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DEPARTMENT OF STATE, *Washington, December 31, 1861.*

Brig. Gen. ANDREW PORTER,
Provost-Marshal, Washington, D. C.

GENERAL: I will thank you to examine the case of Aaron Van Camp, a prisoner in your custody, and report to this Department.

I am, general, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

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HDQRS. CITY GUARD, PROVOST-MARSHAL'S OFFICE,
Washington, D. C., January 9, 1862.

Brig. Gen. A. PORTER, *Provost-Marshal, Washington City.*

GENERAL: In accordance with the request of the Hon. W. H. Seward, Secretary of State, directed to you requesting you to report on the case of Dr. Aaron Van Camp, I have the honor to report that Van Camp was arrested and confined in the Old Capitol under the following circumstances, to wit:

On the arrest of Mrs. Rose O'Neal Greenhow August 26, 1861, a letter in cipher was found in her possession addressed to Thomas J. Rayford,* another noted rebel emissary in forwarding and carrying information to the rebel government, from which letter the following is extracted:

> Your three last dispatches I never got. Those by Applegate were betrayed by him to the War Department; also the one sent by our other channel was destroyed by Van Camp.

Acting on information thus secured I instructed my operatives to ascertain further particulars regarding the person named Van Camp and watch his proceedings. The result of their inquiries left no doubt as to the identity of the person thus under surveillance with the Van Camp mentioned in the letter above quoted from Mrs. Greenhow to Thomas J. Rayford or as to his intimacy and complicity with leading rebel emissaries in this city, particularly Michael Thompson, Mrs. Greenhow, Mrs. Phelps, William T. Smithson, alias Charles R. Cables, G. Donellan and others.

On November 26 two of my operatives left this city by stage for Leonardtown, Md. Near T. B. a person hailed the stage and traveled with them to the end of their journey. Having obtained the confidence of the stranger they ascertained him to be Dr. J. C. Herndon, U. S. Army, who had just deserted his post and was on his way to the rebels in Virginia with as he said important letters sewed up in his vest. My operatives also discovered that as he could not have left the city in a public conveyance without being suspected and probably arrested by the guards at the Eastern Branch bridge he was under the necessity of obtaining a private conveyance, which was furnished him

* Rayford was in fact Col. Thomas Jordan, assistant adjutant-general to General Beauregard, of the Confederate Army, then occupying Centerville. See Jordan to Benjamin, p. 564.

by Van Camp, who knew his object in requiring it to be to desert from the U. S. Army and carry dispatches to the rebel government at Richmond.

Having obtained from various independent sources reliable information of Van Camp's acting as a spy for the rebels, forwarding information procured in frequent visits to our camps in Virginia and actively aiding all in his power to overthrow the Government of the United States, I directed his arrest to be effected, which was accordingly done. The next step was to take the depositions of persons who were acquainted with him. The substance of the concurrent testimony thus obtained is to the effect that his sentiments and sympathies are entirely with the rebel movement and opposed to this Government. In addition, however, to treasonable expressions of a general character there are particular expressions and acts requiring a special notice. George Stabler, who is intimately acquainted with Van Camp, testifies that the latter expressed satisfaction at his son joining the rebel army and sanctioned his going; that he had visited Manassas after the battle of Bull Run (in which his son was wounded), and that he always seemed to exult at any defeat of the Federal forces. My operative remarks in reference to the testimony of the above witness that it was given very unwillingly, and that the witness knows more about Van Camp than he is willing to tell. The cause of his unwillingness is presumed to be the intimacy and friendship existing between Van Camp and himself, which gives additional weight to the testimony thus elicited, especially when it is considered that the allegations are amply sustained by other testimony.

According to the deposition of Francis Reeside Van Camp told him that on his visit to Manassas he had obtained for his wounded son a position as orderly to General Beauregard. On Reeside's remarking that he was trying to get a place under Government Van Camp replied that it would be of no use for the Southerners would take this town. Reeside understood from Van Camp's manner that he had communications with the South. Van Camp furthermore stated to this witness that he had been in Missouri and they were fixing a plan there to kill the Dutch (Federals) and that in a month they would be all cleared out. Reeside heard him tell a man named Francis that he would be damned if he would fight against the South, and abused Francis for enlisting in the Federal Army.

Rev. William [D.] Haley, chaplain to the Seventeenth Massachusetts Regiment, states that he has heard Van Camp say that he was ready and willing to take up arms in defense of the South and secession. Mr. Haley is well acquainted with Van Camp and confirms many of the preceding statements.

Allen G. Fowler testifies that he has heard Van Camp say that he would rather take up arms on the Southern side than the Federal and that he approved of his son entering the rebel army.

In a letter written by Van Camp to his wife and which was found in his house speaking of his prospective return home from a journey to the West he uses the following expressions: "——— says I shall have to take the oath; if it was not for our claim I know what I would do." The evidence in this case therefore substantiates the following facts, to wit: that his sympathies and sentiments are decidedly with the rebels and against this Government; that with not only his consent but his approbation his son joined the rebel army. His son was wounded at the battle of Bull Run and has been since appointed an orderly on the staff of General Beauregard by the influence of the said Aaron Van

Camp. That a close intimacy amounting to actual co-operation in their treasonable acts and designs has been proved to exist between him and a clique of rebel emissaries resulting in one case in his destroying important documentary evidence against them; that in violation of the proclamation of the President of the United States Van Camp did surreptitiously and in a clandestine manner cross the line established by the Federal Army; visited and held intercourse with the leaders of the rebellion; that he enjoyed their confidence and was allowed to pass amongst them without let or hindrance.

I would also, general, especially call your attention to that portion of this report wherein it is shown that Van Camp assisted and abetted the desertion of a U. S. officer with the view of enabling him to join the rebel army; that he did assist the conveyance by the same of valuable information and dispatches to the rebel government, and I would respectfully suggest that in this he has been guilty of a serious military offense for which he should be held to a full accountability as also for his treasonable practices and connection with the rebels.

It is therefore evident that no matter what engagements he may make to the contrary a man of his influence, ability and connections should not be allowed to go at large and thereby be enabled to assist in rebellion those persons whom it is the object of our Army to overcome. I therefore respectfully recommend that as a military necessity Aaron Van Camp be kept in close confinement until the close of the war.

All of which is respectfully submitted.

Very respectfully, your obedient servant,

E. J. ALLEN.

WASHINGTON, *January 17, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: We the undersigned, friends of Dr. A. Van Camp, now confined as a prisoner at the Old Capitol under charge of disloyalty, would respectfully suggest on his behalf and by his consent ask the privilege of taking the oath of allegiance to the United States. Dr. A. Van Camp will file a bond to keep the peace toward the United States and all laws thereof, and will so soon as he can close up his business if required by your honor remove to the North or Northwest.

Very respectfully, &c.,

P. B. FOUKE.
GEO. C. BESTOR.

DEPARTMENT OF STATE, *Washington, January 17, 1862.*

Hon. P. B. FOUKE and GEORGE C. BESTOR, Esq.,
House of Representatives, Washington.

GENTLEMEN: Your letter of this date has been duly received. In reply I have to inform you that the case of Doctor Van Camp has been referred to the military authorities and they express a very decided opinion adverse to his release at the present time.

I am, gentlemen, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

DEPARTMENT OF STATE, *Washington, January 20, 1862.*

Brig. Gen. ANDREW PORTER,
Provost-Marshal, Washington, D. C.

SIR: You will please permit Mrs. Stephen A. Douglas to make a single visit in presence of a proper officer to Mrs. Greenhow, a prisoner confined at the Old Capitol Prison.

I am, &c.,

F. W. SEWARD,
Assistant Secretary.

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WASHINGTON, *March 7, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War.*

HONORED SIR: After several ineffectual attempts to see you in person I have the honor to address you by letter, the contents of which I trust will elicit your most favorable consideration. In the month of August last I was placed under arrest for alleged disloyalty to the Government of the United States. After a confinement of three months I was released by the honorable Secretary of State upon taking the oath of allegiance and giving my parole not to give aid nor comfort to the enemy nor to leave the city unless by permission of the Secretary of State. Upon making application to the Secretary a few days since with a view to be relieved from that portion of the parole which prevents my leaving the city I was referred to you as being the proper person to make application to inasmuch as you now have control of all such matters. In accordance with the suggestion I most respectfully beg to present my case to your attention. Under your recent proclamation I am inclined to think that I come within its true scope and meaning. If it should be consistent with your sense of duty to release me from that portion of my parole, viz, that portion which prescribes me to the city limits I will remain under perpetual obligations.

I have the honor to remain, your most obedient servant,

WILLIAM J. WALKER.

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WAR DEPARTMENT, *Washington, March 7, 1862.*

WILLIAM J. WALKER, Esq., *Washington.*

SIR: I am directed by the Secretary of War to acknowledge the receipt of your letter of the 7th instant and to say in reply that it is deemed inexpedient at the present time to modify the terms of your parole.

Very respectfully, yours,

E. D. WEBSTER.

—

OLD CAPITOL PRISON, [*Washington,*] *March 15,* [*1862*].

[MRS. MOORE, *San Francisco, Cal.*]

MY DARLING: All my letters must reach you through our underground as these despicable scoundrels, the detectives, now examine all letters and exercise their discretion about sending them. My last letters were returned to me; also a note to Adie Douglas telling her your order of Stanton's. My God! you cannot conceive the outrageous practices here. These Black Republican dogs have made a howl in Congress about the negroes that were confined in the jail, and they confined me

and other ladies in a filthy room the walls of which these few warm days are covered with vermin and have lodged negroes in the same quarters above, below and around. In fact we are confined in a negro quarter of the building. We cannot open our windows without the stench from over 100 negroes, and if you have ever been in the neighborhood of a negro meeting-house in summer you can fancy what odors reach us when our door opens. I will have my revenge and bear these outrages better on that account. I have no feeling but hate toward this detested, demoralized nation and I thank God that it is in its last throes.

McClellan has got his congé, having served the purpose of killing off Scott. Stanton has been brought forward to get rid of McClellan and he will be put aside in his turn. These men let their vanity blind them as to their real position and content themselves with the applause manufactured in advance to suit the rôle they are intended to play and lose sight of what a light observation should point out to them—the necessity of making a party for themselves.

Stanton is now fooled to the top of his bent. He writes magnificent orders for Lincoln and lords it in the most approved fashion. He does not see what others see—that his own fall is not distant. The abolition policy is now fully avowed. Frémont has been again galvanized into prominence. If he was a man of talent and nerve he would be the first American dictator. As it is he will be the cat's-paw to draw the chestnuts out of the fire for somebody else to eat. I am pressed for time, darling.

The naval engagement has been a glorious victory to the Confederates, unprecedented in daring in any age. The retreat from Manassas is also a most masterly success and I don't wonder at the howl of indignation of the whole North at being so outwitted. I shall try to give you a full account of things here. I do not care to speak of Mrs. Cutts. I shall publish an account of my experiences. When I tell you this I am now seven months a prisoner but in that time she and Adie have been three times to see me; that only once during that whole period have they ever sent me the smallest thing and this was on Christmas as an ostentatious display. But I am content. I shall send you some colored clothing for yourself and Leila. As for myself I shall never lay aside my mourning. God bless you, darling. My love to dear Leila and Minnie.

Your devoted mother,

R. [O'N.] GREENHOW.

OFFICE OF THE COMMISSION
RELATING TO STATE PRISONERS,
Washington, March 31, 1862.

JOHN W. FORNEY, Esq., *Secretary of the Senate.*

SIR: From a note of yours which is on file among the papers in the case of Mrs. R. O'N. Greenhow it appears that you have some of the papers taken from her house at the time she was arrested. If so you will please transmit them to this Commission who are now considering her case.

Very respectfully, yours,

JOHN A. DIX,
EDWARDS PIERREPONT,
Commissioners.

OFFICE OF THE COMMISSION
RELATING TO STATE PRISONERS,
Washington, April 1, 1862.

Brig. Gen. JAMES S. WADSWORTH, &c., *Washington.*

GENERAL: If they consent* you will please convey Mrs. Rose O'N. Greenhow, * * * prisoners at present held in the Old Capitol Military Prison in this city, beyond the lines of the U. S. forces into the State of Virginia and release them upon their giving their written parole of honor that they will not return north of the Potomac River during the present hostilities without permission of the Secretary of War.

Very respectfully, yours,

JOHN A. DIX,
EDWARDS PIERREPONT,
Commissioners.

—

HEADQUARTERS, *Fort Monroe, Va., June 2, 1862.*

We the undersigned, late prisoners in the Old Capitol at Washington, do pledge our word of honor that in consideration of our being set at liberty beyond the lines of the U. S. Army we will not return north of the Potomac River during the present hostilities without the permission of the Secretary of War of the United States.

ROSE O'N. GREENHOW.

NOTE.—Mrs. C. V. Baxley and Mrs. Augusta Morris also signed this parole and were sent South with Mrs. Greenhow.

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HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., June 3, 1862.

Mr. FULTON, *Baltimore, Md.*

SIR: I am requested by General Dix to say to you that he has seen in the New York Times and Herald a notice of his departure from Baltimore, which he supposes was furnished by the agent of the Associated Press, in the latter part of which a gross misstatement is made. The portion alluded to is in relation to the female prisoners, Mrs. Greenhow, Mrs. Morris and Mrs. Baxley. The women were in charge of an officer of the First U. S. Volunteer Cavalry, accompanied by a guard of six men. The general gave him orders to keep them in close confinement with a guard over them with instructions to allow no communication with any one whatever, which order he has every reason to believe was strictly carried out. Besides the guard they were accompanied by the warden of the Old Capitol Prison. The statement that they were permitted to hold a regular "levee" must therefore seem to be a pure misapprehension.

Very respectfully, your obedient servant,

WILSON BARSTOW,
Aide-de-Camp.

* Mrs. C. V. Baxley and Mrs. Augusta Heath Morris were the other parties included in this order. For their cases see *post.*

Case of Daniel C. Lowber.

Daniel C. Lowber, of New Orleans, was arrested at Crestline, Ohio, on the 23d of August, 1861, by an officer of the New York police, charged with being a bearer of dispatches between the rebel government and Europe. He had sailed from New York for Europe early in July and various charges were made to the State Department and to the police of New York that he took out dispatches from the rebel government and would bring back answers or other dispatches on the steamer Edinburgh near the middle of August. On the arrival of that vessel it was learned that he had disembarked at Halifax and was making his way through Canada. Hence his pursuit and capture at Crestline as aforesaid. During his absence he wrote: "I have succeeded in getting a big thing for the Confederate States of America from some moneyed men in England." He arrived at Fishkill, N. Y., at a house of a relative on or about 20th of August, 1861, and on the 21st went to New York, as he said, "to dispose of his papers, sending them South if possible through Adams Express, if not by private messenger, John Jackson." Of all these proceedings the New York police had notice and their vigilance prevented the transmission of papers by either means of conveyance contemplated. Returning to the house of his relative he asked for some letters which he had left lying carelessly about on the library table. One was mislaid and in the fright which seized him he said it was the dispatch brought from England for Davis. He had been unsuccessful in France. He afterward became alarmed and left Fishkill under cover of darkness to take the Harlem Railroad at Dover Plains for New York; but returning under some pretext, before we knew what he was about he had burned the dispatch, trusting to his memory to convey the contents safely to Richmond. He had made proposals to France and England. The commissioners in England had assured him that before Christmas the blockade would be run. With this assurance he went to several large houses in England and made proposals for a loan on sugar and cotton, chiefly upon cotton, and received from some of them proposals in return. Others were to follow him by mail. He made his way by the Harlem Railroad to New York and thence by way of Philadelphia westward till he was arrested at Crestline as before stated. The occurrences at Fishkill and the burning of the dispatch or package explain why no such documents were found in his possession as it was alleged he bore. Among the papers found in Lowber's possession was a letter from the rebel commissioner P. A. Rost, dated Paris, August 4, 1861, addressed to Hon. Pierre Soulé, New Orleans, on private business but containing the following words which may imply that Lowber took dispatches relating to Rost's public mission: "I have no important news to give you but to report progress." There was also a letter signed W. W. Mertens, dated Liverpool, August 6, 1861, addressed to the mother of the writer at Petersburg, Va., saying:

> I send this by Mr. Lowber, of New Orleans, who tells me he intended going to Richmond to see President Davis. * * * I have wanted to send you some money but I do not know how I could do so safely. I would send it in this letter if I were certain that Mr. Lowber would go to Virginia, but his route may be altered if President Davis should not be in Richmond.

Mr. Kennedy, the superintendent of police in New York, in writing the result of the pursuit of Lowber and of the examination of his papers, August 26, 1861, says:

> The great pains he took to avoid arrest is the strongest feature against him as it stands, unless some of the letters which I this day forward to you by Adams Express may contain matter of treasonable character.

But the superintendent of police did not then know of the disclosures made by Lowber at Fishkill and of the burning of the package there, which had been communicated directly to the Department of State. Lowber on being brought to New York was confined in Fort Lafayette by direction of the Secretary of State and was afterward transferred to Fort Warren where he was detained till January 10, 1862, when he was released on his parole to leave the United States within fifteen days and go directly to the Kingdom of Great Britain and remain in that Kingdom until the cessation of the present hostilities and not to hold or be engaged in any correspondence nor do any act hostile or injurious to the Government.—*From Record Book, State Department, "Arrests for Disloyalty."*

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160 PEARL STREET, NEW YORK, *August 20, 1861.*

Hon. W. H. SEWARD, *Secretary of State.*

SIR: From sources entitled to the utmost confidence I learn there is now on the way from Europe a bearer of dispatches to the Confederate States of America. His real name is D. C. Lowber and is a brother of Captain Lowber, of the U. S. revenue service. He left this country under an assumed name and may possibly return under the same appellation. I will endeavor to ascertain what it is and communicate it to the U. S. marshal of this district. I understand his arrival is expected every moment and would be happy if the Government could get possession of his dispatches, and have in writing this morning communicated the affair to the U. S. marshal.

It may appear impertinent for me to offer a suggestion, but I avail myself of this occasion to recommend putting martial law in force in New York, Baltimore and Philadelphia as the only means of suppressing the treasonable papers, spies, &c., which are actively at work. It is well known here that Adams Express daily conveys information in every shape to all quarters of the Southern Confederacy and we apprehend the Government is yet hardly aware of the necessity of the most energetic measures against an enemy that stops at nothing and would glory in the destruction of the North.

Very truly, yours,

GEO. H. BALL.

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NEW YORK, *August 21, 1861.*

Hon. WILLIAM H. SEWARD, *Washington.*

DEAR SIR: I have most positive assurances that a rebel ambassador, a bearer of dispatches from Jeff. Davis' Government to Europe, is now on his return home. His real name is D. C. Lowber but he did not sail under that name when he went out and probably has some other name on his return voyage. There is no doubt whatever that he is now on his way home for I have the intelligence through some of his most intimate friends who condemn his course but will not name it to the Government. Would it not be well to instruct Marshal Murray about this? Permit me also to say that Adams Express is yet daily carrying South from Northern traitors letters containing revelations of all that is doing here, and on application only a day or two since at their office they replied they would take whatever of documents might be desired, not claiming of course to know contents. In this way it is not difficult

to post Jeff. Davis and his rebels with any news of matters occurring here. The carrying of mails and papers by this express surely can do no good, but I only name the circumstances existing for your consideration.

Respectfully,

N. A. ADAMS.

—

NEW YORK, *August 22, 1861.*

Hon. W. H. SEWARD:

Daniel C. Lowber, of New Orleans, went to Europe six weeks ago under suspicious circumstances. In returning instead of coming on the steamer he landed at Halifax and came across country to Newburg. Last night he took the 5 o'clock train at Poughkeepsie for the West. He is undoubtedly bearer of important papers from the Confederates and every effort should be made to secure his arrest. We have one of his trunks addressed to him at Indianapolis. Would it not be well to put the officers of all sorts on the border on their guard? He wears false teeth. His whiskers are grayish and he lisps in his speech. I have sent a man in pursuit but he may be too late.

JOHN A. KENNEDY.

—

PEEKSKILL, *August 24, 1861.*

W. H. SEWARD, *Secretary of State.*

DEAR SIR: My uncle, D. C. Lowber, of New Orleans, passed through New York en route for Liverpool about the 1st of August as bearer of dispatches from the Confederate States to France and England. A day or two before my father left for Liverpool I was shown a letter from Mr. Lowber in which he said, "I have succeeded in getting a big thing for the Confederate States of America from some moneyed men in England." As my father had only a few hours at home I did not trouble him about it, but arranged that he (uncle) should be searched immediately on his arrival by steamer Edinburgh. This was checked by his coming through by way of Quebec and reaching our house Tuesday evening. Wednesday he went to New York. He told us to dispose of his papers, sending them South if possible through Adams Express, if not by private messenger, John Jackson. I sent messenger through Mr. Monell to have Jackson watched and Adams Express searched for several days. Returning at 3 o'clock, he asked for some letters which he had left lying carelessly about on the library table. One was mislaid and in the fright which seized him he told me it was the dispatch brought from England for Davis. He had been unsuccessful in France. He was to leave at 6 o'clock for Richmond, via Indianapolis and Louisville. The family were too strongly anxious for his safety to permit any information to be given endangering one who through thirty years of political antagonism had continued my father's closest friend and our dearest relative.

The only means I could contrive to get the papers was to create a panic. I drove to the station in advance with his trunk and returned with news that the station agent had refused to check the trunk; that the detectives were doubtless on his track and gave him a telegram received from John Jackson in confirmation. He handed me the dispatches to conceal, jumped into the carriage which was waiting and we started for Dover Plains where he could take the Harlem train to

New York. But a second thought for the safety of our family urged him to return and before we knew what he was about he had burned the dispatch, trusting to his memory to carry the contents safely to Richmond, so I was again checked.

In our long night drive, however, his gratitude for my assisting him in his flight, his release from the sudden fear and his old love and confidence in us led him to talk freely. He had made proposals to France and England. The commissioners in England had assured him that before Christmas the blockade would be [broken]. With this assurance he went to several large houses in England and made proposals for a loan upon sugar and cotton, chiefly upon cotton, and received from some of them proposals in return. Others were to follow him by mail. His English letters would be addressed care of A. H. Schultz, or to D. Matthews, 87 (or 78, I forget which) Nassau street, or to John Jackson, 17 Broadway, or box. Wherever they came they were to be taken up by Jackson, opened, memoranda taken of them and copies made and sent to Henry Neill, Galt House, Louisville, or inclosed to editor of Louisville Courier, to be kept until called for by Henry Neill under which name my uncle will travel. If the proposals were accepted Jackson was to telegraph him to the same address "All favorable." The originals will be sent to me to mail to the same address from Fishkill. His trunk I am to open and make copies of any letters in it which might be detained were it opened and forward to him there or to New Orleans, keeping the originals. There was a new cipher contrived and agreed upon between him and Jackson by which he could send any information which might transpire. This I have not yet got but hope to. He anticipated an attack upon our troops before Sunday, 30th of August. If repulsed or if uncertain of success they would as before feign a retreat to draw our soldiers upon the batteries they have been busied in building since the Manassas affair. These will be completed in eight or ten days and they are in haste to use them before our gun-boats are completed. In order to cover uncle's flight I urged Mr. Jackson to follow him with me to the Newark station where he might wait for money. Owing to the information given we were all day under police surveillance but at last we eluded them and returned to Staten Island without having seen him, where I was forced from exhaustion to remain.

Uncle will return to England should all be favorable by way of Detroit and Chicago to Quebec. He says the police and marshals in either or any of the Western towns are more careless and indifferent and slow than those of New York and anticipated no detention there. The correspondence I hope can be seized at the post-office or Adams Express. And why can't this be stopped entirely? If not I would go to New York to mail the letters and they could be taken upon me by notice given to the police. In this case I would rather suffer anything for treason than have my family know that I was acting as spy. Should any name have to be used in the former case Mr. J. J. Monell, of Newburg, has given me leave to substitute his for mine.

With warm thanks for your late kindness to my father and kind remembrance and wishes for myself, I remain, yours, truly,

MARY LOWBER SCHULTZ.

For the purpose of keeping this secret from my family I have written from Mrs. Beecher's at Peekskill. Should there be any reply or questions to be asked if you address to Peekskill in cover to H. W. Beecher they will at once forward it to me.

NEW YORK, *August 25, 1861.*

WILLIAM H. SEWARD:

Officer King has just arrived with Daniel C. Lowber in custody, whom he arrested in Ohio. I have examined his baggage carefully. Find nothing in shape of dispatches. If he had any he parted with them. What shall I do with him?

JOHN A. KENNEDY,
Superintendent.

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OFFICE OF SUPERINTENDENT OF POLICE,
New York, August 26, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Previous to the arrival of Mr. Daniel C. Lowber from Europe I was called upon by a person related to him by family ties and who necessarily desires to be kept from exposure and informed that Lowber was expected to return on the steamer Edinburgh, then expected to arrive on Tuesday last, 20th instant; that when he went out he carried dispatches and that doubtless he would have others on his return. On this information I communicated with the U. S. marshal and arranged for a joint action to secure him and his papers on the arrival of the steamer.

The Edinburgh did not arrive until the 21st, and on the search it was ascertained he had not come on that vessel. While our officers were engaged on the steamer making the search I received the telegraphic dispatch from Newburg, a copy of which I herewith inclose except the names of the parties, who desire not to be made known, but they are respectable persons. I at once placed detectives at the office of Richards & Co., 15 Broadway, where he had a business connection; at Adams Express, where every package during the day received with a New Orleans address was carefully examined and nothing found of the form or character of dispatches to the Confederates. I also put a watch on the house of his brother-in-law, Mr. Evans, in West Twenty-fifth street. At 9.45 in the evening I sent three men to Fishkill Landing to look for him there, he having a sister-in-law living at Matteawan. On arriving there they found his trunk marked "Neill," the name of his son-in-law, which had been brought to the depot by his niece during the afternoon to be checked for Indianapolis, which was sent to me. And they also ascertained that some intimation was given to the lady at the depot by which she was enabled to infer that officers were in pursuit. She immediately returned home and accompanied him in a carriage in the direction of Fishkill village, giving out that they were going to Poughkeepsie to take the Hudson River train up, but in reality went to a station on the Harlem road and took a train down to the city, passed over to Jersey City and so proceeded to Philadelphia, and then took the next train west via Pittsburg, &c.

On receipt of this telegram from Fishkill announcing his departure I sent a man by the New Jersey Central, being the first train west, to head him off if possible, supposing he had gone by way of Buffalo; but it so happened that by the time they reached Pittsburg both Officer King and the fugitive were on the same train, and the sagacity of the officer led to his detection and identification at a station on the Fort Wayne railroad (Alliance), where the train stopped to dine, but he prudently telegraphed for help to meet him at the depot at Crestline, where the arrest was made, but nothing found on him to implicate him.

The great pains he took to avoid arrest is the strongest feature against him as it stands unless some of the letters which I this day forward to you by Adams Express may contain matter of treasonable character. He denies having had anything of the kind intrusted to him, either in going out or returning; that his visit was on business and in pursuit of health solely. He is a New Yorker by birth, thoroughly southernized by more than twenty years' residence at the South. I am thus particular that you may see the whole case

Very truly, yours,

JOHN A. KENNEDY,
Superintendent.

[Inclosure.]

NEWBURG, *August 21, 1861.*

[JOHN A. KENNEDY:]

D. C. Lowber, of New Orleans, at 15 Broadway, New York, house of Richards & Co., came out in the last steamer as bearer of dispatches from England and France in relation to a loan for the Confederates. He came over the country this morning from Halifax. He intends to send his dispatches by Adams & Co.'s Express if he can safely to-day. If not he may send them by a young man by the name of John Jackson, a Southerner, at the above-mentioned house, 15 Broadway. Inform the chief of police or the U. S. marshal at once. Keep the source of this dispatch to yourself.

———.

DEPARTMENT OF STATE, *Washington, August 26, 1861.*

J. A. KENNEDY,
Superintendent Metropolitan Police, New York:

Deliver D. C. Lowber into custody of Col. Martin Burke at Fort Lafayette.

W. H. SEWARD,
Secretary of State.

OFFICE OF SUPERINTENDENT OF POLICE,
New York, August 26, 1861.

Lieut. Col. M. BURKE, *Commanding at Fort Hamilton.*

SIR: By direction of the Secretary of State I am prepared to deliver into your custody Mr. Daniel C. Lowber, of New Orleans, who accompanies me.

Very truly, yours,

JOHN A. KENNEDY,
Superintendent.

DEPARTMENT OF STATE, *Washington, August 27, 1861.*

JOHN A. KENNEDY, *Superintendent of Police, New York.*

SIR: I have to acknowledge the receipt of your communication of the 26th instant relative to the arrest of D. C. Lowber, and to state in reply that the energy and skill evinced by you and your officers on that occasion are highly satisfactory.

I am, sir, respectfully, your obedient servant,

F. W. SEWARD,
Acting Secretary.

PHILADELPHIA, *August 28, 1861.*

Hon. WILLIAM H. SEWARD.

SIR: My anxiety and the occasion of my writing to you yesterday* was, I find in an interview with Mary, not well founded. I feared that Mary felt herself to be the cause of her uncle's arrest and that it had so influenced her feelings as to prompt an impulsive visit to Washington in the hope of interesting you in a merciful consideration of her uncle's case. As you know now from Mary's own statement to you she wrote me under the influence of a high sense of duty that she feared her uncle was possessed of both means and papers to be used against the Government. Believing Mr. Lowber would be in the Edinburgh I sent my brother to Mr. Kennedy to impart my belief and conviction that Mr. Lowber was in a hostile attitude to the Government with both means and papers in possession that would prove his guilt. I desired my brother to say to Mr. Kennedy that I was prepared to make oath as to my belief if such would be required to warrant the arrest. Mr. Kennedy promised prompt action and that Mr. Lowber should be arrested. He did not make sufficiently intelligent arrangements and unnecessary notoriety has been given to a very simple affair.

Mr. Lowber's visit to the home of my uncle was a gross insult and any man of ordinary sense might have easily so recognized. It may be that it was designed to disarm suspicion. If so the outrage was the greater. That feeling should have acted with some members of the family I can well comprehend, as it too often influences for the time the higher attribute of duty. But as to the loyalty of our family being above all suspicion let, with the simple exception of Mr. Lowber, their record since the first glimpse of treason was manifest attest. But I feel more annoyance as to my uncle, Alex. H. Schultz. I can simply write that I know it to be impossible for him to entertain a thought or feeling not in hearty unison with the Government whose honored servant he at present is and I can forgive everything to Mr. Lowber better than his reckless visit to Fishkill. I would underwrite Captain Schultz with my life and I will hope a suspicion of his integrity has never crossed your mind. I have rapidly and interruptedly written but I trust not impertinently, and will ask you to regard the feeling that has prompted it and kindly overlook any lack of etiquette.

Respectfully,

E. S. JAMES.

DEPARTMENT OF STATE, *Washington, September 30, 1861.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

SIR: I have received a letter from Mr. D. C. Lowber, a prisoner confined at Fort Lafayette, asking permission for his niece, Miss Mary L. Schultz, to visit him which under existing circumstances I cannot with propriety grant. You will please communicate to Mr. Lowber the decision of the Department.

I am, sir, your very obedient servant,

WILLIAM H. SEWARD.

FORT LAFAYETTE, *October 30, 1861.*

Hon. THURLOW WEED.

DEAR SIR: Personally we are strangers but I have known you by reputation since my boyhood and you may have heard my name men-

*Not found.

tioned by my brother-in-law, Capt. A. H. Schultz. I am sadly in need of a friend in my extremity, and stranger as I am to you I thus boldly force myself on your notice and ask your assistance.

Over nine weeks ago I was arrested under very suspicious circumstances at Crestline. I was supposed to be a bearer of dispatches to the Confederate Government. My baggage was taken possession of by the superintendent of police in New York and after a thorough overhauling nothing was found to criminate me, but it was said that I had ample time to dispose of my dispatches before my arrest.

Permit me to state to you "the truth, the whole truth and nothing but the truth." On the 6th of July I left my home in New Orleans to make a flying trip to Europe partly for the benefit of my health and partly to have a personal interview with my business correspondents in Liverpool and Glasgow. My whole stay in England and France was but eight days, and here let me assert that I neither carried over nor brought back any writing or any verbal message to or from any person directly or indirectly connected with the Confederate Government except a private letter from the Hon. P. A. Rost to Pierre Soulé which Judge Rost, who is an old friend of mine, told me contained some instructions in relation to a legal suit Mr. Soulé had in charge for him. Further than this I never belonged to a military company, I never held a public office and I cannot recollect that I have attended a political meeting in twenty-five years. Still I would not convey to you the idea that I am not decided in my political opinions. If that is a crime worthy of punishment by imprisonment there is not sufficient prison room in the States to hold those equally culpable as myself.

Please bear in mind that when I came North there was no restriction on Southern travelers but it was held out that quiet persons not interfering with public matters could go and come at their leisure. And even when the passport system was adopted it was not to be operative on citizens (private citizens) of seceded States returning from Europe until they had time to hear of the new regulation. Had I been conscious of being in the act of committing any offense against the Federal Government I would not have unhesitatingly paid the friendly visit I did to my relatives at Fishkill Landing knowing how widely we differed in our political views. Had that visit not have been made I would not probably have been arrested.

As I said before it is now over nine weeks that I have been incarcerated here, shut out from intercourse with all those who make life dear to me. Driven to desperation by the seeming neglect of those who I thought would unasked by me endeavor to effect my release I recently attempted to escape and was caught in the act. The penalty—double irons and a four by six foot cell in the guard house during the pleasure of the commandant of the fort—I was perfectly aware of before making the attempt. It was faithfully but not harshly imposed and of that I have not one word of complaint to make. But I conceive there was nothing particularly atrocious in my endeavor to free myself surreptitiously. At least twenty officers and men confined as prisoners of war at Richmond have evaded the vigilance of their keepers and on their arrival at Washington have been patted on the back as good and enterprising fellows. It may be said that I can be released if I establish all the foregoing facts on taking the oath of allegiance, but the question arises is it right to require me to take that oath when it is well known it will work the immediate confiscation of my property for the benefit of the Confederate Government and that you are not now in a position to protect that property for me? In regard to giving my

parole not to visit or to correspond with a seceded State that I will do and will honorably keep the promise until released from it. May I beg of you the favor to call the attention of him who has the power to open the gates of my prison to this my case? If there are any other explanations I can make they will be promptly given as the days here seem like weeks and I confess to a great anxiety to get out.

Very respectfully, your obedient servant,

D. C. LOWBER.

NEW YORK, *November 5, 1861.*

Hon. WILLIAM H. SEWARD.

DEAR SIR: Allow me to call your attention to the inclosed letter* from Mr. D. C. Lowber, now a prisoner in Fort Warren; also to a paper handed me last evening by Charles Todd. Of nearly all the statements in it I hold confirmatory letters from Mr. and Mrs. Lowber and Mr. Neill and other residents of New Orleans dating from October, 1860, to April, 1861, which I will forward if desired. Particularly is it well known that Mr. Lowber made himself to some degree obnoxious in New Orleans by his strong defense of the Union and his condemnation of the precipitate action of the South against an untried Administration, and an unhesitating and continued remonstrance against the existence of a vigilance committee. From my own experience I can say that his house was the only one in New Orleans in which I ever heard abolitionism fairly allowed an utterance. In a conversation with Miss Frémont, then visiting at his house in New Orleans in May, 1860, I remember his distinctly avowed disgust at the demagogues who wished by secession to plunge the country into civil war, for which he believed they had not one unfriendly act of Government to show as excuse. At the time that he broke a friendship of fifteen years' standing and turned Mr. Thomas Heard from his house for his offensive utterance of secession sentiments (December 24) the feeling against him was so strong that both he and Mr. Neill were repeatedly threatened by the vigilance committee, and I most sincerely believe that he left New Orleans with the simple and sole purpose of visiting his grandchildren and establishing business relations in Glasgow. Also I think it can be proved that whatever letters or papers he carried on his return not one found its way South. All his existing letters and papers are now in possession of the Government. Four or five Union men well known as such are willing in consideration of these statements and his tried truth to give bail for his honorable adherence to his parole. Or should bail be refused they will hold themselves responsible for his word. As we are the only relatives in the North with whom he would care to spend an hour I think it is almost unnecessary to pledge ourselves for his good faith. You must know that no aid or comfort to the enemy would go from our house.

I have been induced to write thus from the belief forced upon me that Mr. Lowber's health is being seriously affected and his constitution undermined by the inactivity of prison life and by the conviction that if released on parole no harm could result to the cause nearest and dearest to me. The disease from which he suffers is peculiarly fostered by confinement and from my knowledge of the family tendency I have been seriously alarmed lately lest it terminate in some form of insanity. Except my parents he is my dearest relative and I could not entertain

*Not found, but probably Lowber to Seward, preceding.

this belief without longing to save him from such a fate. But for this conviction my perfect trust in the Administration would have forbid my uttering one word on the subject.

Respectfully,

MARY LOWBER SCHULTZ.

[Inclosure.]

NEW YORK, *November 4, 1861.*

I hereby declare that having been a resident of New Orleans during the last winter, and being a frequent visitor at the house of Mr. Daniel C. Lowber, I was enabled to know his feelings on the political questions before the country. From the frequent conversations I held with him during the winter I knew him to be a Union man, and it was only upon the actual secession of his State that he felt that loyalty to his home should cause him to favor the acts of the South, but I know he took no active part in politics, and I never knew him to attend any of the political meetings—in fact, he was a remarkably quiet and private citizen. In confirmation of the above I would state that both Mr. and Mrs. Lowber considered me an abolitionist and still I was always welcome at their house; also that I know he turned a boarder out of his house on account of his secession talk, about January last. Again Mr. H. M. Neill was complained of to the vigilance committee and proscribed on account of his Northern feelings, and Mr. Lowber took the most active and determined part in his defense and prevented any action being taken against him. As regards his trip to Europe I can testify that during the winter and spring I frequently heard Mr. Lowber speak of his intention of going to Europe during the ensuing summer, partly on account of his general health but more particularly on account of his hearing which was getting to be very bad; also to arrange for credits and direct shipments of iron pipe from the iron manufacturers of Glasgow. It would certainly be surprising if the rebel leaders employed in a clandestine mission a man so very deaf as he was and so very outspoken on every subject.

I learn from Mr. Lowber that the close confinement and want of exercise is affecting his health. I may add that I am a native of this city and a loyal citizen of the United States.

CHAS. M. TODD.

—

NO. 8 HANOVER STREET, NEW YORK, *November 9, 1861.*

Hon. W. H. SEWARD, *Secretary of State.*

DEAR SIR: At the request of the friends of Mr. Daniel C. Lowber, now a prisoner in Fort Warren, I beg to state what I know of his proceedings in Europe. The first I saw or knew of him there was on his arrival at Holywood, near Belfast, Ireland, where he came quite unexpectedly to me or my brother on a visit to my brother and to see his grandchildren, my brother's children. He staid there only one night and invited my brother to accompany him to Glasgow to introduce him to the manufacturers of gas and water pipes with a view to arrangements for business on the termination of the war. My brother could not go but requested me to accompany him which I readily consented to, as I had business of my own in Glasgow and Edinburgh. I accordingly at Glasgow introduced him to our agent, Mr. John Kincaid, who took him to the largest manufacturer in that line, I not accompanying them. I also called with Mr. Lowber on a firm in the same line

(McLaren & Co.) with whom he had previously done business in pipes. These calls occupied the forenoon and we parted at about 4 p. m. of the day we reached Glasgow, he to go on to London and I to go to Edinburgh on my own affairs. I have not seen him since nor heard from him except a few lines received from Liverpool before he sailed for America acknowledging the receipt of his watch which I had forwarded to him and referring in sufficiently boastful terms to the battle of Bull Run.

While at Holywood and on board the steamer for Glasgow he talked very freely, defending slavery against our abolition sentiments and expressing the most entire confidence in the success of the rebellion and the restoration of peace within ninety days. He also mentioned to me that Mr. Rost, or Judge Rost as he called him, was an old friend of his and he intended to call on him at Paris and learn what prospect there was of the Confederate Government being recognized by the Emperor. I asked him to let me know the result and inquired if he intended to call on the commissioner in London. He seemed in doubt, saying that he did not know him personally.

As soon as I heard of his arrest which I did in Liverpool from Captain Schultz I informed the latter that from what I had seen of him and the entire tone of his conversation I was satisfied he had no official or other connection with the Confederate Government, for if he had I felt certain he would have been proud of it and told me or my brother of it, while on the contrary he stated positively that he was only going to call on Rost as an old Louisiana friend and to satisfy his curiosity as to the chance of recognition. I thought it possible, however, that Rost might have asked him to carry a letter for him and if so it was likely enough that he may have thoughtlessly consented to do so. But if so I know nothing of it, and I may remark that at that time it was a very natural mistake and one I should readily have fallen into myself as it had hardly been declared illegal.

I have no doubt from Mr. Lowber's character that if released upon his parole he will rigidly keep it and I should readily join in giving bail for him. I am aware that he last winter interfered effectually with the vigilance committee of New Orleans in behalf of my brother who had been proscribed by them as an abolitionist and but for Mr. Lowber's advocacy he would probably have been notified to leave the State to the destruction of an extensive and valuable business. Such acts on behalf of men with Northern ideas ought surely to be considered unless there is something serious against him of which I know nothing.

I remain, with great respect, your obedient servant,

WM. M. NEILL.

As to my own trustworthiness and my principles I can refer to the following whom you will not suspect of too great regard for the South: Charles L. Brace, my brother-in-law; H. J. Raymond, of the New York Times; C. A. Dana, Tribune; Wendell Phillips, W. C. Bryant, Evening Post; W. Lloyd Garrison, Fred. L. Olmsted, Charles G. Loring, H. Ward Beecher, &c., all of whom are my intimate personal friends.

—

PHILADELPHIA, *November 9, 1861.*

Hon. F. W. SEWARD, *Assistant Secretary of State, Washington.*

SIR: On my way to New York I met here an old and highly valued friend of mine, William M. Neill, esq., from England, and I have herewith the honor of introducing him to you. Mr. Neill has resided for a

considerable time in New York, where his sympathies with liberal ideas and with intellectual and artistic interests have endeared him to a wide circle including some of our most distinguished citizens.

Mr. Neill who holds a high position in the commercial world as the chief partner of a cotton exporting firm is now again in this country particularly for the purpose of studying the nature of our present contest in its bearings upon the cotton interests of Great Britain. Mr. Neill visits Washington for a short time in the pursuit of these investigations and also in that of matters of a more private character. I beg to state that I have known Mr. Neill for a considerable time and that any statement of his is entitled to the most implicit faith in his veracity and integrity.

I have the honor to remain, dear sir, yours, very respectfully,

JULIUS BING.

—

FORT WARREN, *December 30, 1861.*

His Excellency ABRAHAM LINCOLN,
President of the United States.

SIR: I was arrested on the 23d of August, and by order of the Secretary of State was committed to Fort Lafayette and thence transferred to this place. Over four months have now elapsed and I have heard of no charges against me, but I presume I am detained as a citizen of Louisiana. As it is not probable I shall ever be brought to trial and the further imprisonment of a humble private individual like myself can be of no benefit to the United States Government I respectfully ask permission and a passport to embark for England under a pledge that I will not return to America until the present disturbances are over, nor aid, comfort or hold correspondence with any person in the seceded States.

Your obedient servant,

D. C. LOWBER.

—

FORT WARREN, *December 30, 1861.*

DEAR HAMILTON: As the break of day is now apparent to all except those who are fattening and battening on this unholy war I stoop to ask a favor of a political enemy, personal friend though he be. I have now been imprisoned so long that it is absolutely necessary on account of my business affairs that I should go to England before I return home and I want you to see President Lincoln and ask for permission and passport to embark on the steamer that leaves Boston on the 8th. If it is obtained you must also pay my passage on sea as I am entirely out of money. In Liverpool I can obtain what further funds I need. I would prefer that this application should not be mentioned, even in the family, as some of the family are in such intimate companionship with J. A. Kennedy that the first thing we will know will be an account of it in the Tribune, and for a humble private individual my name has been in the papers as often as I care to have it. It is well that you and I have not corresponded since your return from England. The bitter thoughts that this war has created in my heart would have found utterance in bitter words, and the corner stone of something more than an apparent estrangement might have been laid. As it is, the same old love that has filled my heart for you and yours for the last thirty-two years still wells up in it with undiminished force.

Understand me, in asking for my release and passport I do not wish to leave Fort Warren until the day before the steamer sails, so that I can go immediately on board.

Give my love to the old enemy and her inimical scions and believe me, ever truly yours,

D. C. LOWBER.

Much as I wish to get to England I can take no oath of allegiance to the United States Government, but I will give my parole not to return to the country during the continuance of the war and not to aid, comfort or correspond with the Southern States until peace is made. If you think it worth while you can hand this letter to President Lincoln.

—

DEPARTMENT OF STATE, *Washington, January 7, 1862.*

Col. JUSTIN DIMICK, *Fort Warren, Boston.*

COLONEL: You will please release Mr. D. C. Lowber, a prisoner confined at Fort Warren, Boston, on his complying with the following conditions, namely: That he will engage upon oath that he will leave the United States within the period of fifteen days from the day of his release and go directly to the Kingdom of Great Britain; that he will remain in that Kingdom until the cessation of the present hostilities between the Government of the United States and the persons in insurrection against its authority; that he will not correspond with or be engaged in any correspondence hostile or injurious to the Government of the United States with persons residing in the insurrectionary States during the present hostilities without permission from the Secretary of State; and further, that he will do no act hostile or injurious to the Government of the United States.

I am, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, January 7, 1862.*

JOHN A. KENNEDY, Esq.,
Superintendent of Police, New York.

SIR: Colonel Dimick has been directed to release Mr. D. C. Lowber upon condition among others that he will leave the United States, and you will therefore permit him to embark without a passport.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

FORT WARREN, *Boston Harbor, January 10, 1862.*

I, D. C. Lowber, prisoner confined at Fort Warren, do solemnly swear that I will leave the United States within the period of fifteen days from this date and go directly to the Kingdom of Great Britain; that I will remain in that Kingdom until the cessation of the present hostilities between the Government of the United States and the persons in insurrection against its authority; that I will not correspond or be engaged in any correspondence hostile or injurious to the Government of the United States with persons residing in the insurrectionary States during the present hostilities without permission from the Sec-

retary of State; and further, that I will do no act hostile or injurious to the Government of the United States. So help me God.

D. C. LOWBER.

Sworn before me January 10, 1862.

J. DIMICK,
Colonel First Arty. and Brevet Colonel, Comdg. Fort Warren.

Correspondence found among Lowber's papers.

[No. 1.]

PARIS, *August 4, 1861.*

N. M. BENACHI, Esq., *New Orleans, La.*
(Politeness of D. C. Lowber.)

DEAR SIR AND FRIEND: I suppose a few lines from this part of the world will be acceptable to you and therefore embrace a direct opportunity to let you hear from us and hope you will do me the favor to write me a few lines and give me what information you possess about matters and things in New Orleans. We are kept in constant excitement about the infamous war the North is waging against us. By every steamer from New York we hear that a battle or skirmish has taken place and that the North is victorious. In fact, if all we hear is true they must by this time have 5,000 or 6,000 prisoners on hand. Many of our people here are dreadfully alarmed and think we are gone, but from what I saw when I traveled from New Orleans to Nashville I don't think it possible for the North to subjugate us. It is perfect nonsense for them to suppose they can if the South continue united, and from all appearances I don't think there is a doubt of it. I yesterday made a bet with a gentleman that whenever Jeff. Davis, Beauregard or Lee accepted a battle that they would gain it. I have every hope such will be the result. They are quite right to fall back till they are sure of success for a defeat in a general battle would have a most disastrous effect both on the morale of our army at home and in Europe. All eyes are turned to Virginia and the result of the first and second grand battles. Should we be successful in one or two grand engagements depend on it England and France will immediately acknowledge our independence notwithstanding all you hear from old fogies.

We yesterday saw in the English papers a letter from Mr. Mure, the British consul in New Orleans. We were all much astonished that Mr. Mure should have thought it necessary to write a letter so injurious to the interests of the South at this time particularly. What he says may have taken place but not in the manner that he describes it. I do not believe it was the intention of any of our commanders to press men in our service for I know we had more men than we required. I suppose men would enlist while intoxicated and when sober would repent doing so and try to get off. I assure you letters of this kind operate greatly to our prejudice and make us pass for a set of ruffians, and I am only surprised that Mr. Mure, an old resident of New Orleans, should have written such a letter knowing the bad effect it would have against us. It was entirely uncalled for. He had already explained the whole matter to his Government in a previous letter. Can it be possible that he too is against us? I really hope not. It would be too bad.

The newspapers here are not much in our favor; still I find a few of them making a move in the right direction and I think in a short time they will come out more direct, not that they have any sympathy for us but that their interests require them to be on our side. Depend upon it we will be recognized before next December if even a European war with the North should be the result. Cotton and tobacco they will have coûte qu'il coûte. Cotton is very active in Liverpool on account of the war news from America. The lower qualities have not been much affected. Middling Orleans, 8⅜ pence to 8¼ pence; upland, 8 pence, with a brisk demand both for manufacture and exportation, as well as speculation. You have seen I suppose that last week sales amounted to 144,000 bales, a quarter of which was taken on speculation; prices have also gone up in Havre 2 to 3 francs, so that my New Orleans friends will come out of the year's business right side up. I wish I had a million of bales in Liverpool now. Many here think cotton will go to 10 pence. I should not be surprised particularly if England don't force the blockade, and that very soon. I am told the North is buying in the Liverpool market, but I only give you this as an on dit, but should not be surprised if such was the case.

A few days ago I called on Mr. Spencer, American consul, to get him to visé my passport. He went back in his room and brought out the biggest Bible I ever saw and told me I would have to take the oath of allegiance to the United States. I refused to do it and he refused to visé my passport. The thing has been brought before M. Thouvenal who refused to take any action at the present time but said that no Americans would be troubled going or coming into France. So Mr. Consul may keep his visé and be d—d. I shall not trouble him again. We think of returning home some time in October and may put you to a little trouble for a short time till we get settled.*

Your friend,

B. RODRIGUEZ.

We have had two pamphlets lately. One "La Révolution en Amérique du Nord Dévoilée;" the other "La Question Américaine." Both will do us great good. If the gentleman that takes this letter will oblige me by taking charge of them I will send them to you. The last one is quite complimentary to our ladies. It says: "Les femmes du Sud sont des tendres mères de famille, des épouses devouées; les Créoles le disputent à nos Françaises en grâce, exquise distinction, sensibilité, générosité, chaleur de cœur et d'idées, intelligence de tout ce qui est noble, beau et bien."†

It is quite a good brochure and I would like to send it to you and shall try to do so.

Yours,

BEN.

[No. 2.]

PARIS, *August 5, 1861.*

N. M. BENACHI, Esq.

(Care Messrs. Ralli, Benachi & Co., New Orleans, La.)

MY DEAR FRIEND: I wrote you a long letter a few days ago, but as the bearer of this is acquainted with you I thought I would write you again to let you know that we have just received the glorious news of the defeat of the Federalists at Manassas Junction. I was not at all

* Unimportant personal matter here omitted.

† TRANSLATION.—The women of the South are tender mothers of families, devoted wives. The Creoles vie with our French women in grace, great distinction, refinement, generosity, warmth of heart and ideas, intelligence of all that which is noble, beautiful and good.

surprised at it as I offered some Yankees to bet them a suit of clothes that Beauregard would whip them if he accepted a fight. There are many, however, who did not expect such a result.

Although we only received the news yesterday, already there is quite a change in the public mind. The Patrie and Constitutionnel already begin to think it probable that the South may succeed. There is one exception, and that comes from one who has lived among us and made money out of us and now turns round and whenever he has a chance heaps lies and calumnies against us. I inclose you an article from his paper of to-day. You can judge of the wretch's antipathy to us. Mind what I tell you. Before three months we will be recognized both by England and France. "Ca ira, ca ira, Lincoln a la lantern." Those that only a few days ago were trying to ridicule the Americans and particularly the Southerners begin to find out that when an occasion requires it we can fight as well as others. To-day we had at our place of meeting seventeen Southerners and true to the cause, and had you seen and heard them talk it would have done you good. I am only afraid this victory has been achieved at a great sacrifice of our brave men. I am very anxious to receive details but from what I see it must have been a terrible battle. Depend on it another such an one and the whole North will be so demoralized that they will be glad to give us what we have been asking for, "Let us alone." They expect to get money in this country. They will not get a cent and I really don't think they will raise the $500,000,000 at home. Parties here interested in cotton think the news will cause a slight decline. As yet nothing is known and can give you nothing of interest to you. My main object in writing you is to send you the inclosed* extract.

Yours, truly,

B. RODRIGUEZ.

[No. 3.]

LIVERPOOL, *August 7, 1861.*

J. B. PHELPS, Esq., *Crescent, New Orleans, La.*

MY DEAR SIR: The grand and glorious victory at Manassas Junction, Va., has totally destroyed the remotest chance of Lincoln, Seward, Chase & Co. obtaining a penny of the money they want to borrow in Great Britain. The account of the battle we have received so far is the most favorable tale in which the Yankees can tell of their own defeat, but there is enough to satisfy me that their loss in killed must have been 15,000 to 20,000, though they report only 500. The Great Thunderer† is down upon the Northerners with all its virulence. Even Doctor Russell, LL. D., "licensed to lie damnably," tells the truth about the stampede from Manassas. England don't intend to consider the blockade efficient, no matter how many ships Lincoln may have, even if they be as thick as blackberries. I have yours of 13th of July, 1861. Many thanks.

Yours, truly,

W. W. MERTENS.

[Inclosure.‡]

"The dissensions which arose some months ago in the United States of North America have unfortunately assumed the character of open war." Such is the tranquil comment of the royal speech upon the events

* Not found.
† See inclosure following.
‡ Supposed to be a clipping from the London Times newspaper.

in the New World which have fallen so unexpectedly upon the ear of Europe. Our Queen has reflected with an excellent fidelity the feelings of her people. After the first surprise was over, and when the "God bless me! you don't say so?" had been said, we think we never heard of a battle in which 75,000 men seem to have been engaged on each side, and which fell so blank upon the public ear and engaged so little European interest. The fact is that we do not like to laugh and the sense of the ridiculous comes too strong over us when we would be serious. It is a great battle without the dignity of danger or the painful interest of great carnage. There are all the ridiculous incidents of stark fear and rabid terror without much real peril and with very little actual suffering. We begin to feel that we have been cheated out of our sympathies.

When this war broke out we English all pictured to ourselves two earnest sections of the same population interlaced in mortal combat, warring to the knife and to the death. We received by every mail little samples of an atmosphere of blood and thunder and war and wounds. All America appeared to us, poor dupes, like a fresh exploded mine—all smoke and fragments and torn limbs. We fancied our kinsmen reckless, furious, flying at each other's throats and careless of their own safety. At the same time that they were shaking their knives at each other they were shaking their fists at us. We trembled for what we were fated to see. We held our breath for the first shock of battle between these two young giants. We shut our eyes against the deadly struggle.

We are calmer now. We are all calmer. We are satisfied that these warlike athletes who were issuing such dire threats against any one who should dare to offer to separate them are not so very reckless. Since their dissensions have assumed "the character of open war" they have been carried on upon strictly humanitarian principles. If we are to believe the American press an American battle has never yet been so dangerous as an American passenger boat, and not much more so than an American railway. The hostile forces shell each other out of strong fortresses without losing a single life. They fight a battle in Western Virginia which determines the fate of a district at the expense of less than a score of casualties, and a great stand-up battle is fought between 150,000 men, ending in a panic and a twenty-mile run, and when the "Grand Army of the Potomac" reaches Alexandria the New York Herald reports that "the killed on our side will be between 300 and 500."

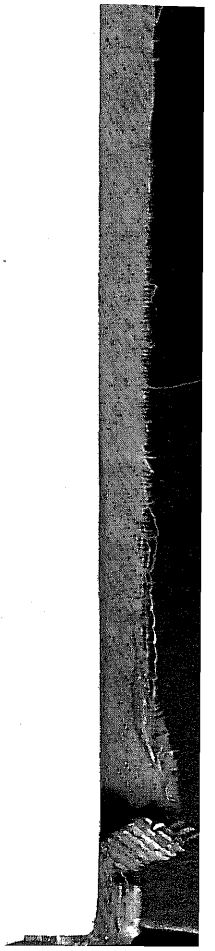
It is very difficult to gauge the solidity of anything American, even of a great battle. We know that there was a great rout in front of that gap which runs up into the hills, for we were represented in the ruck and may say that we saw it with our own eyes and heard the cannonade with our own ears. There is a probability also that the number of men present at the battle mounts to the high figure of 150,000, for both accounts seem to agree upon this. Beyond these facts, however, everything seems vague and uncertain. The advance of the "Grand Army of the Potomac" reads in the American papers like a burlesque of the progress of Xerxes to the Hellespont. The great Federal victory of Bull Run which was flashed over the Northern States and recorded in the Northern papers was a thing hovering for hours while yet in print upon the confines of fancy and possibility. The abject rout, the ultimate reality, was what we could have least believed. Perhaps we ought to have anticipated that the same ferocious men who

had burned up the homesteads on their line of march would speed back over the embers with pale faces in their panic flight. But this never did occur to us. It requires the testimony of the Americans themselves and the witness of our own correspondent to suggest to us that 75,000 American patriots fled for twenty miles in an agony of fear although no one was pursuing them, and that 75,000 other American patriots abstained from pursuing these 75,000 enemies because they were not informed how stark frightened these were. Even the artillery were not captured but picked up. The guns were left behind because they impeded the flight of the artillerymen, and they might have been to a great extent carried off if the apprehensions of the gunners would have allowed them to take advantage of the leisure which the prudent conqueror was so ready to afford.

On the other hand our correspondent thinks that the panic had gone so right to the heart of the North that if General Beauregard had the enterprise to follow up his advantage he might have gone almost unresisted into Washington City itself. All that the Northern press says upon this subject is to congratulate themselves that the enemy did not know in what a fright they were.

This is not our account of this battle. It is the American account. It is the account of the New York papers, alternating as they do between shrieks of victory, of agony and of vindictive despair. If they have only lost between 300 and 500 men it seems to us to be a very cheap lesson. See what they have gained by it. They have found out now that the spirit of patriotism and even the instinct of combat does not prevent Northern volunteers from going off in a body under pretense of their time of enlistment being up although the morning of the combat may be come and the cannon may be sounding in their ears. They have found out also that even a Northern army can without much good military reason given lose its attraction of cohesion and dissolve into a mob. They have also found out that the Southerners are not to be walked over like a partridge manor, and that they have some military heads among them. Of course we must expect them to meet these hard facts by a certain quantity of bluster. They must call out a few more millions of volunteers, and they must make a confident demand upon an incredulous world for a few more hundred millions sterling.

But behind all this there must rise a gathering doubt that this Southern nut is too hard to crack and that the military line as a matter of business does not answer. The North has now made its experiment and not only has it not answered but the process has not been encouraging. As a matter of habit and to ease the American mind a certain quantity of threats and tall words may be necessary and they may pass. But they will be of small avail against the facts as they now stand. In the face of the picture of that screaming crowd—the "Grand Army of the Potomac," &c.—these great words from the expectant gentlemen at Washington lose every charm. These people do all in their power to alienate our sympathy, for they are amenable neither to courtesy nor to misfortune. Nothing civilizes them. They seem to think that at all seasons and upon all occasions England is a safe target for their insults and their threats. They either feign very well or else they positively think they can influence our policy by their bluster. There was a moment on the 21st of July when victory was supposed to be with the "Grand Army of the Potomac," and the most popular newspaper in New York seized the opportunity to show what use our excellent friends proposed to make of their victory. The first thought was revenge upon



England. After some taunts at what are supposed to be our recent recantations the organ of New York moderation continues:

And now, forsooth, because the Queen's Government sees fit to stultify itself, not daring to carry into execution its implied threats, and prohibits the entry of Southern privateers into British ports, we are required to let bygones be bygones and even to ignore that any cause of displeasure has existed. The absurdity and inconsistency of acknowledging the "equal belligerent rights" of the rebel States and then snubbing them from sheer cowardice and fear of the consequences bestows no title to consideration, nor will leisurely repentance for hastily offered indignities be considered the slightest atonement when the time shall have come to resent them. Both England and Spain may rest assured that just retribution will be visited upon them for taking advantage of our domestic disturbances to further their own selfish schemes of aggrandizement. For the outrage offered in the Queen's proclamation the United States will possess itself of Canada, and for the invasion of Santo Domingo Her Catholic Majesty will certainly have to pay with the sacrifice of Cuba. We have first to put down rebellion at home, but every hour proves that the war that has begun will be a short one and that ere the lapse of another half year armies will exist on the American continent of over half a million of men, thirsting for a foreign foe upon whom to expend their strength. When the Union element at the South shall have been fairly emancipated and the forces of the Republic shall have been united, let Great Britain and Spain beware. Our armies never will consent to lay down their arms while a vestige of European domination remains in the Western Hemisphere. Causes of war we have enough and they will not cool for keeping.

If this is what we are to receive from the supremacy of the North the North can scarcely expect that we should put up very ardent vows for their conquest of the South. If the conquest of the Southern States means also the conquest of Canada and Cuba and the establishment of a great military aggressive power in North America we may learn to bear more patiently the scene that occurred at Bull Run. We are not, however, fearful enough to be ferocious. On the contrary we cordially and even sincerely congratulate our would-be enemies that they have escaped with such small loss from the sword of General Beauregard, and much as they tell us it would be against our interests we sincerely advise them to make up their quarrel and avoid all serious effusion of blood. When they have returned to the habits of peace they will not be nearly so bloodthirsty as they think they will be, or if they should be they will not be so mischievous as they say they will be. Spain will know how to keep in check a navy which is now terribly embarrassed by two small privateers and the Canadas have in other days given a very good account of invaders from the other side of the river. The United States are a very great nation and we wish them all lawful prosperity, but they are not half so capable of mischief as their newspapers think they are.

Case of Mayor Berret, of Washington.

This person [James G. Berret] was mayor of the city of Washington, and as appears from a list of prisoners at Fort Lafayette was received at that fort August 25, 1861. There is no evidence on file in the Department of State showing the precise cause of his arrest or what were the charges against him. Application having been made for his release and it having been stated that he was willing to take the oath of allegiance to the United States Government an order was issued September 12, 1861, by the Secretary of State directing Lieut. Col. Martin Burke, commanding at Fort Lafayette, to discharge Mayor Berret on his taking the oath of allegiance to the United States prescribed by a recent act of Congress and resigning the office of mayor of the city of Washington. He was accordingly released September 14, 1861.—*From Record Book, State Department, "Arrests for Disloyalty."*

FORT HAMILTON, *New York Harbor, August 25, 1861.*

Lieut. Col. E. D. TOWNSEND,
Assistant Adjutant-General, Washington City, D. C.

COLONEL: I have this day received from Officers Elder and Wilson a state prisoner whom they tell me is Mr. Berret, ex-mayor of Washington, with orders from the Secretary of War to retain [him] in custody at Fort Lafayette until otherwise ordered by the War Department. He is now at Fort Lafayette.

* * * * * * *

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, U. S. Army, Commanding.

NEW YORK, *September 11, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State:*

My brother, James G. Berret, mayor of Washington, who ever has been true to every principle of the Union, will take any oath in its support that is required. Will this release him? Answer care of Charles Stetson, Astor House.

JOSEPH H. BERRET.

DEPARTMENT OF STATE, *Washington, September 12, 1861.*

Col. MARTIN BURKE, *Fort Hamilton, N. Y.*

COLONEL: The Hon. James G. Berret, a political prisoner at Fort Lafayette, will be discharged from confinement on taking the oath of allegiance to the United States prescribed by the recent act of Congress and resigning the office of mayor of the city of Washington.

I am, colonel, your obedient servant,

WILLIAM H. SEWARD.

HUNTER'S POINT, *September 14, 1861.*

W. H. SEWARD:

No order has been received at Fort Lafayette for discharge of J. G. Berret. Do send one immediately.

W. H. LUDLOW.

WASHINGTON, *September 14, 1861.*

Col. MARTIN BURKE, *Fort Hamilton:*

On the 12th instant I addressed the following letter to you:

The Hon. James G. Berret, a political prisoner at Fort Lafayette, will be discharged from confinement on taking the oath of allegiance to the United States prescribed by the recent act of Congress and resigning the office of mayor of the city of Washington.

Please discharge him accordingly on receipt of this should he be in custody still.

WILLIAM H. SEWARD,
Secretary of State.

FORT HAMILTON, *September 14, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, &c.*

SIR: In obedience to your instructions of the 12th instant I have released Hon. James G. Berret. Inclosed you will receive his oath of allegiance and also his letter* resigning his position as mayor of Washington City.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

[Inclosure.]

I, James G. Berret, of the city of Washington, in the District of Columbia, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States against all enemies whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any State convention or legislature to the contrary notwithstanding; and further that I do this with a full determination, pledge and purpose without any mental reservation or evasion whatsoever. So help me God.

JAMES G. BERRET.

Sworn to and subscribed before me this 14th day of September, 1861.

CHARLES W. CHURCH,
Justice of the Peace.

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TREASURY DEPARTMENT, *Washington, October 14, 1861.*

Hon. W. H. SEWARD, *Secretary of State.*

SIR: As the question of the mayoralty of this city will come before our common council to-night and as it is important that we should have all important facts before us which bear upon the official rights and authority of ex-Mayor Berret and of Acting Mayor Wallach, I desire answers to the following questions if it will comport with the regulations of your office to give them:

1. Did Mr. Berret voluntarily resign his office as mayor?
2. When did he resign his office and when did said resignation reach the State Department so as to be communicated to the city authorities?
3. When was Mr. Berret released from arrest?

As information on these points will help us to come to a correct conclusion in the board of common council to-night I most respectfully inquire if you can deem it proper to give it?

I send this communication because I have failed to obtain a personal interview.

Very respectfully, your obedient servant,

Z. RICHARDS,
President Board of Common Council.

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DEPARTMENT OF STATE, *Washington, October 14, 1861.*

Z. RICHARDS, Esq.,
President of the Board of Common Council
of the City of Washington.

SIR: In answer to the inquiries contained in your letter of this date I have to represent that, first, Mr. Berret resigned the office of mayor of

*Not found.

this city voluntarily as I understand from him, though it is true his resignation was required as a condition of his discharge from Fort Lafayette; second, it is presumed that he resigned on the 14th day of last month, the date of his oath of allegiance, which with the letter of resignation was transmitted to this Department in a letter of that date from Colonel Burke at Fort Hamilton, N. Y., and received here on the 17th of September; third, Mr. Berret was also it is presumed released from arrest on the 14th of September.

Mr. Berret subsequently came to this city and called upon me at which time he confirmed the fact that his resignation and oath had been cheerfully made as an act of loyalty to the Government.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

Case of Robert Tansill, Captain of Marines.

The Department learned of this person's arrest and detention from himself. His statement shows that he was a captain of marines and arrived at Boston from a foreign cruise in the U. S. frigate Congress on the 23d day of August, 1861, and forthwith forwarded his resignation to the Navy Department rather than join in an unnatural war against his blood relations, kindred and friends. His name was stricken from the rolls, and on the 27th of August he was arrested by the order of the Secretary of the Navy and confined in Fort Lafayette. The Secretary of the Navy under date of October 10, 1861, says:*

On the 26th of November, 1861, Tansill addressed a communication to the Department of State in which he says: "I am unalterably opposed to your political principles and war policy and I would prefer to suffer a thousand deaths rather than raise my hand against the sovereignty or independence of any State of our once happy country." And also, "I can never consent to receive my liberty upon terms or conditions inconsistent with what I believe to be my obligations and duties as a citizen of my native State, Virginia." Robert Tansill is as appears by his own voluntary and ostentatious avowals a disloyal man. The said Tansill having been transferred to Fort Warren remained in custody there February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

DEPARTMENT OF STATE, *Washington, October 7, 1861.*

Hon. GIDEON WELLES, *Secretary of the Navy.*

SIR: I have the honor to send you herewith the inclosed communication from Robert Tansill, a prisoner in the custody of Colonel Burke, at Fort Lafayette, addressed to the President, and submitted to you to decide whether it is proper to be transmitted to His Excellency.

I have the honor to be, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

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* Omitted here; see p. 600.

[Inclosure.]

FORT LAFAYETTE, N. Y., *October 3, 1861.*

His Excellency ABRAHAM LINCOLN,
President of the United States.

SIR: I deem it a duty to myself to bring to the notice of the President the circumstances of my confinement and treatment here. I arrived at Boston in the U. S. frigate Congress on August 23 after an absence from the United States of two years, and resigned my commission as a captain in the U. S. Marine Corps (my only support) rather than join in an unnatural war against my blood relations, kindred and friends. My conscience, the dictates of which I cannot safely disregard, compelled me to this course. On the 27th of August I received a communication from the honorable Secretary of the Navy informing me that my resignation had been received and my name stricken from the rolls of the Marine Corps. Of this I complain not. I was then by an order of the Secretary of the Navy arrested and brought under a guard like a common felon to this fort where I am now incarcerated without even being informed of the charges against me. I have written to the Navy Department* in regard to this unjust and unlawful treatment, to which I have received no answer. As to the particulars and details of my treatment here in prison I deem it unnecessary to trouble Your Excellency. Complaints of this nature have been made by others and forwarded to the Department without having elicited the slightest consideration; besides there are circumstances which decency forbids mentioning to the head of a civilized people. Letters to and from my wife are subjected to the inspection of the commanding officer of this fort, and my dearest friends are denied permission to visit me on the most important business.

Under such extraordinary circumstances I feel justified in appealing and indeed I have no other resource but to appeal directly to the President which I now do, and respectfully ask that I may be brought to trial as soon as possible on the charges against me whatever they may be, or released from this imprisonment which can find no sanction in the laws of war nor in the Constitution or laws of the country which the President has solemnly sworn to support. Should, however, this just request be disregarded I then ask that I may be sent to Washington, D. C., where my wife and children reside that I may be permitted to see them from whom I have been absent in the service of the United States more than two years.

I have the honor to be, sir, your obedient servant,

ROBERT TANSILL.

NAVY DEPARTMENT, [*Washington,*] *October 10, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I received yours of the 7th instant, with a communication of Robert Tansill addressed to the President in which you do me the honor to ask me "to decide whether it is proper to be transmitted to His Excellency." I have respectfully to state that I am aware of no impropriety in the transmission. Robert Tansill was a captain of marines and has passed most of his life in the service and pay of the Government. When the present difficulties commenced he was with Flag Officer Sands on the Brazilian Station. As soon as he heard of the conspiracy against the Government he addressed the Department

*Not found.

in a long communication expressing sympathy with the conspirators and indicating a higher allegiance to local authority than to that of the Government whose uniform he wore and whose pay and honor he had through his life received. On reaching the United States he forwarded this communication to the Department, and at the same time his commander notified me that he refused to take and subscribe to the oath. It was under these circumstances that he was sent to Fort Lafayette.

In a conversation with yourself in regard to this man I expressed my sympathy for his family and relatives and a desire that his wife and children might be permitted to see him. You concurred in these views, and further stated that he ought not to be permitted to go at large without taking the oath prescribed. The communication of Robert Tansill is herewith returned.

I am, very respectfully, your obedient servant,

GIDEON WELLES.

FORT WARREN, *Boston, Mass., November 26, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington, D. C.*

SIR: Since my arrest and confinement I have written to the President and Secretary of the Navy asking to be released or brought to a trial on the charges (if any) that may have been preferred against me. Not having received an answer from these gentlemen I have thought that I might accomplish my release by addressing the Secretary of State on the subject.

I presume you are aware that I was arrested and confined on resigning my commission as a captain in the U. S. Marine Corps. It is but fair that I should frankly admit that I am unalterably opposed to your political principles and war policy, and that I would prefer to suffer a thousand deaths rather than raise my hand against the sovereignty or independence of any State of our once happy country. With due deference to your opinion I cannot but believe that the practice of incarcerating those who differ with you in opinion as to the necessity or policy of the present unfortunate war is really calculated to and will do you and the cause you desire to advance more harm than good. By this policy you not only make political enemies but personal ones also. You are aware, sir, that injuries produce ill will and justice friendship. Why then pursue a course which makes you foes instead of friends? If you had sent all the gentlemen to the South whom you have caused to be imprisoned they would not I am sure have the slighest influence in the final determination of the unhappy contest now raging between the two sections of the country. But be that as it may no good can come from wrong, and it is a mistaken policy for those who are at the head of public affairs to act so as to forfeit the respect and incur the resentment of those under them, however humble they may be. I repeat, sir, that those things that are wrong are unsafe and no plea of necessity can justify them. The constant practice of justice is not only the best policy, but our surest shield, most lasting and firmest support. By disregarding these sacred principles the rulers of to-day are often the victims of to-morrow, more especially in revolutions where majorities often suddenly become minorities.

The very great desire I have to see my wife and children who will soon be in a destitute and suffering condition and from whom I have been absent in the public service for over twenty-eight months has

induced me to address you this note and ask an unconditional release, as I can never consent to receive my liberty upon terms or conditions inconsistent with what I deem to be my obligations and duties as a citizen of my native State, Virginia. I hope, sir, that you will reflect upon this application, and I beg you will exercise in its consideration a spirit of justice and humanity, which are the brightest ornaments of a great statesman.

ROBERT TANSILL.

Case of Samuel J. Anderson.

[Samuel J. Anderson is] a native of Georgia for several years past sojourning in New York; went to Georgia in the spring of 1861 and returned early in the summer. He was known to sympathize with the rebellion and manifested his sympathy by instituting proceedings to endeavor to procure the release of persons held in confinement by the Government for precautionary reasons. Having been informed that he was about to return to Georgia the Secretary of State caused him to be arrested on the 27th day of August, 1861, and confined in Fort Lafayette. Letters were found in Anderson's possession showing that he maintained a treasonable correspondence with parties in the rebel States. One from W. M. Manning dated Charleston, S. C., February 19, 1861, has this passage: "I am unable to say whether there is any one in your city employed to give important information in regard to our affairs. I would be glad to hear from you often." A. W. Redding writes from Jamestown, Ga., March 15, 1861, as follows: "You are in the midst of the enemy's country. You are at headquarters. Just give us the dots." A letter signed J. V. Hitchcock dated Washington, August 23, 1861, says: "On inquiry I find that passports of which you speak are not issued by the Government. The only way to get through is to go by way of Kentucky." On the 11th day of October, 1861, the said Samuel J. Anderson was released from confinement on taking the oath of allegiance with stipulations against future misconduct.—*From Record Book, State Department, "Arrests for Disloyalty."*

CENTRAL DEPARTMENT OF THE METROPOLITAN POLICE,
New York, July 31, 1861.

Hon. W. H. SEWARD.

SIR: There is a soldier, I know not of what rank but probably a private or non-commissioned officer, named John [T.] Neil [Neale], stationed at Fort or Camp Runyon, who had been here for some days lodging in the same room with a noted secessionist who has twice been arrested by the police on suspicion of treason and who for the same reason will again be arrested to-day. Neale left yesterday to return to his post which it is said is in the neighborhood of Washington. It is supposed that Neale has communicated to Anderson, the secessionist, such information as he could obtain respecting our army. Anderson is the personal friend of Alex. H. Stephens. He proposes to leave for the South this afternoon, but he will be arrested at the time of his departure.

Very respectfully,

JAMES BOWEN.

OFFICE SUPERINTENDENT METROPOLITAN POLICE,
New York, August 26, 1861.

Hon. WILLIAM H. SEWARD:

A man named Samuel J. Anderson, of Georgia, who has been holding place in the custom-house and sheriff's office in this city for several years, and who acknowledges himself to me as devoted to the fortunes of Mr. Stephens, of Georgia, has during the summer made one visit to the South, and on his return was the person who brought the proceedings before Judge Garrison to release the Baltimore [police] commissioners.* He is about to leave again for the South. Had he not better be detained?

JOHN A. KENNEDY,
Superintendent.

—

DEPARTMENT OF STATE, *Washington, August 26, 1861.*

Lieut. Gen. WINFIELD SCOTT, *Washington.*

GENERAL: I will thank you to direct Col. Martin Burke to receive Samuel J. Anderson, of Georgia, whose arrest at New York has been directed.

I have the honor to be, general, your obedient servant,
WILLIAM H. SEWARD.

—

OFFICE OF THE SUPERINTENDENT OF POLICE,
New York, August 27, 1861.

Lieut. Col. M. BURKE.

SIR: By direction from the Secretary of State I send to you for safe custody Mr. Samuel J. Anderson, formerly of Georgia. Mr. Inspector Leonard who accompanies him will deliver him to you.

Very respectfully,
JOHN A. KENNEDY,
Superintendent.

—

FORT LAFAYETTE, *August 31, 1861.*

Col. MARTIN BURKE, *Present.*

SIR: I have taken the liberty of writing to the President—being personally known to him—and have taken the further liberty of sealing the letter, being under the impression that such was the proper course, &c. If, however, I am mistaken may I request you, sir, to read the letter and forward it, &c.

Very respectfully, &c.,
S. J. ANDERSON.

—

FORT HAMILTON, *New York Harbor, August 31, 1861.*

Col. E. D. TOWNSEND, *Assistant Adjutant-General, &c.*

SIR: As Mr. Anderson requests me to send a sealed letter to His Excellency the President of the United States contrary to our regulations I have opened the letter, and seeing nothing wrong in it I respectfully forward it to you.

Very respectfully, your obedient servant,
MARTIN BURKE,
Lieutenant-Colonel, Commanding.

* See Volume I, this series, p. 619 *et seq.*, for case of the Baltimore police commissioners. No record of the proceedings before Judge Garrison can be found.

[Inclosure.]

FORT LAFAYETTE, *August 31, 1861.*

His Excellency A. LINCOLN, *President, &c.*

SIR: As you are doubtless aware I was arrested and lodged in this fortress on Tuesday last by order of General Scott. This is all I know in regard to the cause of my arrest, being unconscious of having violated any law of the United States. My private correspondence was all seized* and taken from me, including many letters from my friend Mr. Stephens running back through a period of several years. I have never destroyed any of his letters nor have I received any from him since he occupied his present position although I have written to him as usual until since mail facilities with the South have been obstructed. However, never having had any information to convey to him other than that which was conveyed through the newspapers my communicating with my friend needs no explanation.

I have never combined with any man or set of men to overthrow or embarrass the Government, nor am I aware of any such combinations in New York or elsewhere in the Northern States. In my right as an American citizen I have discussed the merits of public men and measures according to my judgment and abilities. As a political exponent of the State rights creed I could not approve some of the acts of your Administration. I have therefore commented upon them in various ways but in doing this I do not think I have exceeded the legitimate limits of fair and free discussion. However, even of this I had grown weary and had determined on the day of my arrest to return to Erie County, near Springville, to my family on the farm of Major Blasdell and there rest in quiet. My son, born in Georgia, is there at school. I had no intention at the time referred to of even going South myself. I have been a resident of New York more than twelve years and all my personal interests and affections are here. My political sympathies are with my native State and section. In my breast, therefore, the conflict must continue during the present civil war, the end of which alone can relieve my embarrassment.

I could not take any employment against the South; it is not proper or practicable for me to take an active part against the North. I would therefore wish to retire to my family, and from that sequestered spot observe the desolating conflict. The state of my health, in addition to all other considerations, constrains me to request that I be permitted to do so. I am afflicted with rheumatism and the dampness and confinement here have greatly aggravated it. With reluctance I utter the complaint. I only would wish to carry out my intention of retirement from all political excitements and discussions in the way and at the place indicated. If allowed I promise in good faith so to do. Whether I can keep my word or not I am willing to leave even my enemies to judge.

Very respectfully,

S. J. ANDERSON.

* See extracts from this correspondence immediately following this letter.

Extracts from correspondence found in possession of Samuel J. Anderson at the time of his arrest.

[No. 1.]

CRAWFORDVILLE, GA., *January 26, 1860.*

S. J. ANDERSON, *New York.*

DEAR ANDERSON: Your letter in which you indulge in a certain speculation or rather speculative conjecture as to the probable turn events may take at the Charleston convention came to the office here while I was at Savannah attending the supreme court. Since my return I have been quite busy at my little farm or plantation below this place getting ready for planting a crop or I should have replied to it sooner.

In this matter I shall deal very frankly with you as I always do even though the subject relates to myself. I therefore say in the first place that I think you are entirely mistaken as to the probability on which your conjecture is founded. There are too many men aspiring for office in this country for a draft ever having to be resorted to, and indeed I do not think any such general sentiment would ever converge toward me, as you seem to suppose. In this I do not think I am mistaken. I understand the world and mankind very well; at least I think I know enough of the public men of this country to satisfy me that your notions are not well founded. But in the second place and mainly I do not desire any such result. I have no wish for it. On the contrary I do not intend to allow my name to go before that body. I have so written to a great number of people all over the country, at least to men in several States North and South. It is true some have said that my name would be used without my consent. To this I can only say that I do not want it so used.

It is to tell the plain truth a disagreeable matter to me to see my name even thus associated. If there is anything particularly disgusting to me it is a scramble among Presidential aspirants. There are honorable men who look with ambitious longings to this high office—some of them well qualified to fill it. I do hope some of them may be gratified, but as for myself I can most truthfully and sincerely say that I would not exchange my present place and surroundings for any office in this world. My nature looks not that way for objects to gratify my outgoings of spirit. This is all I can say to you. I feel assured that you who have known me so long and intimately will feel satisfied that it is true.

With best wishes, I remain, yours, &c.,

ALEXANDER H. STEPHENS.

[No. 2.]

CRAWFORDVILLE, GA., *June 29, 1860.*

[S. J. ANDERSON, *New York.*]

DEAR SIR: Your letter of the 24th instant was received last night. I do not know that I fully understand its import or object. It seems to have been written with a view to explain something that I know nothing about. You say for instance, "This is the history of the matter so far as I am concerned." To what matter do you allude? It would seem that something had resulted from the facts detailed by you of which I am entirely unapprised.

A part of what you refer to I fully understand. I gave Doctor Hambleton my views of the position in which the seceders from Charleston stood toward the Baltimore adjourned convention. It was done at his instance freely and cheerfully, but certainly without any idea of what I said being used publicly or having any other influence than the bare statement of the points carried intrinsically in itself, not that I had any secrets on this subject, but I never could have given my consent for my name to have been invoked or used to give force to these points. If they did not have sufficient power to carry conviction of themselves I should have considered all extraneous aids as not only useless but decidedly injurious, and from what you state I am inclined to think probably this was the result by the course adopted; but as your letter found me all in the dark upon the matter you seem to be explaining I should like to hear more fully from you on the subject.

As to the final result at Baltimore I can only add a few words. I feel exceedingly pained and grieved at it. The consequences or effects cannot now be judged of or even conjectured. Madness and folly seemed to have ruled the hour. Why Judge Douglas' friends should have persisted in nominating him after the secession of Tennessee, Kentucky and Virginia, to say nothing of the other Southern States, I cannot imagine. I have heard no explanation and know nothing of what their calculations or expectations are. They must have known what the seceders intended to do; they must have known that the movement at Charleston, so far from having been checked by the popular feeling at the South, had been strengthened and augmented. This they must have known by consultation with the delegations from Tennessee, Kentucky and Virginia. If they did not they were very unfit representatives of their people on such an occasion. And taking it for granted that they did know it, I cannot imagine what object they had in view by the course they took except to put up their man to be beaten to say nothing of breaking up the party at the same time.

As I view the prospect from this point I see no chance for Douglas' election. All he can possibly do will be to carry enough Northern votes to enable Mr. Breckinridge to be borne over him into the House where he may possibly be chosen; I mean Mr. Breckinridge. If Mr. Douglas' friends are satisfied—and with their honor for him they have infinitely less regard for the noble spirit of the man and that favor and distinction which his great merits and talents deserve than I have—his position may be a very useful one to the country. We cannot see results but it can hardly be looked upon as adding to his reputation. Individually he will be but subservient—the stepping-stone of his party rival to elevation and power. By the aid of his back and shoulders Mr. Breckinridge may attain the object of his ambition and the defeat of the Republicans may be achieved.

His I say may be a useful service to the country, but if such service were necessary under existing circumstances I should greatly have preferred to see the duty assigned to some other one—some one who would not have lost reputation by it; some one who would have even gained personal distinction as well as rendered beneficial service to his country. But I can say no more. We have fallen upon evil times. There are I fear but few of our public men nowadays who look to the country through any other medium except themselves and their own ambitious desires.

Yours, respectfully,

ALEXANDER H. STEPHENS.

[No. 3.]

JAMESTOWN, GA., *July 5, 1860.*

MY DEAR SAM: * * * You say you have just returned from Baltimore, whither you had gone and had advocated the claims of Douglas because in your judgment he was the only man who can break the tide of Republicanism, &c.

One thing is certain, the Democratic party have told the country time and again that conservatism was only in them; that the dissolution of the party was but another name for dissolution of the Union and that if the opposition would but support them to elect Buchanan the country would be safe and the Union preserved inviolate, &c. These delusive and unredeemed pledges and promises made fools of many a Southerner and committed them to the support of the party. I did believe for 1850-'51 that there was some hope for the country in Northern Democracy, yet I was suspicious all the time, but when the thin film was cast from my eyes (the first vote that was given in the House of Representatives when the question was direct) I have never had any difficulty in determining Northern policy and national Democracy from that day to this.

So far as my judgment is concerned—it may be bad and misguided, I only know it is honestly entertained—it is this (summing up the whole matter): The Union is inevitably dissolved unless the pocket nerve of the Northern manufacturer and merchant is sufficiently powerful to prevent it. Democracy has no more power over it now than my dog Joler, and in my judgment as a party never cared whether it was dissolved or not so that they held the loaves and fishes in their hands. As to Northern Democratic patriotism—excuse me. I know that criminations will do no good. I am sorry for it but I have no confidence in Douglas or Northern Democracy however much I do have in individuals.

I cannot think of any condition of things that would compel me to make a choice between Douglas and Lincoln. Nothing would induce me to vote for either of them. With regard to our lands. * * *

Very truly, yours,

A. W. REDDING.

[No. 4.]

CRAWFORDVILLE, GA., *August 2, 1860.*

DEAR ANDERSON: I have just got home after a two weeks' absence. Both your letters are before me. I am obliged to you for them. I shall accept the position of elector in this State and make the best fight that can be made. Our cause is hopeless in Georgia, but the path of duty is the path of safety. I don't know that my health will permit me to take a very active part in the canvass. I do hope that New York will prevent the election of Lincoln; that will be a great achievement. If Maine should go for Douglas in September it will give him thousands of votes at the South that he would not otherwise get. I have no time to say more. The hour is at hand for closing the mail. I am still feeble, very feeble, but better than when I wrote to you last.

Yours, truly,

ALEX. H. STEPHENS.

[No. 5.]

CONSTITUTIONALIST OFFICE,
Augusta, Ga., October 11, 1860.

S. J. ANDERSON, Esq.

MY DEAR SIR: * * * I should be glad to hear * * * whether you consider the vote in Pennsylvania, Ohio and Indiana as conclusive of the triumph of Lincoln in those States next month. Your opinion on these points has weight here, and our friends would be much gratified to hear the results of your calm judgment. People here are startled, perplexed and anxious at the prospect now staring them in the face of Lincoln's election. There is a deep-seated determination with many, and influential people too, to bring about a disruption in that event and they will be certain at least to do enough to create a great deal of commotion. This election will immensely increase the disunion sentiment of this section.

Yours,

JAMES GARDNER.

[No. 6.]

JAMESTOWN, GA., *December 1, 1860.*

S. J. ANDERSON, Esq.

DEAR SAM: * * * You say when you wrote your last letter you was somewhat waspish and that my reply looked that way too. This I think is true of us both and all I will say in justification of myself is that whenever I am told that the conservatism of Northern Democracy is all the South has to look to for her protection I simply know that it is not so, never was and never will be. But I am like Governor [Herschell V.] Johnson, I am willing to let the dead bury their dead and let bygones be bygones. I am willing to let the old party names and lines be obliterated forever with the hope of drawing together the honest of all old parties North and South in one common cause to the rescue of the whole country. On this point I will not enlarge.

You say that you and Stephens were antagonistic on the subject of separate secession. I never differed with him. If he was all the time in favor of making resistance in the Union step by step as proposed by the Georgia platform of 1850 I was never otherwise but with him. I am for co-operation of the Southern States, and when the first Northern State (Massachusetts) passed her law repudiating the fugitive slave law I held then as I do now that Governor Brown, of Georgia, in obedience to authority given him by the Georgia legislature (which I thought to be in exact conformity with the Georgia platform) should then and there have called the legislature together to take measures of redress and pass laws of retaliation after proper negotiations had failed and been refused and unheeded, but he did not do it. He refused to do it and I placed him and his immediate counselors then where I think they will be found now—make a big smoke when there is some one who can't help seeing it but when it is sifted there will be but little fire of the right kind found in it.

Now for Stephens' speech at Milledgeville. I approve every word of it touching our Federal relations; believe that every measure and mode of redress suggested the very best that can be done. It is what ought to be done, and I will sustain so far as I can Stephens or any other leader in this case irrespective of party names. And like you I think it is the highest evidence of a great mind and a thoroughly qualified

politician for the occasion. I am with him and always have been before the doctrine of non-intervention by Congress on slavery in the Territories. I want no slave code nor do I think Congress ought to pass any or that our interest requires any. I am much pleased to hear you express the hope that the offending States may repeal those laws on fugitives so justly obnoxious to the South and her interest, and I am sure I have pleasure in knowing that "Little Aleck" shall be the medium through which it may be done, alike honorable to the North and the South. As he has said truly time has laid Massachusetts and South Carolina side by side in their vote upon the tariff. That in 1832 placed these two States so antagonistic; now they meet upon common ground and vote alike for a tariff. May we not hope that the present difficulty may be averted and that soon we of the South and the North may see alike upon this negro question? I verily believe it may be—nay will be so if we can keep such men as Yancey and other unconditional seceders from running away with the people. If the South secede unconditionally or make resistance in or out of the Union I am with her. Her destiny is my destiny, and in her bosom will I live and die and among her hills and valleys shall my bones rest, whether she act wisely or unwisely.

I have always understood that Aleck governed Toombs much more than Toombs did Stephens. This too I suppose should be so, as I never had any difficulty in awarding very superior ability in Stephens over Toombs, yet I am glad that Aleck is separated from Toombs. I have more confidence in his ability and his intentions to do right when I know he is freed from the influence (if any) of Robert Toombs. I cannot but think that we as a nation have not yet fulfilled our destiny, and that somehow or someway else by the blessings of the God of nations and the keeping our powder dry we should weather the storm, yet I confess it looks most dark and forbidding just now. Whenever an opportunity presents itself of disposing of our Worth lands I shall not be slow to let you know it. They are somewhat inquired for by speculators since they were advertised last year, but I have had no offer for them. I have been asked my price, and have said $2 per acre cash would buy them.

I am, truly, yours,

A. W. REDDING.

[No. 7.]

CRAWFORDVILLE, GA., *January 8, 1861.*

S. J. ANDERSON, *New York.*

DEAR ANDERSON: Your letter of the 2d instant was received last night. I also got one from you in November last, which I have not as yet or before this acknowledged. I was truly obliged to you for it, as I am for the one now before me, but was really too much occupied at the time to send an acknowledgment, especially as there was nothing in it that required special reply. I am now more at leisure, though still under pressure. In a few days I am to leave home for our convention to be absent no one knows how long. What our State will do I cannot tell. From reports it appears that the extreme men will be in a large majority in the convention. I shall, however, still hope for the best while I hold myself prepared for the worst. There would be no difficulty in this matter if our people really wanted a settlement of the question—I mean our ultra leading men—but I fear they do not,

What is to become of the country I do not know. My health is very feeble. What I can do to save our institutions shall be done. Let me hear from you often.

Yours, truly,

ALEXANDER H. STEPHENS.

This is for yourself only.

A. H. S.

[No. 8.]

WASHINGTON. D. C., *January 23, 1861.*

S. J. ANDERSON, Esq., *New York.*

DEAR SIR: As the agent of Colonel Prevost I have taken the liberty to open your note to him of the 20th instant. * * * I learn on inquiry that passports of which you speak are not issued by the Government. The only way to get through is to go by the way of Kentucky.

Very respectfully,

J. V. HITCHCOCK,
Agent for Col. C. Prevost.

[No. 9.]

CHARLESTON, *February 7, 1861.*

S. J. ANDERSON, *New York.*

DEAR ANDERSON: * * * I must frankly say to you, however, the Democracy of the North must not rely too much upon the hope of a reconstruction of the old Union. It cannot be done. This I am satisfied is a fixed fact. An attempt at such a thing would plunge the South into a bloody conflict at home and for that reason it will be resisted at the threshold. As you say if there ever should be a reconstruction of some sort of union or confederation between the North and the South that it will take place under treaty and compact and not by compromise or amendments to the present or late Constitution. There are other questions in my opinion more vital to the cotton States than slavery that should constitute an impassable barrier to her ever entering into another union with the North.

I will explain. As long as cotton is king and the millions in Europe and Great Britain are dependent on it for employment and the civilized and uncivilized world for raiment so long will the institution of slavery exist and flourish in spite of the howlings and demented cries of the entire crew of abolitionists. For this I have no fears in or out of the Union. But as long as the Constitution contains a clause by which the South can be subject to unlimited taxation by an irresponsible majority in Congress through a tariff professedly for revenue but really to protect and build up the moneyed interest of one section at the expense of the other the cotton States will never consent to go back into the Union. I consider this question of equal if not greater importance than that of slavery. In all the compromises proposed not one word has been said to the South holding out the slightest hope of security on this point in future. But what is the fact in relation to this matter?

While the country is torn to atoms, the Union in fragments and the seat of government absolutely under the control of a military dictator, and the streets bristling with Federal bayonets, another bill of abominations is being urged through Congress. Is it strange then that we

should shrink from the reconstruction of a union that will fasten its coils around us as the loathsome reptile would around its doomed victim? Oh, no, the Union cannot be reconstructed—no, never. It then being a fixed fact that the Union cannot be reconstructed, and that henceforth the two sections must work out their own respective forms of civilization under separate governments, what should the North do? Can coercion reconstruct a Union which was a compact founded upon mutual sympathy and good will between independent confederate States? I am sure every thinking man at the North will answer no; a forced union would be a curse to both sections.

Can anything be gained by civil war? The Democracy and conservative men at the North must answer this question. The issues of such a war would be fearful indeed. It would inevitably bring the North in conflict with England and France. We have little or no shipping to care for. England and France would carry our cotton under their flags and bring us wares and merchandise in return, and while the North was waging a bootless war on land letters of marque and reprisal would be sweeping her commerce from the ocean. But let it be the privilege of the Democracy and conservative men of the North and Northwest to roll back this tide of threatened civil war. They can do it, and under a Northern confederacy strangle the Black Republican monster that has robbed them of the rich inheritance of their fathers. Let the South alone and suffer her to form her government in peace. Then such a commercial treaty and compact can be entered into by both nations as will secure the uninterrupted march of each in its onward progress. These are my views plainly and frankly expressed, and I feel satisfied that your judgment will assent to their correctness.

A word now about Fort Sumter and I will not inflict you further. We are all ready for the attack of that fortification. No movement will be made, however, until the action of the Southern Congress is known. If when it is demanded with other Southern forts by the commission from the Southern Confederacy it is not given up it will then be attacked and I can assure you it will be no child's play. The men who had the nerve to fire into the Star of the West with an armed force on board of her with the guns of Fort Sumter frowning upon them with threatening destruction can be trusted in times of danger. Our people are quiet, cool and determined. We can bombard it simultaneously from seven different points. It cannot be re-enforced.

I trust, however, it will not come to this. When it is evident that a Southern confederacy will be formed and recognized by foreign powers I hope there will be good sense enough at least among the leaders of the Republican party if not in the rank and file to see the wisdom of withdrawing the troops and arranging the terms of separation in an amicable manner and on the principles of justice and equality. * * *

I remain, as ever, yours, sincerely,

F. M. ROBERTSON.

[No. 10.]

CHARLESTON, S. C., *February 15, 1861.*

S. J. ANDERSON, Esq., *New York.*

DEAR ANDERSON: Yours with the inclosed slip was received this morning. I am inclined to think that there is not another man in the city of New York who has the moral courage to do what you did on the reception of the news of the organization of the Confederate States of America. I gave the slip to the Mercury and it will appear in the

issue to-morrow morning. Would that we had thousands of such firm and clear-headed men at the North. My letter to you was written in a plain, free and frank manner, carefully avoiding anything calculated to hide the truth or mislead any one. I feel flattered that you should have thought it worthy of publication though I am glad you have suppressed my name. I made an effort to get the paper it was published in but could not find it at either of our printing offices. If you can get a paper cut it out and send it to me. I kept no copy of my letter.

I received a letter from Toombs this morning. To my question as to a feeling toward a reconstruction of the old Union he states that there is not the slightest idea of such a thing. To use his own language, "There is no difference of opinion here, and we are working day and night to put into operation as speedily as possible a permanent government forever." If Lincoln does not open his eyes to the true condition of things when he arrives in Washington we shall certainly have war. We shall be ready for him, and I trust the Southern Congress will give the word before he can get warm in his seat. If we are to have war Fort Sumter must be ours before he can possibly re-enforce it. Keep this to yourself. Should anything of interest turn up I will write you again.

Yours, truly,

F. M. ROBERTSON.

[No. 11.]

CHARLESTON, *February 19, 1861.*

S. J. ANDERSON, Esq., *New York.*

DEAR SIR: This morning I received yours of 15th instant. I am unable to say whether any one is in your city employed to give important information in relation to our affairs, but under the system of vigilance and signals that characterize the doings in and about our harbor I greatly doubt the ability of any one much less a body of men to enter it but at great risk. The defenses are almost perfect in every respect with abundant force to work them, and although the Daniel Webster cleared for a port in Texas she may try to enter here. I would rather not be aboard if she does. In five-eighths of a mile of Fort Sumter there is an impregnable mortar and columbiad battery that will tell a tale when necessary. It is externally secured with heavy railroad iron and port holes protected by huge iron doors of great weight. A water battery filled with cotton and palmetto logs to carry four long 42-pounders will be launched to-morrow and will be ready in a few days. It will be anchored in the daytime near Fort Sumter. It is to be hoped that the fort will be surrendered when a demand from the Confederacy is made, for if it is not it will be taken at any cost. Long before you get this you will have read President Davis' inaugural. To my notion it is an excellent production and he means what he says. We can raise right here 5,000 men in a few hours, all well drilled, equipped and officered. I would like to hear from you often. I have two sons in service. One left home 26th of December and was only relieved yesterday.

Very respectfully,

W. M. MARTIN.

[No. 12.]

JAMESTOWN, GA., *March 15, 1861.*

DEAR SAM: * * * Every man of the South so far as I know or have heard I believe will maintain the present position of the South-

ern Confederacy to annihilation. It is true that the course I thought it best to pursue was not acquiesced in by the majority and I yield to the will of a majority. I still think with the incredulity of the North that had all the Southern States co-operated and made a common demand for redress and grievances I dare say such demand had been insultingly refused, which would have committed the whole South and consequently all would have gone in a body out of the Union or about the same time. It may not be so great a calamity as I once thought it might be for the border States to remain outside the Confederacy as they will make so many outside rows in the political field upon which the enemies of the South may feed upon the shaded and stunted maize of our Southern farm and until we can get more cleared lands in Mexico to extend our cotton and negro influence.

The question of peace or war has been exceedingly complicated when judged of by old Abe's foolish sayings by the wayside, or even by his inaugural or any of his subsequent acts, so far as I can see and judge. The latest accounts we have, however, indicate a disposition to yield to the South the forts now held by the old Government. There are such a multiplicity of sensational items published as emanating from Lincoln and others in authority that I cannot tell when I have seen or heard the truth. I have to wait in painful suspense for many days for its confirmation or denial. I am pretty sure of one thing, that the possession of these forts is nothing more than a question of time; each party I think is studiously avoiding the first overt act. To re-enforce these forts is equivalent to a declaration of war. That Fort Sumter will be compelled to surrender or be re-enforced soon is a military necessity that even such men as I am can foresee. I trust that the sacrifice of human life will be averted which will be required to storm it or to re-enforce it, but if the necessity is forced upon us we will take it.

Our independence we will have acknowledged and maintained. I think the idea of a reconstruction of the Federal Union is lost sight of in Georgia. There are many of us that still love the Union and would be rejoiced to see it reconstructed upon proper and equal terms, yet we are compelled to confess we are in woeful minority now. It is too true that the South has been precipitated into a dissolution of the Union for the sake of disunion and that its leaders have no idea now of ever making any overtures or receiving any. The Government is dissolved and it is forever dissolved. Not a shadow of hope for its reconstruction remains so far as I can see.

I confess to you that while I feel it to be my duty as well as my interest to yield my assent to the powers that be in this new Confederacy and to afford all my influence in its favor, yet I am very jealous of its leaders. The cabinet of President Davis I have but little confidence in—as to Bobuel Toombs I have none. If Aleck was in his place, or was a direct member of the cabinet, I should have much more confidence in it. It appears to me a very egotistical arrangement—a one-sided affair, and until I can see a larger share of magnanimity in it than has yet been manifested I shall have fears and doubts. I know that it is no selfishness in me. I do not want and would not willingly accept any office in the gift of any Government or men, but when I see any order of men appropriate by word or deed all the honor and glory, patriotism or moral worth to themselves I know that set of men whether in church or state, socially or individually, will bear watching—they never prove themselves to be what they profess.

If our Government gets into trouble, and the time should come (God forbid it ever should) when it is being inquired into "Who did it?" I should not be surprised that Bonaparte's example would be too clearly copied by some of the "great I am." I fear there are those in the cabinet who would not scruple to play a *coup d'état* upon our beloved country. Nevertheless there is an immeasurable difference between our present position and that sought to put us in by our former Northern brethren. I will trust, however, that both our fears proceed more from our anxiety than otherwise. Before this reaches you I hope that things will so far have developed themselves that we shall know what is the policy of Lincoln's (if he have any) Government. Suspense begins to be more onerous than reality in its worst anticipated shape.

Since writing the above Sunday has passed over and another mail arrived which gave us no additional information, except that dame rumor says that the talked-of withdrawal of troops from Fort Sumter is a ruse. I feel deeply mortified that the two sections should be so bitterly arrayed against each other. It is precisely like a family feud. I would treat my Northern brethren with the greatest respect and kindness if they would let me do so and at the same time enjoy my rights and immunities, but so help me God I will spill the last drop of blood in these old veins and spend the last red cent in the locker in the defense of these rights. And what is more, we intend to resist their insidious encroachments now and forever. They have boasted that we of the South cannot get along without their aid. Well, if they so believe, just leave us to our own ruin and we are content. We believe that we have all the elements of greatness as a nation and a people that ever clustered around the glory of any nation; we believe that the development of these elements has been retarded and kept back by Northern capital and Northern cupidity; we believe that that capital has been located North more by accident than otherwise; we believe that the Northern States by nature (not by law) should have been dependent upon the Southern States, and will be so when we assume our natural position—our position in obedience to our natural and physical resources.

* * * I shall be pleased to hear from you frequently. You are in the midst of the enemy's country; you are at headquarters; just give us the dots. I want to know what is the spirit of the yeomanry of the country, &c.

I am, as ever, your friend, most truly,

A. W. REDDING.

[No. 13.]

NEW YORK, *August 6, 1861.*

DEAN RICHMOND, Esq.,
Chairman of Democratic State Committee.

SIR: An organization of influential citizens styled the Democratic States Rights Union Association has been formed in this city to sustain and uphold the Constitution of the United States. It is opposed to the coercion of States, hostile to the arbitrary and unconstitutional acts of the present Federal Administration and favorable to peace and a restoration of the Union. Its purpose is to assist in rallying public opinion, now temporarily perverted by misconception or restrained by terrorism, in favor of the objects above indicated, and especially to direct it to the real cause of our national difficulties, viz, the repudiation by the Republican party of the Constitution as it has been truly and justly expounded by the Supreme Court of the United States.

In order to place before your committee more fully the objects of our organization and to offer our co-operation with you for the purposes above indicated a committee was appointed at the last meeting of the association to visit Albany to confer with your committee. This committee is composed of Messrs. Jacob H. V. Cockroft, S. J. Anderson, whom by this letter we beg leave to introduce to you.

By order of the association:

Very respectfully,

R. G. HORTON,
Secretary.

—

DEPARTMENT OF STATE, *Washington, September 11, 1861.*

Lieut. Gen. WINFIELD SCOTT, *Washington.*

GENERAL: The letter written by Samuel J. Anderson, a political prisoner at Fort Lafayette, to the President has been referred to me. Having examined the case I am satisfied that a discharge of the prisoner from custody would not be compatible with the public safety.

I have the honor to be, general, your very obedient servant,

WILLIAM H. SEWARD.

—

FORT LAFAYETTE, *September 30, 1861*

C. WENDELL, Esq., *Washington, D. C.*

DEAR SIR: An old friend is in durance vile. If he does not get out in fifteen days he is ruined in more ways than one. There is no charge against him. This you can easily ascertain.

S. J. ANDERSON.

—

BUFFALO, *October 4, 1861.*

Hon. WILLIAM H. SEWARD.

MY DEAR SIR: I write you on behalf of Mr. Anderson (inclosing papers), now a prisoner in Fort Lafayette, whose wife is a cousin of my wife. I know not on what evidence the Government has arrested and imprisoned him. I do not believe, however, from my many conversations with Anderson he has been playing in any respect the part of a spy or aiding the Southern Confederacy in any way. If he has he must of course suffer the consequences of his own conduct, and I would not attempt to procure his release. As a Southern man he doubtless does to some extent sympathize with his friends of the South. My real opinion in reference to him is that he thinks the South has been too fast and that it would have been much better for them to have quietly submitted to the election of Mr. Lincoln than to have inaugurated a civil war with all its horrors. I am sure as he has often said, taking into consideration his marriage with a Northern lady, his business interests being here, his residence also here, he had a firm purpose to remain neutral and in no manner render himself obnoxious to the censure of the Government. His wife is much distressed at his imprisonment, because he is quite subject to rheumatism and the confinement in so damp a place tends to aggravate his illness. I do not mean that he is sick but that he suffers from rheumatic pains in his limbs considerably. Now I well know you are not deaf to the humanities of life, and if you can consistently with the public safety and your duty as a public servant, I trust you will release Mr. Anderson.

Yours, very respectfully,

JNO. C. STRONG.

[Inclosure No. 1.]

William K. Blasdell, of [Buffalo, N. Y.], being duly sworn deposes and says that he is a farmer living on his farm near Springville in the county of Erie; that he is the father-in-law of Samuel J. Anderson now a prisoner in Fort Lafayette; that the family of said Anderson consists of his wife, the daughter of this deponent, an infant child between one and two years of age and a son by a former wife some thirteen or fourteen years of age; that the said family of Mr. Anderson has resided with this deponent for the past two or three years; that deponent has had frequent conversations with said Anderson on political subjects; that he is as deponent understands a native of the State of Georgia; that he owns as this deponent is informed and believes large tracts of land in Georgia and has many friends in the said State; that this deponent believes that he understands the political views of the said Anderson; that he supported Mr. Douglas in the last canvass because in the opinion of said Anderson he occupied middle ground between the extreme sentiments of the anti-slavery men of the North and the proslavery men of the South; that said Anderson went South this last spring to the State of Georgia to look after his interests, remaining South four or five weeks, and on his return spent several weeks with his family in the house of deponent; that he then returned to the city of New York where he has resided for several years past to arrange and settle up his business so he could come and spend the summer and winter on the farm of deponent with his family; that deponent knows it was his intention to come to Erie County and spend the balance of the summer and the coming winter with his family in the house of this deponent; that he had no intention of going South or of participating actively in any manner or form in the civil war now going on in the country; that while deponent knows that the sympathies of said Anderson are those of a Southern man by birth and education he also knows that said Anderson has frequently said to this deponent he regarded the South as having been hasty and too precipitate in the appeal to arms, and that it would have been better to have sought to redress political evils by political remedies; that on his return from the South said Anderson told deponent he had seen both sides of the controversy and heard the prominent men of both sides talk and that he should side with neither party but remain neutral, or words to that effect and import; that from the many and various conversations this deponent has had with Mr. Anderson he is well persuaded that the firm purpose of said Anderson was to remain neutral in this controversy. And deponent firmly believes said Anderson has done nothing inconsistent with the said position; that he desired a preservation of the union of the States. And deponent further says that said Anderson is a slim man, of slender constitution and health, and from the letters of said Anderson to his family and from what deponent knows of his health the confinement of said Anderson will be and is as deponent verily believes prejudicial to his health and very injurious to his business interests and the real welfare of his family. And further deponent saith not.

WM. K. BLASDELL.

Sworn before me this 4th day of October, 1861.

CUYLER GARRETT,
Commissioner of Deeds for Buffalo.

[Inclosure No. 2.]

John C. Strong, of [Buffalo, N. Y.], being duly sworn says that he has known Samuel J. Anderson, spoken of in the foregoing affidavit, for three or four years last past; that he has often conversed with him on the political subjects of the day; that on his return from the South and some time in June last as deponent now remembers the time he had a conversation with said Anderson at the Wadsworth House in this city; that though this deponent cannot remember the precise words of said Anderson he remembers very distinctly that he disapproved of the hasty action of the leaders in the Southern States, and expressed the opinion that the war might have been avoided and all the evils complained of redressed by political means; that from conversations with the said Anderson deponent verily believes it was his firm purpose to attend to his private business in New York and remain neutral during the war, taking no active part with the one party or the other; that while said Anderson had the sympathies and feelings of a Southern man and expressed them deponent believes it was the firm purpose of said Anderson to refrain from all or any active participation in the controversy and attend to his own private business. And further deponent saith not.

JNO. C. STRONG.

Sworn before me this 4th day of September [October], 1861.

CUYLER GARRETT,
Commissioner of Deeds for Buffalo.

[Inclosure No. 3.]

I am well acquainted with Mr. Blasdell and Mr. Strong who have made the foregoing statements. They are respectable citizens and are entitled to full confidence. I commend them to your favorable consideration. You will probably recollect John C. Strong who formerly resided at Geneva and praticed law in the Seventh district. He will write you personally on this subject.

E. G. SPAULDING.

—

DEPARTMENT OF STATE, *Washington, October 9, 1861.*

Hon. E. G. SPAULDING, *Buffalo, N. Y.*

SIR: Lieut. Col. Martin Burke, commanding at Fort Lafayette, New York Harbor, has been this day directed to release Mr. Samuel J. Anderson upon his taking the oath of allegiance and engaging not to enter or communicate with any of the States in insurrection against the authority of the Government of the United States during the present hostilities without permission from the Secretary of State.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

—

FORT HAMILTON, *New York Harbor, October 11, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Inclosed please find oath of allegiance and parole of Samuel J. Anderson whom I have this day released by your order. * * *

Very respectfully your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

[Inclosure No. 1.]

FORT HAMILTON, N. Y., *October 11, 1861.*

I, Samuel J. Anderson, do hereby give my word of honor that I will neither enter any of the States in insurrection against the authority of the Government of the United States nor hold any correspondence or communication whatever with them during the present hostilities without permission of the Secretary of State.

S. J. ANDERSON.

[Inclosure No. 2.]

STATE OF NEW YORK, *County of Kings, ss:*

I, Samuel J. Anderson, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States against all enemies whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any State convention or legislature to the contrary notwithstanding; and further that I do this with a full determination, pledge and purpose without any mental reservation or evasion whatsoever; and further that I will well and faithfully perform all the duties which may be required of me by law. So help me God.

S. J. ANDERSON.

Sworn to and subscribed before me this 11th day of October, 1861.

CHARLES W. CHURCH,
Justice of the Peace.

—

79 SPRING STREET, NEW YORK, *October 12, 1861.*

Hon. W. H. SEWARD, *Washington, D. C.*

SIR: After thanking you for the promptness of your attention to my case I beg leave to say that I shall do myself the honor of calling on you within a few days. I have a letter from John A. Kennedy, esq., to you which I shall retain until I reach Washington. I have taken an obligation which is binding upon me and which I have no inclination to qualify or evade. This obligation was imposed upon me as the condition of my release from a distressing and ruinous imprisonment. I have taken it and will keep it. I shall ask, sir, to be permitted to bring to your official notice certain facts in relation to individuals now incarcerated in Fort Lafayette which from my recent association with them I am enabled to do with accuracy.*

I have the honor to be, very respectfully, your obedient servant,

S. J. ANDERSON.

—

KIRKWOOD HOUSE, *Washington, October 16, 1861.*

Hon. WILLIAM H. SEWARD.

DEAR SIR: I arrived here this morning. I inclose a letter from John A. Kennedy, esq. May I ask you to indicate an hour when I may expect the honor of an interview?

Very respectfully, your obedient servant,

S. J. ANDERSON.

* See p. 688 *et seq.* for case of Robert Elliot.

[Inclosure.]

OFFICE OF THE SUPT. METROPOLITAN POLICE,
New York, October 12, 1861.

Hon. W. H. SEWARD.

SIR: The bearer of this is Mr. S. J. Anderson, lately confined at Lafayette. He desires an opportunity to communicate with you personally. I therefore take the liberty to introduce him. He is a man of education and capacity and may prove of value at this time, as he feels himself entirely severed from his former friends by recent events.

Very truly, yours,

JOHN A. KENNEDY.

ASTOR HOUSE, *New York, November 1, 1861.*

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SIR: I have just returned from Erie County after an absence of some ten days. I can perceive no prospect of obtaining suitable employment for my mental and physical energies hereabouts. My political course and predilections have separated me from my former political friends here, and the conditions of my parole sever me from my friends in the South. Those conditions, however, are subject to remission by the Secretary of State. I have agreed not to go to a seceded State or write to any one therein without permission of the Secretary of State. I am therefore invited indirectly to apply for that permission. Political friends of yours, sir, somewhat interested in my affairs, have kindly tendered their good offices to obtain a passport from you releasing me from my parole. I have concluded, however, to select the more direct method of addressing you personally. I therefore ask you, sir, to grant me a remission of my parole, which I have no inclination to violate. Situated as I now am I am useless to myself and to others. As an humble individual I would appeal to the magnanimity of a powerful Government which could receive no perceptible detriment at my hands even if I were its bitterest foe. But I respectfully submit that I cannot be so considered while I firmly adhere to the motto, "Union and liberty, one and inseparable, now and forever."

I have the honor to be, respectfully and truly, your petitioner,

S. J. ANDERSON.

NEW YORK, *July 22, 1862.*

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SIR: I address this to you for obvious reasons. You are familiar with my case. The present Secretary of War was not in office when I was released from Fort Lafayette on parole. That parole was dictated by you as Secretary of State. From the best information in my power to obtain I was arrested by order of General Scott. When I addressed President Lincoln inquiring as to the charges against me he replied to me in prison through the Adjutant-General. When I was released on parole, however, my release came through your office. I have since had the honor of addressing you on the subject of remitting my parole. It now appears from the public prints that Generals Hill and Dix are to

meet for the purpose of agreeing upon a permanent basis of exchange of prisoners, &c., and that lists of all prisoners confined and on parole are to be furnished. I have to request that my name may not be omitted from the list of prisoners on parole.

I am, very respectfully, your obedient servant,

S. J. ANDERSON.

Case of Ellis B. Schnabel.

This person was arrested in Connecticut by the U. S. marshal of that State and committed to Fort Lafayette August 29, 1861, by order of the Secretary of State. He was charged with disloyalty; with making treasonable harangues at peace meetings in Connecticut and with publicly denouncing the Government. An order was issued from the Department of State dated September 5, 1861, directing Colonel Burke, commanding at Fort Lafayette, to release Schnabel on his taking the oath of allegiance. Schnabel declined to take the oath and his release at this time, but subsequently expressed a desire to be released on taking the oath and an order was issued from said Department October 22, 1861, again directing Colonel Burke to release Schnabel on his taking the oath. He was accordingly released October 24, 1861.—*From Record Book, State Department, "Arrests for Disloyalty."*

OFFICE OF THE U. S. ATTORNEY, *Newark, August 30, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: The U. S. marshal of this State has to-day seized two trunks belonging to Ellis B. Schnabel, yesterday arrested in Connecticut and now in Fort Lafayette. He wishes me to direct him what to do with them, and I therefore refer to you for instructions.

Very respectfully, your obedient servant,

A. Q. KEASBEY,
U. S. Attorney.

OFFICE OF THE U. S. ATTORNEY, *Newark, September 2, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: The trunks of Ellis B. Schnabel seized by the marshal of this State were examined to-day and nothing of a suspicious or doubtful character found. The papers consisted chiefly of old correspondence and notes for Douglas speeches. No recent correspondence appeared.

Very respectfully, your obedient servant,

A. Q. KEASBEY,
U. S. Attorney for New Jersey.

DEPARTMENT OF STATE, *Washington, September 5, 1861.*

Col. MARTIN BURKE, *Fort Hamilton, N. Y.*

COLONEL: Ellis B. Schnabel, confined in Fort Lafayette, may be discharged upon the condition of swearing before a competent magistrate

to the oath* of allegiance in the form herewith transmitted. The discharge should also, however, be accompanied by a proper admonition to the prisoner.

I have the honor to be, colonel, your obedient servant,

WILLIAM H. SEWARD.

—

FORT HAMILTON, *New York Harbor, September 8, 1861.*

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States, Washington City.

SIR: Ellis B. Schnabel is still a prisoner, he having refused or declined to take the oath of allegiance forwarded to me from your Department on the 5th instant.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, U. S. Army, Commanding.

—

FORT HAMILTON, *New York Harbor, September 10, 1861.*

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States.

SIR: I herewith inclose a letter from one of the prisoners. I do not feel myself at liberty to withhold it although it not being in my opinion respectful.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, U. S. Army, Commanding.

[Inclosure.]

FORT LAFAYETTE, N. Y., *September 8, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: The officer in command of this fort where I am detained as a prisoner at your instance has tendered me an oath as a condition of my release, the phraseology of which is so extraordinary that in my humble opinion no true lover of freedom, no honest supporter of the Constitution and laws can take without incurring the risk of being compelled either to violate his oath or become an auxiliary in the sacrifice of the Constitution in case the Government should adopt measures involving an infraction of that instrument. I can not and will not take an oath which may under certain contingencies oblige me to support a party or sectional organization. I will follow the lead of the Constitution and laws—nothing more, nothing less. Nor will I voluntarily part with my rights (as required by the terms of your oath) to express my opinion on all measures adopted by the Administration for the suppression of the existing war. There is wisdom in a multiplicity of counsel. Besides I have yet to learn that this or any other Administration is, was or will be immaculate. The concluding part of this oath requires me to surrender my constitutional rights. Sir, I will surrender them only with my life. My ancestors shed their blood on the fields of the Revolution to secure these rights for me. I will maintain and transmit them if possible by a like sacrifice.

I am not an advocate for the atrocious doctrine that "amidst arms laws are silent," although I will consent to take an oath to the follow-

* Not found, but see Schnabel to Seward, p. 623.

ing effect, drawn up and worded by myself, for until you are proclaimed dictator I shall dispute your right to dictate any oath unknown to and unsanctioned by the Constitution and laws: That I will support and defend the Constitution and obey all the laws of the United States while they are alive upon the statute book, but whilst I will obey a bad law I will at the same time claim the right to advocate its repeal as speedily as possible, else I am a slave. Further in protecting and defending the Constitution I will maintain the undeniable fact that the Union is the greatest blessing to our country (excepting the principles of civil and religious liberty) that a kind Providence has permitted us to enjoy, and that the free States are mainly indebted to that Union for their unparalleled prosperity and can only perpetuate and increase their triumphs beneath that grand Federal arch. But I will take no oath of any description which contains some hidden purpose covering an intended future policy, or is thrust upon me merely to provide a pretext for my release from this Administration jail. If I am guiltless (which you well know whether I am or not) discharge me from that fact; it alone is sufficient.

You, sir, have acted under evil and impolitic advisement in my arrest. I am void of offense. I have not solicited my liberation at your hands and never shall nor has any person to my knowledge; nor have I importuned any one to solicit my release. Sir, I will neither give nor take anything which is not comprised within the laws of my country. The tribunal therein established I seek and demand as the right of an American citizen. When the laws cease to protect the remedy of the outraged citizen then becomes plain and imperative. I await my trial, sir, although I will unhesitatingly make oath to the effect above mentioned for the following reasons:

First. Because I am already bound by a similar oath as a member of the legal profession together with my hereditary obligation and because my sense of duty, my conscience and judgment approve. Up to this moment my whole life attests the faithful fulfillment and observance of these sacred and solemn responsibilities.

Second. Because in case I did not renew this oath the bare fact that an oath was tendered and refused would afford a pretext for the partisan press to charge me with treasonable purposes, otherwise it would be proclaimed I could not reasonably hesitate to take the oath. That press has already abused the public mind by falsehood in relation to the meeting I addressed in Litchfield County, Conn.

I will therefore take the oath described by myself to do my duty (which has been done heretofore and would be equally well done without the additional affirmation) as one mode of self-defense. At the same time I cannot reconcile my mind to the opinion that the mere offer of an oath to a man free from all charge of error is not a sinister mode of casting an imputation upon his conduct, especially as your letter ordering the oath to be tendered directs that I be discharged with a rebuke or reprimand. Sir, until I am proved guilty of some offense, if you or Colonel Burke or President Lincoln himself attempts a reprimand I shall resent on the spot the indignity offered as a gratuitous insult. If I am guilty of treason, hang me; but if my true record shows that I have denounced treason, privation of rights and violation of law do me the justice to which I am entitled uncoupled with unmanly circumstances. I know my rights and yours, as well as the inflexible limits which the people will fix to the exercise of delegated power; hence it is useless at a time like this to approach me in an oblique manner. Prefer your charges, confront me with my accusers, summon

a jury of my peers, try me by the laws of the land if there are any remaining. I will abide the result. Or with frank dignity acknowledge your error in my arrest and open the iron doors of your prison to a man whose devotion to the Union and the Constitution is at the very least equal to that of the most valiant champion of your peculiar views. The cause of our unhappy country will be better served by fair dealing tending to allay unnecessary and dangerous excitement rather than by heaping up wrongs calculated to arouse bitter personal hostilities.

I have written in great haste as I have received word from Colonel Burke that my answer is desired at once; hence have neither time nor opportunity to review or digest this communication. May God bless our distracted country, preserve our Constitution, perpetuate our great Union and imbue all public officers and private citizens with a generous love of liberty and strict obedience to the laws.

Respectfully,

ELLIS B. SCHNABEL.

P. S.—It would be well to examine carefully the oath tendered me, as you have made interlineations with a pen in the printed form and erased part of the original the import of which now you may not have sufficiently considered:

I do solemnly swear that I will support, protect and defend the Constitution and Government of the United States against all enemies whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any State convention or legislature to the contrary notwithstanding; and further that I do this with a full determination, pledge and purpose, without any mental reservation or evasion whatsoever; and further that I will not by speaking or correspondence interfere with the measures of the Government for suppressing the existing insurrection. So help me God.

—

WAR DEPARTMENT, *Washington, September 10, 1861.*

Col. MARTIN BURKE, *Fort Hamilton:*

You will now retain Ellis B. Schnabel a prisoner, and not again tender him the oath which he refused.

WILLIAM H. SEWARD,
Secretary of State.

—

JERSEY CITY, *September 12, 1861.*

Mr. WEBSTER.

DEAR SIR: It has been reported that a man by the name of Schnabel, now confined at Fort Lafayette, was tendered his liberty yesterday if he would take the oath of allegiance which he refused to take. My object in writing to you is to put you in a way of gaining information regarding this man. I refer you to R. Van Valkingburgh, who can inquire of Mr. Weldon (who you know by reputation), who can give you information by which it can be proven that Schnabel was in Richmond last spring. I have had near 100 arguments with him myself up to within one week of his arrest and upon all occasions he was loud in his denunciations of the present Administration. He is a bad man who with his power of declamation can do great harm. He is well known in Jersey City and all affirm that the Government would do well by keeping him confined until the war is over.

Very respectfully, yours,

B. VAN RIPER,
Superintendent Folding Department, U. S. Senate.

SUPERINTENDENT OF THE METROPOLITAN POLICE,
New York, September 28, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: In relation to Mr. Ellis B. Schnabel and the propriety of his being speedily released from arrest it is proper that I should say to you that he had attracted my attention before he went to Connecticut to make peace speeches. An agent of Mr. Samuel Colt came down to New York in search of Schnabel in the early part of August, and failing to find him called on the police for assistance. Schnabel was found and an interview was had, but the proceedings were conducted in such a manner as to excite my suspicion that some improper proceeding was contemplated between Colt and Schnabel. I inferred from disconnected remarks of the parties that Schnabel had a commission to purchase arms, which Colt having ascertained had sent his agent to New York to secure the customer, having been long ago convinced that Colt was ready to sell his wares to whoever paid most.

On the strength of this, instead of writing I sent the officer who had assisted in searching up Schnabel to Hartford to report the whole affair to Governor Buckingham and put him on his guard against Colt and Schnabel. His acknowledgment to me of the service is dated August 14, which fixes the time of S. going to Connecticut on the invitation of Colt, and shows that although I was in error in supposing Colt wanted him to buy arms he had other occupation for him, for he immediately opened his peace campaign after reaching Hartford. He had no sooner begun his traitorous harangues than Daniel S. Dickinson fired up and sent me by the hands of his attorney in New York a complaint against Schnabel for having obtained from him under false pretenses his signature to an instrument of writing (a note of hand for $500) in December of 1856. My officer was after Schnabel, and was only an hour or so behind the U. S. marshal of Connecticut when he made the arrest. These papers have since been returned to Mr. Dickinson, he only being influenced by the design of arresting his treason by arresting Schnabel himself.

I know of no good reason for letting him out and keeping others in confinement. He is a very plausible man and had the sagacity with S. J. Anderson to treat Stanley kindly while the others regarded him with suspicion. It would probably be well to institute an inquiry somewhere and ascertain who paid his expenses and was to continue paying them during his sojourn in Connecticut. He had but little money when arrested, and the landlord where he had been stopping in Jersey City has a lien on his baggage of $138. I examined the baggage but found nothing wrong in it.

Very truly, yours,

JOHN A. KENNEDY,
Superintendent.

FORT LAFAYETTE, *October 16, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I wrote to you on the 8th of September last in reference to a certain oath and reprimand tendered to me. I took exceptions to the oath on account of an interpolation which under certain circumstances would have made me swear away all my rights and interests in my country and her institutions. I felt the reprimand an insult because a reprimand is a penalty imposed as the consequence of a conviction for

some offense. I had committed no offense and according to the best information I could get was charged with none and certainly was not tried or convicted of any. You did not answer my letter wherein I offered to take a proper oath embodying everything that comprised true loyalty and unlimited defense of the Constitution.

I waited until I obtained a copy of the usual oath presented to prisoners here, which is a month since. I immediately informed the commanding officer (Lieutenant Wood) that I would take that oath and he promised to inform you to that effect. After a week elapsed upon inquiry I learned that he had not done so. This was extraordinary. I resolved to address Secretary Cameron, between whom and myself friendly relations have existed without interruption from my boyhood. He immediately proclaimed himself my enemy, asserting through the columns of a public print that I had no character and that he returned my communication* unopened. I addressed him because you did not answer my first letter and I inferred that the order to reprimand emanated from you. I endeavored last week to discover who framed the oath and ordered the reprimand. Colonel Burke referred me to the War Department for answers to my interrogatories. This seems to indicate that Secretary Cameron forwarded the oath and ordered the reprimand. If such is the case I would feel relieved to be enabled to qualify my first communication. If it is not inconsistent with your relations with the Secretary of War to inform me I should be very much obliged. In my letter to Secretary Cameron I went into a full account of all the circumstances of my arrest and imprisonment, also informing him that I was ready at all times to take the usual oath of allegiance. I further (as in my letter to you) demanded a trial, stating that he should summon the abolitionists of Litchfield County, Conn., who were at the meeting I addressed in large numbers; that I would be willing to be tried by them alone. I would not call a solitary witness; neither Democrat, peace man nor Republican should be summoned in my behalf. None but those supposed to be my worst enemies should testify and I pledged myself not even to cross-examine them, so conscious am I of being free from all offense, even remotely. Had you been present at the meeting you would have promptly countermanded the order for arrest. I believed then that the order for arrest was on the principle of prevention, for it was after me before I had opened my lips. Thinking that a speedy satisfaction would be accorded me—for you should have informed yourself immediately of the true state of the facts when such extraordinary process is resorted to as the imprisoning of a citizen without warrant or accusation—I went to Connecticut on law business and was invited to address a meeting. I found a bad state of the public mind. I determined to allay the excitement and did perhaps more toward that end than any effort yet made by the Administration. Your Republican friends and even the officer who arrested me (Mr. Peck, of Litchfield) declaring after hearing me that "I had effectually stopped the mouths of all seceders" and will tell you so now. These men you should have consulted before permitting a Northern citizen devoted through his whole life to the Constitution, Union and prosperity of his country to remain thus long in confinement.

This note is simply to remind you again of that which has been before the Government for a month—that I am ready (as I have always been) to take the oath of allegiance presented to others. This an honor-

* Not found.

able man can faithfully and safely observe. The very day I had the other oath presented me I notified your agents here to the same effect. If the above meets with your views you will please immediately inform me as one of the reasons for haste is the sad afflictions falling upon those nearest and dearest to me on earth. I have received through the hands of Colonel Burke a solemn summons to scenes of sorrow and approaching death, hence I cannot fail to ask a reply without delay for thus only can I discharge dutifully the sacred obligations now suddenly cast upon me.

Very respectfully,

ELLIS B. SCHNABEL.

P. S.—In addition, sir, I would wish in case any immediate action is taken in my case which humanity demands to be informed whether any charge has been brought against me so that I can acquit myself of all censure cast upon me by newspaper misrepresentations, or if it is more agreeable after I attend to the duties that sorrow and distress has imposed unexpectedly upon me signify whether I shall come to Washington to correct the record if any exists

E. B. S.

—

FORT LAFAYETTE, *October 21, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: One week since I wrote you a second time in reference to my imprisonment. No notice is taken of my communications to you, and yet you have kept me in prison for two months without assigning cause, without notice of charges, without hope of the writ of habeas corpus, without trial and all defense denied although all these have been demanded by me six weeks ago. These things satisfy me that I am held without any known cause but political vindictiveness. Who the primary persecutors are I am totally ignorant of. Your protracted silence I consider as a refusal to afford the opportunity to an outraged citizen to redress an atrocious grievance.

I have within a short time had the propitious occasion to put in the hands of my friends outside this prison all the documents, letters, correspondence and facts connected with my imprisonment. I retained only a copy of my last letter to you, and herewith send you again a copy asking that it be put on file in the State Department for future reference. With this note and the accompanying copy my intercourse with your Department ceases, from the conviction that I am struggling in vain to obtain justice or even a hearing. About all the injury, loss and suffering that can be put upon me I have already endured. Hence since the innocent are to have no redress but must continue to suffer the wrong I am constrained to abide that period of justification which I trust the future will soon afford. We will both await in our respective positions coming events—you in a position self-chosen; I in one forced in violation of all law and right—denied even the knowledge of any charge against me. I believe there is none, as none can be made with truth where myself or sentiments are known. I now rest with this further demand that you immediately upon receipt of this letter forward to the Hon. Charles O'Conor, of New York City, a pass to visit me forthwith as counsel. This I am entitled to by all the constitutions and laws of my country. I have addressed him to-day upon the subject and consequently insist upon seeing him for the purposes of consultation, defense and redress.

Very respectfully,

ELLIS B. SCHNABEL.

DEPARTMENT OF STATE, *Washington, October 22, 1861.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

COLONEL: You will release Mr. Ellis B. Schnabel on his taking the oath of allegiance to the Government of the United States.

I am, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary of State.

STATE OF NEW YORK, *County of Kings, ss:*

I, Ellis B. Schnabel, do solemnly affirm that I will support, protect and defend the Constitution and Government of the United States against all enemies whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any State convention or legislature to the contrary notwithstanding; and further that I do this with a full determination, pledge and purpose, without any mental reservation or evasion whatsoever; and further that I will well and faithfully perform all the duties which may be required of me by law. So help me God.

ELLIS B. SCHNABEL.

Affirmed to and subscribed before me this 24th day of October, 1861.

CHARLES W. CHURCH,
Justice of the Peace.

Case of William Patrick and J. C. Rahming.

This person [William Patrick] was arrested in New York by order of the Secretary of War August 28, 1861, and committed to Fort Lafayette. He was charged with having corresponded and transacted business of a commercial character with persons residing in the insurrectionary States in violation of the President's proclamation of August 16, 1861. An order was issued by the Secretary of State September 11, 1861, directing Lieutenant-Colonel Burke, commanding at Fort Lafayette, to release Patrick. The said William Patrick was accordingly released September 13, 1861, unconditionally, claiming to be a British subject.

John C. Rahming was arrested by order of John A. Kennedy, superintendent of police at New York City, September 2, 1861, and by order of the Secretary of State committed to Fort Lafayette. He was charged with attempting to induce the owners of the schooner Arctic to take cannon from Nassau to Wilmington, N. C., for the use of the rebels. An order was issued from the Department of State dated September 14, 1861, directing Colonel Burke, commanding at Fort Lafayette, to tender Rahming his release on his giving a bond with a penalty of $2,500 with sureties, &c., that during his abode in this country he will do nothing hostile to the Government of the United States. He was accordingly released September 18, 1861.—*From Record Book, State Department, "Arrests for Disloyalty."*

DEPARTMENT OF STATE, *Washington, September 3, 1861.*

THURLOW WEED, R. M. BLATCHFORD, and ROBERT MURRAY, Esqs.

GENTLEMEN: Your letter* relating to the case of * * * William Patrick has been received. * * * Smith & Patrick are agents of an illegal and treasonable European correspondence. Smith is in Europe and Patrick is enlightened by many intercepted letters in possession of the Department. He cannot be released.

I am, gentlemen, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

—

OFFICE OF SUPT. OF METROPOLITAN POLICE,
New York, September 3, 1861.

Lieut. Col. MARTIN BURKE, *Fort Hamilton.*

SIR: By order of the Secretary of State I send you in charge of Mr. Inspector Carpenter Mr. J. C. Rahming, of 36 South street, New York, to be detained at Fort Lafayette. You will please remit by Mr. Carpenter a receipt for his body.

Very respectfully,

JOHN A. KENNEDY,
Superintendent.

—

DEPARTMENT OF STATE, *Washington, September 5, 1861.*

Right Hon. Lord LYONS, &c.:

The Secretary of State presents his compliments to Lord Lyons and with reference to his unofficial note of this date* has the honor to inform him that directions have been given in the proper quarter to extend to William Patrick any indulgence which his health may require and which is not incompatible with his safe-keeping.

—

DEPARTMENT OF STATE, *Washington, September 5, 1861.*

Col. MARTIN BURKE, *Fort Hamilton, N. Y.:*

The British minister represents that the health of William Patrick is endangered by the manner in which he is confined at night. Should this be so give him any indulgence which you can compatibly with his safety.

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, September* [*11*], *1861.*

Right Hon. Lord LYONS, &c.

MY LORD: I have read the communication* of Mr. Archibald to you concerning the case of William Patrick. Intercepted correspondence, letters to Smith, of the house of Smith & Patrick, and similar letters addressed to the care of that firm show that the house has been made a channel for communication between insurgent citizens of the United States at home and their correspondents and agents who are in Europe engaged in procuring munitions of war for the overthrow of this Government.

*Not found.

The Government has been prepared by the favorable reports it has heard of Mr. Patrick since his arrest to believe what Mr. Archibald states—that he has not willingly consented to be implicated in this treasonable correspondence in which his partner Smith is so deeply compromitted. I have therefore by authority of the President directed that he shall be released from confinement. This is the more cheerfully done because the publicity of what has happened will probably be sufficient to prevent further attempts to employ the firm of Smith & Patrick as a medium of treasonable communication. I return the communication of Mr. Archibald as proposed.

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, September 11, 1861.*

Col. MARTIN BURKE, *Fort Hamilton, N. Y.*

COLONEL: You will be pleased to discharge William Patrick, who has for some time past been confined as a political prisoner at Fort Lafayette.

I am, your very obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, September 12, 1861.*

Right Hon. Lord LYONS, &c.:

The Secretary of State presents his compliments to Lord Lyons and acknowledges the receipt under cover from his lordship of a report* from Mr. Archibald, the British consul at New York, relative to the case of Mr. Rahming, a British subject detained at Fort Lafayette. That report is under consideration with other papers appertaining to the case.

—

DEPARTMENT OF STATE, *Washington, September 14, 1861.*

Col. MARTIN BURKE, *Fort Hamilton, N. Y.*

COLONEL: You may inform Mr. Rahming, confined at Fort Lafayette, that he may be released upon giving a bond with a penalty to the amount of $2,500 and with sureties to the satisfaction of the U. S. attorney that during his abode in this country he will do nothing hostile to the Government of the United States.

I am, colonel, your obedient servant,

WILLIAM H. SEWARD.

—

WASHINGTON, *October 14, 1861.*

Hon. WILLIAM H. SEWARD, &c.

SIR: Her Majesty's Government were much concerned to find that two British subjects, Mr. Patrick and Mr. Rahming, had been subjected to arbitrary arrest, and although they had learned from a telegraphic dispatch from me that Mr. Patrick had been released they could not but regard the matter as one requiring their very serious consideration. Her Majesty's Government perceive that when British subjects as well as American citizens are arrested they are immediately transferred to a military prison and that the military authorities refuse to pay obedience

*Not found.

to a writ of habeas corpus. Her Majesty's Government conceive that this practice is directly opposed to the maxim of the Constitution of the United States that no person shall be deprived of life, liberty or property without due process of law.

Her Majesty's Government are willing, however, to make every allowance for the hard necessities of a time of internal trouble, and they would not have been surprised if the ordinary securities of personal liberty had been temporarily suspended nor would they have complained if British subjects falling under suspicion had suffered from the consequences of that suspension. But it does not appear that Congress has sanctioned in this respect any departure from the due course of law, and it is in these circumstances that the law officers of the Crown have advised Her Majesty's Government that the arbitrary arrests of British subjects are illegal.

So far as it appears to Her Majesty's Government the Secretary of State of the United States exercises upon the reports of spies and informers the power of depriving British subjects of their liberty, of retaining them in prison or liberating them by his own will and pleasure. Her Majesty's Government cannot but regard this despotic and arbitrary power as inconsistent with the Constitution of the United States; as at variance with the treaties of amity subsisting between the two nations and as tending to prevent the resort of British subjects to the United States for purposes of trade and industry.

Her Majesty's Government have therefore felt bound to instruct me to remonstrate against such irregular proceedings and to say that in their opinion the authority of Congress is necessary in order to justify the arbitrary arrest and imprisonment of British subjects.

I have the honor to be, sir, with the highest consideration, your most obedient, humble servant,

LYONS.

DEPARTMENT OF STATE, *Washington, October 14, 1861.*

Right Hon. Lord LYONS, &c.

MY LORD: I have the honor to acknowledge your lordship's note of the present date. In that paper you inform me that the British Government is much concerned to find that two British subjects, Mr. Patrick and Mr. Rahming, have been brought under arbitrary arrest, and that although Her Majesty's ministers have been advised by you of the release of Mr. Patrick yet they cannot but regard the matters as requiring the very serious consideration of their Government. You further inform me that Her Majesty's Government perceive that when British subjects as well as American citizens are arrested they are transferred to a military prison and that the military authorities refuse to pay obedience to a writ of habeas corpus. You add that Her Majesty's Government conceive that this practice is directly opposed to the maxim of the Constitution of the United States that no person shall be deprived of life, liberty or property without due process of law. You then observe that Her Majesty's Government are nevertheless willing to make every allowance for the hard necessities of a time of internal trouble, and they would not have been surprised if the ordinary securities of personal liberty had been temporarily suspended nor would they have complained if British subjects falling under suspicion had suffered from the consequences of that suspension. But that it does not appear that Congress has sanctioned in this respect

any departure from the due course of law, and it is in these circumstances that the law officers of the Crown have advised Her Majesty's Government that the arrests of British subjects are illegal.

You remark further that so far as appears to Her Majesty's Government the Secretary of State of the United States exercises upon the reports of spies and assumes the power of depriving British subjects of their liberty or liberating them by his own will and pleasure, and you inform me that Her Majesty's Government cannot but regard this despotic and arbitrary power as inconsistent with the Constitution of the United States, as at variance with the treaties of amity subsisting between the two nations and as tending to prevent the resort of British subjects to the United States for purposes of trade and industry. You conclude with informing me that upon these grounds Her Majesty's Government have felt bound to instruct you to remonstrate against such irregular proceedings and to say that in their opinion the authority of Congress is necessary in order to justify the arbitrary arrest and imprisonment of British subjects.

The facts in regard to the two persons named in your note are as follows: Communications from the regular police of the country to the Executive at Washington showed that disloyal persons in the State of Alabama were conducting treasonable correspondence with Confederates, British subjects and American citizens in Europe, aimed at the overthrow of the Federal Union by armed forces actually in the field and besieging the capital of the United States. A portion of this correspondence which was intercepted was addressed to the firm of Smith & Patrick, brokers, long established and doing business in the city of New York. It appeared that this firm had a branch at Mobile; that the partner, Smith, is a disloyal citizen of the United States and that he was in Europe when the treasonable papers were sent from Mobile, addressed through the house of Smith & Patrick in New York. On receiving this information William Patrick was arrested and committed into military custody at Fort Lafayette by order of the Secretary of War of the United States addressed to the police of the city of New York. These proceedings took place on the 28th of August last. Representations were thereupon made to the Secretary of State by friends of Mr. Patrick to the effect that notwithstanding his associations he was personally loyal to this Government, and that he was ignorant of the treasonable nature of the correspondence which was being carried on through the mercantile house of which he was a member. Directions were thereupon given by the Secretary of State to a proper agent to inquire into the correctness of the facts thus presented and this inquiry resulted in the establishment of their truth. Mr. William Patrick was thereupon promptly released from custody by direction of the Secretary of State. This release occurred on the 13th day of September last.

On the 2d day of September the superintendent of police in the city of New York informed the Secretary of State by telegraph that he had under arrest J. C. Rahming, who had just arrived from Nassau where he had attempted to induce the owners of the schooner Arctic to take cannon to Wilmington, in North Carolina, for the use of the rebels, and inquired what should he do with the prisoner. J. C. Rahming was thereupon committed into military custody at Fort Lafayette under a mandate from the Secretary of State. This commitment was made on the 2d day of September. On the 17th day of that month this prisoner after due inquiry was released from custody on his executing a bond in

the penalty of $2,500, with a condition that he should thereafter bear true allegiance to the United States and do no act hostile or injurious to them while remaining under their protection.

I have to regret that after so long an official intercourse between the Governments of the United States and Great Britain it should be necessary now to inform Her Majesty's ministers that all executive proceedings whether of the Secretary of War or of the Secretary of State are unless disavowed or revoked by the President proceedings of the President of the United States. Certainly it is not necessary to announce to the British Government now that an insurrection attended by civil and even social war was existing in the United States when the proceedings which I have thus related took place. But it does seem necessary to state for the information of that Government that Congress is by the Constitution invested with no executive power or responsibility whatever, and on the contrary that the President of the United States is by the Constitution and laws invested with the whole executive power of the Government, and charged with the supreme direction of all municipal or ministerial civil agents as well as of the whole land and naval forces of the Union, and that invested with those ample powers he is charged by the Constitution and laws with the absolute duty of suppressing insurrection as well as of preventing and repelling invasion and that for these purposes he constitutionally exercises the right of suspending the writ of habeas corpus whenever and wheresoever and in whatsoever extent the public safety endangered by treason or invasion in arms in his judgment requires.

The proceedings of which the British Government complain were taken upon information conveyed to the President by legal police authorities of the country, and they were not instituted until after he had suspended the great writ of freedom in just the extent that in view of the perils of the State he deemed necessary. For the exercise of that discretion he as well as his advisers—among whom are the Secretary of War and the Secretary of State—is responsible by law before the highest judicial tribunal of the Republic and amenable also to the judgment of his countrymen and the enlightened opinion of the civilized world.

A candid admission contained in your letter relieves me of any necessity for showing that the two persons named therein were neither known nor supposed to be British subjects when the proceedings occurred and that in every case subjects of Her Majesty residing in the United States and under their protection are treated during the present troubles in the same manner and with no greater or less rigor than American citizens. The military prison which was used for the temporary detention of the suspected parties is a fort constructed and garrisoned for the public defense. The military officer charged with their custody has declined to pay obedience to the writ of habeas corpus, but the refusal was made in obedience to an express direction of the President in the exercise of his functions as Commander-in-Chief of all the land and naval forces of the United States. Although it is not very important it certainly is not entirely irrelevant to add that so far as I am informed no writ of habeas corpus was attempted to be served or was even sent out or applied for in behalf of either of the persons named, although in a case not dissimilar the writ of habeas corpus was issued out in favor of another British subject and was disobeyed by the direction of the President.

The British Government have candidly conceded in the remonstrance before me that even in this country so remarkable for so long an enjoy-

ment by its people of the highest immunities of personal freedom war and especially civil war cannot be conducted exclusively in the forms and with the dilatory remedies provided by municipal laws which are adequate to the preservation of public order in a time of peace. Treason always operates if possible by surprise, and prudence and humanity equally require that violence concocted in secret shall be prevented if practicable by unusual and vigorous precaution. I am fully aware of the inconveniences which result from the practice of such precautions, embarrassing communities in social life and affecting perhaps trade and intercourse with foreign nations. But the American people after having tried in every way to avert civil war have accepted it at last as a stern necessity. Their chief interest while it lasts is not the enjoyments of society or the profits of trade but the saving of the national life. That life saved all the other blessings which attach to it will speedily return with greater assurance of continuance than ever before. The safety of the whole people has become in the present emergency the supreme law and so long as the danger shall exist all classes of society, equally the denizen and the citizen, cheerfully acquiesce in the measures which that law prescribes.

This Government does not question the learning of the legal advisers of the British Crown or the justice of the deference which Her Majesty's Government pays to them. Nevertheless the British Government will hardly expect that the President will accept their explanations of the Constitution which thus expounded would leave upon him the sole executive responsibility of suppressing the existing insurrection while it would transfer to Congress the most material and indispensable power to be employed for that purpose. Moreover those explanations find no support in the letter much less in the spirit of the Constitution itself. He must be allowed therefore to prefer and be governed by the view of our organic national law which while it will enable him to execute his great trust with complete success receives the sanction of the highest authorities of our own country, and is sustained by the general consent of the people for whom alone that Constitution was established.

I avail myself of this opportunity to offer to your lordship a renewed assurance of my very high consideration.

WILLIAM H. SEWARD.

FOREIGN OFFICE, *November 22, 1861.*

Lord LYONS, &c.

MY LORD: Some misapprehension appears to have prevailed in respect to the note which your lordship addressed to Mr. Seward regarding the two British subjects, Messrs. Patrick and Rahming. Your lordship very properly according to the instructions I had given stated to Mr. Seward that in the opinion of the law officers the arrest of British subjects and the refusal of the writ of habeas corpus was illegal.

It seems to have been inferred, and Mr. Seward himself countenances this mistake, that the British Government pretended to set up their reading of the American Constitution as of greater authority than the authority of the President of the United States. Such was obviously not your lordship's meaning or mine. It is necessary in every case where a British subject complains to consult the law of the country in which the complaint arises. Thus when a British subject complained last year of detention in a Prussian prison Her Majesty's Government took pains to ascertain the provisions of the Prussian law on the subject. Thus a few days ago I directed Her Majesty's minister at Madrid

to complain of the treatment of a British vessel and her commander on the ground that the Spanish law had been violated by that treatment. It is obvious that so long as the British or any other Government complains of the violation of right it is necessary to ascertain the nature of the laws of which the violation is alleged, otherwise the complaint can only be directed against harshness of administration and excess of rigor.

That Her Majesty's Government were not singular in believing that the writ of habeas corpus can only be suspended by authority of Congress has since the date of your note been abundantly shown. A judge issues a writ of habeas corpus to bring up the body of a minor enlisted and detained in the ranks of the U. S. Army. Not only is the writ disobeyed but a sentinel is placed at the door of the judge. The circuit court of which he is a member having the matter before them decide that they do not doubt their power to regard the return made by the deputy marshal as insufficient in law and to proceed against the officer who had made it and that if they do not proceed further it is because they have no physical power. If this view required confirmation it may be said that very able lawyers have written in support of this doctrine.

To recur, however, to the remonstrance which I directed your lordship to address to Mr. Seward I have to observe that Her Majesty's Government never had it in contemplation to controvert an authoritative declaration of the law of the United States in respect to the liberty of persons residing therein. What Her Majesty's Government doubted was the authority of the President to set aside the law and privilege of habeas corpus by his sole will and pleasure. That doubt has been shared by the circuit court of Washington and by many of the most eminent lawyers of a country fertile in men of legal attainments and judicial fame.

In the particular case of Mr. Patrick it appears that that gentleman was a partner in a firm with another gentleman who has taken part with the South and that the correspondence of enemies to the Government was supposed to be conveyed by means of their firm. When it is considered that a year ago two members of a firm who belonged one to the Northern and the other to the Southern States were considered equally loyal citizens; that a commercial firm cannot be dissolved in a day; that letters sent through a firm are not usually submitted to the principal partners of that firm; that no pains were taken to ascertain the character and political sentiments of Mr. Patrick before he was subjected to the indignity and pain of an arrest, this case unavoidably suggests the reflection that the possession of arbitrary power in whatever hands it may be placed is sure to lead to abuse. Among the necessities of civil war this wanton and capricious arrest of Mr. Patrick cannot be reckoned, and the remonstrance of Her Majesty's Government must remain on record.

You may give a copy of this dispatch to Mr. Seward.

I have, &c.,

RUSSELL.

DEPARTMENT OF STATE, *Washington, January 13, 1862.*

Right Hon. Lord LYONS, &c.

MY LORD: You have kindly left with me a copy of an instruction which you had received from Earl Russell, dated on the 22d of November last.

I have great pleasure in stating to you for the information of his lordship that the President frankly and unhesitatingly accepts the explanations given by Earl Russell of what was the meaning of the British Government in the views which at their instance you had heretofore submitted to me concerning the right of the President to suspend the habeas corpus in time of insurrection without waiting for direct authority from Congress.

I have to regret, however, that while the misapprehension which has existed upon this one point is thus generously removed by Earl Russell he deems it necessary to persist in the opinion that the President's proceedings under a suspension of the habeas corpus in the case of William Patrick was wanton and capricious and that it had not been rendered necessary by the exigencies of the civil war.

As Government must proceed always upon information and often with great promptness and energy it could hardly be possible to avoid the commission of occasional errors in the exercise of precautionary power to repress insurrection manifesting itself more or less formidably in every State of the American Union. I cannot but think that a prompt correction of the error in such a case—such a correction as was made in the case of Mr. Patrick—is all that could reasonably be required by persons willing to deliberate carefully and anxious to interpret the action of the Government with candor and impartiality as I am sure Earl Russell is.

I cheerfully consent to leave Earl Russell's protest on the record where it will lie side by side with the decisions of this Government which show that during a civil war now of nine months' duration no complaint of any kind has been denied a hearing; not one person has been pressed into the land or naval service; not one disloyal citizen or resident, however guilty of treason or conspiring, has forfeited his life except in battle; not one has been detained a day in confinement who could and would give reliable pledges of his forbearance from evil designs, nor indeed has one person who could or would give no such pledges been detained a day beyond the period when the danger which he was engaged in producing had safely passed away.

Happily it is not the judgments of even great and good men like Earl Russell, pronounced in the excitement of the hour and possibly subject to the influences of disturbing events, which determine the character of States. From such judgments we carefully appeal to that of history, confident that it records no instance in which any Government or people has practiced moderation in civil war equal to that which thus far has distinguished this Government and the American people.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Case of Benjamin F. Grove.

Benjamin F. Grove, a native of Virginia but a resident of Brooklyn, N. Y., was arrested August 31, 1861, by U. S. Marshal Robert Murray and delivered into the custody of Lieut. Col. Martin Burke at Fort Lafayette by order of the Secretary of State dated August 31, 1861. He was charged with disloyalty and with holding treasonable correspondence* with active secessionists in Virginia. The charges were

*See reference to Grove in Kennedy to Seward, September 6, 1861, p. 682, case of Algernon S. Sullivan.

supported by the contents of letters of Grove intercepted at Pittsburg. One addressed to Hon. William Smith, attorney, &c., Warrenton, Va., says: "I am informed that General McClellan says the war is now to be fought [with] artillery and especially heavy guns. I hope you will meet him with as long and as large guns as he brings against you. * * * If employment could be had but few would go against the South." An order was issued from the Department of State dated September 30, 1861, directing Lieutenant-Colonel Burke commanding at Fort Lafayette, &c., to release Grove on his taking the oath of allegiance and giving his parole of honor to do no act hostile to the United States. He was released October 8, 1861.—*From Record Book. State Department, "Arrests for Disloyalty."*

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NEW YORK, *August 15, 1861.*

MR. JAMES A. GROVE, *Stevensburg, Va.*

MY DEAR BROTHER: Your welcome favor of July 27 was received this morning. It is postmarked Franklin, Ky. Write soon again and often and forward as before. * * * The habeas corpus case before Judge Garrison, of Brooklyn, Long Island, shows how completely the military is overriding the civil power in the North under a Northern political abolition administration of the Federal Government. Counsel in this case, Messrs. Algernon R. Wood, formerly of Frederick County, Va., and I. C. Vanloon. Mr. Wood intends to apply for a writ in the case of Austin E. Smith, esq.,* son of ex-Governor Smith, of Warrenton, Va. Mr. Smith is confined in Fort Lafayette, and I suppose ex-Minister Charles James Faulkner,† who has just been arrested in Washington will be taken there also. Fort Lafayette stands in New York Bay about eight miles below the city and in the immediate vicinity of Fort Hamilton, Kings County, Long Island. Col. Martin Burke, formerly of Virginia, is in command, as you will see from the papers. He acts according to orders from Washington. I have been down to the fort but no one can see or communicate with any of the prisoners. The sheriff of Kings County can lawfully collect a force sufficient to compel obedience to the decision of Judge Garrison but it is a matter of doubt whether it will be done. We will see. Have written to ex-Governor Smith.

The great battle of Manassas was a terrible one indeed. The loss was dreadful on both sides but the triumph of the South was complete and overwhelming. No such victory has been gained during the present century. General Scott's army was 55,000 strong, thoroughly armed and equipped for the contest, but it was utterly wrecked and ruined at Manassas. There is now a great deal of crimination and recrimination among the officers and men. The officers charge the defeat upon the men and the men in turn charge the defeat upon the officers. Many regiments are charged with cowardice. The Fire Zouaves, the Fourteenth and Eighth Regiments of this State and the Fourth Regiment of Pennsylvania came in for a large portion of severe condemnation. The officers of the Fourteenth Regiment of Brooklyn upon their return a few days ago had a terrible fight among themselves.

Recruiting or re-enlisting is now uphill work. Bounties of from $30 to $50 are offered and but few are willing to go. None would go if employment could be had. This abolition war has ruined the country and men must go to war or starve. All the soldiers that have returned are loud in complaints of severe treatment and have great difficulty of

*See case of Smith, p. 424 *et seq.* †See case of Faulkner, p. 463 *et seq.*

getting their pay. Old "Sennacharib" and his "piratical abolitionists" are almost bankrupt, and Secretary Chase came on here a few days ago and told the banks that unless they furnished money very liberally the Lincoln Government would at once go down. I have heard returned soldiers say that the Government at Washington was in the hands of an infernal pack of abolition speculators who were enriching themselves by ruining the whole country. All of the leaders at Washington are abolitionists of the Helper book, Greeley and Beecher school.

Mr. W. A. Ladden, brother of the Rev. A. P. Ladden, had a son, W. A. Ladden, jr., in the Fourteenth Regiment of this State. He was wounded. The Federal loss in killed, wounded and missing cannot be far short of 5,000. The rush from Bull Run by the whole army and the abolition spectators, Senators, Congressmen and all over the dead and the dying must have been dreadful in the extreme. In achieving such an important triumph the South lost many brave and gallant men. Peace to their ashes. Heaven bless and protect their families. To all those who are yet able to defend the right I can only say courage and energy and a final and glorious triumph will soon be secured. We have now more than 100 of the best newspapers in the North against an unjust and unholy war. Ministers, ruined business men, mechanics and all classes and conditions are beginning to condemn this abolition war. The Federal prisoners that have returned say that the Confederate officers are perfect gentlemen and that Southern people treated them with the utmost kindness.

Try and send this letter to brother George Addison with the slips for him to read. When you write give me all the news about our friends, and once more I say remember myself and family affectionately to all of our dear relatives you may chance to see.

With best wishes for your health and happiness, I remain, your affectionate brother,

BENJAMIN F. GROVE.

Show Captain Long the slips and the letter too if you think proper. The slip in regard to the writ of habeas corpus and others are worth publishing when you are done with them. Remember myself and family to the folks at Oak Grove. General Ben McCulloch has given the abolitionists a tremendous defeat in Missouri, so says the late news.

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WASHINGTON, *August 31, 1861.*

Col. MARTIN BURKE, *Fort Lafayette.*

Receive and detain Benjamin F. Grove, who will be brought to you by the marshal of New York.

WILLIAM H. SEWARD.

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U. S. MARSHAL'S OFFICE, *New York, September 2, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: Inclosed you will please find a package of letters and papers found in possession of Benjamin F. Grove, who was delivered into the custody of Col. Martin Burke at Fort Lafayette by your order of August 31, 1861.

Yours, respectfully,

ROBERT MURRAY,
U. S. Marshal.

FORT LAFAYETTE, *September 3, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: As a prisoner at this fort my case is in your hands and I feel constrained to address you. As I have not committed an overt act nor verbally said anything offensive to the Government or contrary to the Constitution or laws of my country I am led to suppose that the charges against me are founded upon certain letters written to Virginia. One I addressed to Hon. William Smith* and the other to my brother.† In those two letters I inclosed slips from various papers. The letters I sent by express, but forgetting to put the stamps on them I afterward sent them by mail to Mr. McGoodwin. I had no authority to send letters to Mr. McGoodwin but supposed he would attend to the matter as the law allowed. Since the date of those two letters I have not put a pen to paper except on matters of business. I determined immediately after the date of the two letters in question not to write any more to any one on political matters. It has been some time since the letters in question were written and I cannot remember their contents. They grew out of the excitement of the times and criminations and recriminations of the public press, and when in consequence of the ruin of trade and commerce and consequent want and distress in my own family my frenzied brain was almost distracted with anxiety and care. I can say in truth that much of the harshness in them did great injustice to my head and heart. Much of what I said was caught up from the columns of the newspapers circulating in New York. I did not solicit information from any one, and the harsh expressions and condemnations improperly used were betrayed into my feverish and excited brain by reading newspaper articles.

For my errors of omission or commission I know I must atone to the offended laws. To err is human and natural; to forgive is divine. What I have to ask for is mercy and not justice. I ask therefore for a merciful consideration of my case for myself, my precious wife and four helpless children now crushed with most poignant anguish. The pressure of the times and my situation here reduces us all to utter helplessness and want. If then it is consistent with justice and mercy to spare my family and restore me to the precious ones do favor us with this unspeakable blessing. Whatever reparation I can make I will faithfully do and in after life I will endeavor to evince that your favor and mercy were not unmerited, and I will for the future earnestly do my duty to the Government, the Constitution and the laws. Owing to the depressed state of business affairs and through excited feelings and mistaken views I did at one time since the war troubles began contemplate a return South, but reflection satisfied me that I now owed my allegiance to this section and ought to remain here. Indeed for the last few months I have been so much troubled in regard to various matters that I have hardly comprehended what to say or do, and no doubt have done a great deal that I ought not to have done and utterly neglected important matters that really claimed my attention. My painful and terrible situation and the deep anguish that rends the hearts of my precious household render it the solemn, bounden duty of my existence to appeal to you for mercy.

Hoping for a favorable response, and promising faithfully to observe all that you require at my hands for my further fidelity, I remain, yours, truly,

B. F. GROVE.

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* Letter to Smith not found. † See B. F. Grove to James A. Grove, August 15, *ante*.

FORT LAFAYETTE. *September 16, 1861.*

Hon. JOSEPH S. WILSON,
General Land Office, Washington City.

MY DEAR SIR: I once more take the liberty of writing to you. A short time since I inclosed to your address a communication which I asked you to do me the favor to hand to the Hon. William H. Seward, Secretary of State. In connection with my application or appeal to the Secretary of State I now inclose a letter* from my wife. I suppose it was written on the 13th instant. It is from a truthful and affectionate wife and mother. My wife has been in delicate health for a long time but now she is prostrated and suffering the most poignant distress. Our four children are young and helpless and all of us reduced to want. I am restrained of my liberty and unable to minister to my precious household. For myself and family I have therefore appealed to the Secretary of State for a merciful consideration of my case. Whatever reparation or atonement I can make for errors of head or heart against the laws of my country or for offenses of omission or commission against the constituted authorities it is the solemn, bounden duty of my existence to accomplish. If I were alone in the world I could abide my time and without complaining endure such punishment as the public good requires, but the appeal from my devoted wife and precious little ones is heartrending in the extreme, and they at least stand in innocency and through trials and privations unnumbered and innumerable and in tones of the deepest anguish plead for a merciful consideration of my case at the hands of the Secretary of State. My poor heart is too much troubled on my own account as well as on the account of my stricken and distressed family to write even what I desire to say. My heart is too full of painful and anxious cares to speak itself. Should the Secretary of State find it consistent with the public good and the administration of justice to give my case a favorable response I will earnestly endeavor for the future to discharge faithfully all the duties devolving upon me as a good and loyal citizen, and will strive to evince that mercy in my case was not altogether unmerited. I have not asked the privilege of writing to you in regard to this matter but may I not hope that you will do me the great favor I ask?

Regretting from my heart to be compelled to trouble you, and hoping you will find it consistent to serve me, I remain, yours, respectfully,

BENJAMIN F. GROVE.

DEPARTMENT OF STATE, *Washington, September 21, 1861.*

Col. MARTIN BURKE, *Fort Lafayette.*

SIR: You may permit the wife of Mr. B. F. Grove to visit him in the presence of a proper officer. Please send information of this order to Mrs. Grove.

Very truly, yours,

WILLIAM H. SEWARD.

BURLINGTON, [N. J.,] *October 3, 1861.*

Hon. W. H. SEWARD.

MY DEAR SIR: Permit me to call your attention to the case of Mr. Grove now confined at Fort Lafayette. During my confinement there I had ample opportunity to learn the character of the man and I can

*Omitted.

assure you he has neither the intellect nor the influence to harm the Government even if so disposed. He has a wife and four children dependent upon his daily exertions for their support and they are at this moment in most indigent circumstances. His wife is in very delicate health and the misfortune that has now fallen upon her has aggravated her disease to such a degree that she cannot last long. For the sake of a common humanity, by the mercy that you hope for from the Great Searcher of Hearts in the final day of accounts, do give immediate attention to this poor man's case. If he has been imprudent, and that is the extent of his offenses as far as I can learn, he has suffered enough. By a word you can open his prison doors and let him go free and the blessings of those who are ready to perish will reward you.

Yours, respectfully,

JAMES W. WALL.

DEPARTMENT OF STATE, *Washington, October 4, 1861.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

SIR: Let B. F. Grove, a prisoner held in custody in Fort Lafayette, be discharged on taking the oath of allegiance stipulating that he will do no act hostile or injurious to the Government of the United States; that he will not hold any correspondence or communication whatever with anybody in the seceded States during the present insurrection without permission of the Secretary of State.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

FORT LAFAYETTE, *October 4, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: I feel constrained to make this communication and I entertain a good hope that justice and the public safety will admit of a favorable response. More than a month has elapsed since I was conveyed to this fortress. I was taken from my usual calling and my family left in destitute circumstances in a strange city and among strangers. My wife had been in delicate health for some time past and now in consequence of the sudden and severe trials and privations pressing upon her mind and heart so heavily she is completely prostrated and for most of the time is confined to her bed and without assistance, except the relief occasionally afforded by kind-hearted neighbors. I think I can say for her that she is one of the best women that ever was made and that her life is one of innocency. Tenderly devoted to her family she deserves all the kindness and lenity that can be manifested toward her and her household. We have four small children utterly helpless and entirely dependent upon their mother and she in the painful situation I have represented, and even if my wife had the physical strength for needlework or something of the kind she could not now get anything to do. I have not got a dollar in money to depend upon or to relieve the present wants of my family. The approaching winter must necessarily bring greatly increased privations and disasters to myself and my precious ones. I am restrained of my liberty and of course cannot render my family the least aid in any way. I can only comprehend their alarm and distress but cannot alleviate their painful circumstances. Just now it is a difficult matter to earn a support in any branch of

business but untiring industry can always accomplish something, and to be in a position to take advantage of the first return of commercial prosperity is of the greatest importance to any young tradesman.

Earnestly appealing for a merciful consideration of my case I beg to be informed whether there is anything in my power that I can do to obtain my release and once more join my family. If it has been my misfortune or fault, or both, to do any public or private wrong or private injury to those in authority I can but regret it and am truly sorry for it and I beg to be forgiven. For any errors of omission or commission as a good citizen I am willing to make any atonement in my power. All that justice and the public good requires I am willing to do to enable me to join my family and once more give them the care and protection it is the solemn, bounden duty of my existence to afford. I ask therefore for a lenient and merciful consideration of my case on my own account and also and more especially on account of my stricken and suffering household. All that justice and the public safety can command and the National Administration approve I am willing to do as far as in my power lies, and for my fidelity to any engagement you may deem proper I can give satisfactory assurances or bonds to almost any amount.

Hoping for a favorable response, respectfully,

BENJAMIN FRANKLIN GROVE.

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DEPARTMENT OF STATE, *Washington, October 7, 1861.*

JAMES W. WALL, Esq., *Burlington, N. J.*

SIR: Your letter of the 3d instant has been received and in reply I have to inform you that Lieut. Col. Martin Burke has been directed by this Department to release the prisoner Grove on his complying with certain conditions.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

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FORT HAMILTON, N. Y., *October 8, 1861.*

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SIR: Inclosed please find oath of allegiance and stipulation of Benjamin F. Grove, released this day according to your order of October 4, 1861.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

[Inclosure No. 1.]

STATE OF NEW YORK, *County of Kings, ss:*

I, Benjamin F. Grove, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States against all enemies whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any State convention or legislature to the contrary notwith-

standing; and further that I do this with a full determination, pledge and purpose without any mental reservation or evasion whatsoever; and further that I will well and faithfully perform all the duties which may be required of me by law. So help me God.

BENJAMIN F. GROVE.

Sworn to and subscribed before me this 8th day of October, 1861.

CHARLES W. CHURCH,
Justice of the Peace.

[Inclosure No. 2.]

FORT HAMILTON, N. Y., *October 8, 1861.*

I, Benjamin F. Grove, do hereby give my word of honor that I will do no act hostile or injurious to the Government of the United States; that I will not enter any of the States in insurrection against the authority of the Federal Government, and that I will not hold any correspondence or communication whatever with anybody in those States during the present insurrection without the permission of the Secretary of State.

BENJAMIN F. GROVE.

Witness:

CHARLES W. CHURCH.

DEPARTMENT OF STATE, *Washington, October 9, 1861.*

Mrs. B. F. GROVE, *Brooklyn, N. Y.*

MADAM: Your application to the President for permission to visit your husband at Fort Lafayette has been referred to this Department and in reply I have to inform you that directions for his release on certain conditions were issued to Colonel Burke on the 4th instant which I presume have been complied with before now.

I am, madam, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

No. 250 ADELPHI STREET, BROOKLYN, *October 14, 1861.*

Hon. F. W. SEWARD, *State Department, Washington.*

SIR: I am informed that some letters and papers belonging to me and of consequence to me only were forwarded to the Department of State. If so I will be greatly obliged to you if you will be kind enough to have them sent back to me. Allow me to say that your favor of the 9th instant to Mrs. Grove was duly received and places both myself and my wife under weighty obligations to you. Thanks, thanks for your kind attention. I am now with my precious and devoted household through an especial favor, and I cannot forbear to express the deep sense of gratitude I will always cherish in remembrance of the favorable and merciful consideration that it pleased the Department of State to take touching my appeal for release from Fort Lafayette. To merit such consideration will be my solemn, bounden duty.

Once more I tender my earnest acknowledgments and remain, yours, respectfully,

BENJAMIN FRANKLIN GROVE.

BROOKLYN, *November 18, 1861.*

Hon. F. W. SEWARD, *Department of State, Washington.*

SIR: Since writing to you in regard to the matter I have again called upon the Hon. R. Murray, U. S. marshal, but have not as yet obtained the papers about which I addressed a note to the Department of State a short time since. These papers were placed in the hands of the marshal's officer and if found as I represented to be handed to G. R. Walton, esq., of this city. Among them as important only to me are two notes of hand of $750 each, two receipts for money in favor of a Mr. Platt, of Massachusetts, and a few letters from Pennsylvania in regard to private business affairs. The marshal informs me that they were sent to your office. If anything can be said or done to enable me to get them I will esteem it as a great favor.

Regretting to trouble you because I know your engagements are numerous and pressing, I remain, yours, truly,

BENJAMIN F. GROVE.

DEPARTMENT OF STATE, *Washington, November 21, 1861.*

B. F. GROVE, Esq., *250 Adelphi Street, Brooklyn, N. Y.*

SIR: Your letter of the 18th instant has been received. I have to-day sent a package of letters with the two notes for $750 each belonging to you to Robert Murray, esq., U. S. marshal for the southern district of New York. The receipts referred to by you do not appear to have been received at this Department.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

DEPARTMENT OF STATE, *Washington, November 22, 1861.*

ROBERT MURRAY, Esq., *U. S. Marshal, New York.*

SIR: I inclose herewith a package of letters* taken from the person of B. F. Grove, lately confined in Fort Lafayette. You will please return these papers to Mr. Grove if there be within your knowledge no objection to such disposition of them. In one of the letters you will find two notes of $750 each which are particularly asked for by Mr. Grove.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

Case of Robert Mure.

Robert Mure, of Charleston, S. C., a naturalized citizen of Scottish birth, was arrested in New York on the 14th day of August, 1861, by order of the State Department transmitted to the superintendent of police the preceding day. This order was issued upon information communicated to the Department in substantially the following form:

Robert Mure, an Englishman by birth but resident of Charleston, S. C., for the last thirty years, is to take the steamer at New York Wednesday for Europe. He has highly important dispatches from Confederate Congress very carefully concealed. Intercept dispatches and the Confederates will be in your power.

*Not found.

Mure was found to have letters of appointment and instructions as bearer of dispatches from the British consul at Charleston to the British secretary of state for foreign affairs; also a canvas bag alluded to in his instructions as containing his dispatches sealed with a consular seal. He had also a large number of letters to a great number of parties in Europe. No dispatches from the Confederate Congress nor other papers or documents except those mentioned above were found in his possession. Allegations were made that Mure was a colonel in the militia of South Carolina and served in that capacity at the attack on Fort Sumter. On the 17th day of October, 1861, Mure was released on giving his parole not to enter any of the insurrectionary States nor hold any correspondence with persons residing therein, nor do any act of hostility or injury to the United States during the insurrection.—*From Record Book, State Department, "Arrests for Disloyalty."*

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OFFICE OF THE SUPT. OF METROPOLITAN POLICE,
New York, June 20, 1861.

Hon. W. H. SEWARD.

SIR: * * * In connection with this matter I may as well mention that the British consul at Charleston, Mr. Bunch, is a notorious secessionist, and that he has used his position in every way he could since the troubles began in aiding the secession movement. To say nothing of furnishing Trappman, a native of the United States, with a passport and making him bearer of dispatches for Lord Lyons I have several other cases where he has furnished passports to citizens of the United States. I think I can procure one of the passports given to a young man who is now here and I learn is about to be an officer in Sickles' brigade. He had been in the secession service before Fort Sumter.

What I was about to refer to was the use he has made of his office for facilitating the transmission of treasonable correspondence between Charleston and other places. A Belgian by the name of Du Clos, formerly a merchant here—one of the most outspoken of Southern sympathizers—for several weeks before he left for Europe, as is supposed on the business of the Confederate States of America, was in the habit of receiving letters from Charleston at the office of Mr. Archibald, the British consul, which were inclosed under the consulate seal of Mr. Bunch, the consul, in one of which he said he received $500 and on which he entered on his travels. On inquiring at Mr. Archibald's office into this practice the vice-consul avowed that up to the stoppage of the mails South they were in the constant receipt of packages of letters from Mr. Bunch for strange persons of whom they had no knowledge which they delivered to whoever asked for them, the office of the consul being thus made a convenience for all operations with Confederates here that the ordinary securities of the mail were regarded too insecure to furnish.

I mention this now in view of the connection Mr. Bunch's name has with Trappman, but not with the thought of involving Mr. Archibald who was used as the convenient instrument of others. I may be able to procure for you a photograph of Captain Trappman in full uniform in a few days

Very truly, yours,

JOHN A. KENNEDY,
Superintendent.

[CINCINNATI, *August 12, 1861.*]

WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.:

Robert Mure, an Englishman by birth but resident of Charleston, S. C., for the last thirty years, is to take the steamer at New York Wednesday for Europe. He has highly important dispatches from Confederate Congress very carefully concealed. Intercept dispatches and the Confederates will be in your power. Mr. Mure is cousin to British consul at New Orleans.

B. T. HENRY.

NEW YORK, *August 14, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State:*

I have Mr. Robert Mure with a bag addressed to Lord John Russell in custody. Mr. Bunch's instructions request the bag to be forwarded to the British minister in Washington in case of the detention of Mr. Mure by authority of the United States. What shall I do with him and the papers?

JOHN A. KENNEDY,
Superintendent of Police.

DEPARTMENT OF STATE, *Washington, August 14, 1861.*

JOHN A. KENNEDY, *Superintendent of Police, New York:*

Send the bag mentioned to this Department by special messenger. Deliver Mure to Col. Martin Burke, Fort Lafayette. Write immediately the particulars of Mure's instructions—by whom given, from whom the papers came, what they relate to, whether political or private; full details.

WILLIAM H. SEWARD.

OFFICE SUPERINTENDENT OF POLICE,
New York, August 14, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Your telegram of 13th was received last night, and this morning a short time before the departure of the steamer Africa Mr. Robert Mure, of Charleston, to whom you referred went on board with his baggage, whereupon the officers to whom I had intrusted the business took him in custody and brought him and his baggage to my office. He immediately presented me with his credentials as bearer of dispatches from Mr. Robert Bunch, consul of Her Britannic Majesty at Charleston, S. C., and an open letter of instructions from Mr. Bunch dated Charleston, August 7, 1861, the originals of both of which are herewith inclosed. On examining his baggage the canvas bag alluded to in the instructions addressed to "Lord John Russell" was found and apparently sealed with a genuine consular seal. No other papers or documents were found in his possession except a large number of what appears to be private letters from persons in the South to others in England, but which I have not yet had an opportunity to examine carefully. A portion of these letters are unsealed and the rest are sealed, by which I believe he renders himself subject to treatment under the postal laws.

The bag addressed to "Lord John Russell" I intrust to the charge of Detective Robert King to deliver with this note to you in Washington, pursuant to the instructions received in your telegram of to-day. On counting the letters I find there are four unsealed and sixty-six sealed. Several of them are bulky and appear to contain a number in each of the envelopes. I respectfully request instructions from you as to the manner in which I shall dispose of these letters.

Very truly, yours, &c.,

JOHN A. KENNEDY,
Superintendent.

I inclose one of several pamphlets* found among his things which appears to have been printed for foreign circulation.

[Inclosure No. 1.]

HER BRITANNIC MAJESTY'S CONSULATE, NORTH AND SOUTH CAROLINA.—No. 121.

We, Robert Bunch, esq., Her Britannic Majesty's consul for the States of North and South Carolina, &c., do hereby certify that the bearer, Mr. Robert Mure, is a British merchant residing in Charleston and that he proceeds hence to New York and Liverpool charged with dispatches on Her Majesty's service from us to Lord John Russell, Her Majesty's principal secretary of state for foreign affairs. We therefore request that he may be permitted to pass freely and that he may receive all proper protection and assistance in virtue of his employment by us.

Given under our hand and seal of office at the city of Charleston the 7th day of August, 1861.

ROBERT BUNCH,
Her Majesty's Consul.

[Inclosure No. 2.]

BRITISH CONSULATE, *Charleston, August 7, 1861.*

ROBERT MURE, Esq., *Bearer of Dispatches.*

SIR: You will receive herewith a bag of dispatches addressed to Lord John Russell, Her Majesty's principal secretary of state for foreign affairs, which I beg you to convey with all convenient speed to Liverpool. Should you upon reaching that port not proceed immediately to London you will be so good as to deliver the bag to Her Majesty's postmaster at Liverpool with the request that he will forward it at once to the foreign office. I beg to impress upon you that these dispatches are of the greatest importance and I would suggest that you should keep them by you as much as possible, not allowing them to go into your luggage. In the improbable event of your being detained on your road to New York by any authority of the United States I have no objection to the bag being delivered to an officer of rank upon his giving a receipt for it and promising to have it delivered to Her Majesty's minister at Washington. But I can scarcely suppose the possibility of your detention. Should you unfortunately be detained in New York by illness or otherwise the bag may be delivered to Her Majesty's consul with the request that he will forward it. But I prefer that it should go with you.

Wishing you a safe and pleasant journey, I am, sir, your faithful servant,

ROBERT BUNCH.

* Not found.

OFFICE OF SUPERINTENDENT OF POLICE,
New York, August 15, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: This morning I conveyed Robert Mure to Fort Hamilton and delivered him into the custody of Lieut. Col. Martin Burke, who immediately transferred him to Fort Lafayette.

On my return to town I found among my letters an anonymous one which is represented to be from an intimate acquaintance of Mure. He says Mure is a Scotchman, not an Englishman; that his relatives reside in the vicinity of Kirkcudbright, Scotland; that he has resided in Charleston about thirty years; that before the breaking out of this rebellion he held a commission in a Charleston militia company; that during the last spring he was acting as a field officer of a Charleston regiment; that he was in such service during the attack on Fort Sumter and that he is a citizen of the United States, having been naturalized many years ago. But he declines to make himself known on account of previous intimacy.

From my conversation with Mure I had concluded he was a Scotchman who had resided a long time in this country. He professed to have been perfectly neutral on the rebellion question; that he deplored the existence of war of such a kind; that it had ruined his business of cotton merchant; that he was in the habit of visiting Europe annually and always took with him the dispatch bag of the British consul as an accommodation for himself; that as soon as it became known that he was about to leave for Europe letters were left at his house by everybody; that he intended putting them in the New York post-office on arrival here but was prevented by want of time; that he don't know who any letter in particular is from and supposes they are all on private affairs, as the disarrangement of the mails has nearly destroyed private correspondence between persons in the South and those in Europe, &c. I have examined the letters found on him and none but one addressed to William H. Trappman are apparently for any known secessionist abroad.

Very truly, yours,

JOHN A. KENNEDY,
Superintendent.

DEPARTMENT OF STATE, *Washington, August 16, 1861.*

JOHN A. KENNEDY, Esq.,
Superintendent of Police, New York.

SIR: The bearer, Mr. Robert King, has delivered to me a letter addressed to Mure and inclosed in an envelope directed to me; also a bag addressed to Lord John Russell and a pamphlet, thus fully executing the trust reposed in him. You will please send me all other papers and documents found in the prisoner's possession, allowing him to retain none, and thus enable me to understand and properly decide upon the case.

Very truly, yours,

WILLIAM H. SEWARD.

BROOKLYN, *August 16, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I take the liberty of introducing Mr. Stanton Blake, banker, who visits Washington for an interview with you on behalf of the

friends of Mr. Robert Mure, of Charleston, recently arrested and now confined in Fort Lafayette.

I am not acquainted with Mr. Blake but give the letter on application of Messrs. James and Samuel McLean, members of two extensive and respectable mercantile firms of New York with whom I have been long and intimately acquainted and in whom I have the most entire confidence. They are originally from the same town in Scotland, and their boyhood intimacy with Mr. Mure has been kept up by correspondence and visiting in this country for the past twenty years.

They spent the whole of the evening prior to his arrest in unreserved conversation with Mr. Mure in the public room of the Brevoort Hotel and are fully persuaded that his intended visit to England was on his own private business, and that he is entirely innocent of the charge on which he is alleged to be held, viz, bearing dispatches from the Confederate Government, and is guiltless of any connection with such so-called Government or any of its members.

I am, sir, yours, truly,

EDWARD W. FISKE.

DEPARTMENT OF STATE, *Washington, August 17, 1861.*

ALEXANDER H. SCHULTZ, Esq., *New York.*

SIR: With the dispatches herewith intrusted to you you will proceed to London by the Cunard steamer which will start from Boston on Wednesday next. On arriving at London you will deliver the dispatches for Mr. Adams to him and as soon as convenient you will proceed to Paris and deliver to Mr. Dayton those addressed to him also. You will remain in Paris for any dispatches which Mr. Dayton may have to send by you and you will return by the way of London for any which Mr. Adams may have. You will exercise all practicable diligence in the discharge of this duty for which you will be allowed a compensation at the rate of $6 a day and your necessary traveling expenses of which you will keep an account, to be supported by vouchers in every instance where they can be obtained. The sum of $400 is now advanced to you on account of your expenses.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, August 17, 1861.*

CHARLES FRANCIS ADAMS, Esq., &c.

SIR: Alexander Schultz, a special messenger, will deliver to you this dispatch together with a bag containing papers addressed to Lord John Russell.

On the 13th instant I was advised by a telegram from Cincinnati that Robert Mure, of Charleston, was on his way to New York to embark at that port for England and that he was a bearer of dispatches from the usurping insurrectionary authorities at Richmond to Earl Russell. Other information bore that he was a bearer of dispatches from the same authorities to their agents in London. Information from various sources agreed in the fact that he was traveling under a passport from the British consul at Charleston.

Upon this information I directed the police at New York by telegraph to detain Mr. Mure and any papers which might be found in his possession until I should give further directions. He was so detained and he

is now in custody at Fort Lafayette awaiting full disclosures. In his possession were found seventy letters, four of which were unsealed and sixty-six sealed. There was also found in his possession a sealed bag marked "Foreign office 3," with two labels as follows:

On Her Brit. Maj.'s service.—The Right Honorable the Lord John Russell, M. P., &c. Dispatches in charge of Robert Mure, esq.

ROBERT BUNCH.

On Her Brit. Maj.'s service.—The Right Honorable the Lord John Russell, M. P., H. B. M.'s principal secretary of state for foreign affairs, foreign office, London.

R. BUNCH.

The bag bears two impressions of the seal of office of the British consul at Charleston and seems to contain voluminous papers.

There were also found upon Mr. Mure's person in an open envelope what pretends to be a passport in the following words.* Also a letter of instructions which is as follows.*

There were also found several unsealed copies of a printed pamphlet entitled, "A narrative of the battles of Bull Run and Manassas Junction, July 18 and 21, accounts of the advance of both armies, the battles and rout of the enemy, compiled chiefly from the detailed reports of the Virginia and South Carolina press, Charleston steam-power press of Evans & Cogswell, Nos. 3 Broad and 103 East Bay streets, 1861."

This pamphlet is manifestly an argument for the disunion of the United States. Several copies of it were found in envelopes addressed to persons in England.

The marks and outward appearance of the bag indicate that its contents are exclusively legitimate communications from the British consul at Charleston to Her Britannic Majesty's Government. Nevertheless I have what seems to me good reasons for supposing that they may be treasonable papers designed and gotten up to aid parties engaged in arms for the overthrow of this Government and the dissolution of the Union. These reasons are:

First. That I can hardly conceive that there can be any occasion for such very voluminous communications of a legitimate nature being made by the consul at Charleston to his Government at the present time. This circumstance, however, is admitted to be very inconclusive.

Second. Consuls have no authority to issue passports, the granting of them being as I understand not a consular but a diplomatic function. Passports, however, have in other times been habitually granted by foreign consuls residing in the United States. But soon after the insurrection broke out in the Southern States a regulation was made by this Department which I have excellent means of knowing was communicated to the British consul at Charleston to the effect that until further orders no diplomatic or consular passport would be recognized by this Government so far as to permit the bearer to pass through the lines of the national forces or out of the country unless it should be countersigned by the Secretary of State and the commanding general of the Army of the United States. Mr. Mure had passed the lines of the army and was in the act of leaving the United States in open violation of this regulation. Moreover the bearer of the papers, Robert Mure, is a naturalized citizen of the United States, has resided here thirty years and is a colonel in the insurgent military forces in South Carolina.

Third. If the papers contained in the bag are not illegal in their nature or purpose it is not seen why their safe transmission was not secured as it might have been by exposing them in some way to Lord

* Omitted here; see *ante*.

Lyons, the British minister residing at this capital, whose voucher for their propriety would as Mr. Bunch must well know exempt them from all scrutiny or suspicion.

Fourth. The consul's letter to the bearer of dispatches attaches unusual importance to the papers in question while it expresses great impatience for their immediate conveyance to their destination and an undue anxiety lest they might by some accident come under the notice of this Government.

Fifth. The bearer is proved to be disloyal to the United States by the pamphlet and the letters found in his possession. I have examined many of the letters found upon the person of Mr. Mure and I find them full of treasonable information and clearly written for treasonable purposes.

These I think will be deemed sufficient grounds for desiring the scrutiny of the papers and surveillance of the bearer on my part.

Comity toward the British Government together with a perfect confidence in its justice and honor as well as its friendship toward the United States, to say nothing of a sense of propriety which I could not dismiss, have prevented me from entertaining for a moment the idea of breaking the seals which I have so much reason to believe were put upon the consular bag to save it from my inspection while the bearer himself might remove them on his arrival in London after which he might convey the papers if treasonable to the agents of the insurgents now understood to be residing in several of the capitals in Europe.

I will not say that I have established the fact that the papers in question are treasonable in their nature and are made with purposes hostile and dangerous to this country, but I confess that I fear they are so, and I apprehend either that they are guilty dispatches to the agents of disunion or else that if they are really addressed to the British Government they are papers prepared by traitors in the insurrectionary States with a view to apply to the British Government for some advantage and assistance or countenance from that Government injurious to the United States and subversive of their sovereignty. Of course I need hardly say that I disclaim any thought that Earl Russell has any knowledge of the papers or of their being sent, or that I have any belief or fear that the British Government would in any way receive the papers if they are illegal in their character or dangerous or injurious to the United States. It is important, however, to this Government that whatever mischief if any may be lurking in the transaction be counteracted and prevented.

I have therefore upon due consideration of the case concluded to send the bag by a special messenger who will deliver it into your care and to instruct you to see that it is delivered according to its address exactly in the condition in which you receive it.

You will also make known to the Earl Russell the causes and circumstances of the arrest and detention of Mr. Mure and his papers, adding the assurance that this Government deeply regrets that it has become necessary and that it will be very desirous to excuse the brief interruption of the correspondence of the British consul if it is indeed innocent, and will endeavor in that case to render any further satisfaction which may be justly required.

On the other hand you will in such terms as you shall find most suitable and proper intimate that if the papers in question shall prove to be treasonable against the United States I expect that they will be delivered up to you for the use of this Government, and that Her

Britannic Majesty's consul at Charleston will in that case be promptly made to feel the severe displeasure of the Government which employs him, since there can be no greater crime against society than a perversion by the agent of one Government of the hospitality afforded to him by another to design against its safety, dignity and honor.

I think it proper to say that I have apprised Lord Lyons of this transaction and of the general character of this letter, while he is not in any way compromised by any assent given to my proceedings or by any opinions expressed by him or asked from him.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

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DEPARTMENT OF STATE, *Washington, August 17, 1861.*

CHARLES FRANCIS ADAMS, &c.

SIR: Among the letters found on the person of Robert Mure mentioned in my dispatch of this date there are many which more or less directly implicate Mr. Robert Bunch, the British consul at Charleston, as a conspirator against the Government of the United States. The following is an extract from one of them:

> Mr. Bunch on oath of secrecy communicated to me also that the first step to recognition was taken. He and Mr. Belligny together sent Mr. Trescot to Richmond yesterday to ask Jeff. Davis, President, to ——— the treaty of ——— to ——— the neutral flag covering neutral goods to be respected. This is the first step of direct treating with our Government. So prepare for active business by January 1.

You will submit this information to the British Government and request that Mr. Bunch may be removed from his office, saying that this Government will grant an exequatur to any person who may be appointed to fill it who will not pervert his functions to hostilities against the United States.

I am, sir, respectfully, your obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, August 23, 1861.*

Hon. GIDEON WELLES, *Secretary of the Navy.*

SIR: Presuming that they will be of interest to your Department I inclose herewith transcripts* of certain letters found upon the person of Mr. Mure, recently arrested under suspicious circumstances at New York.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, August 27, 1861.*

CHARLES C. NOTT, Esq., *No. 69 Wall Street, New York.*

SIR: Your letter of the 24th instant* is received. In reply I have to inform you that it is not deemed compatible with the public interest to permit visitors to hold intercourse at present with Robert Mure.

Very respectfully, your obedient servant,

F. W. SEWARD,
Acting Secretary.

*Not found.

LEGATION OF THE UNITED STATES,
London, September 3, 1861.

Right Hon. Earl RUSSELL, &c.

MY LORD: I have the honor to inform your lordship that I have received by the hands of a special messenger of the Government just arrived in the steamer Europe from the United States a sealed bag marked "Foreign office 3," with two labels as follows:

On Her Brit. Maj.'s service.—The Right Honorable the Lord John Russell, M. P., &c. Dispatches in charge of Robert Mure, esq.

ROBERT BUNCH.

On Her Brit. Maj.'s service.—The Right Honorable the Lord John Russell, M. P., H. B. M.'s principal secretary of state for foreign affairs, foreign office, London.

R. BUNCH.

Agreeably to instructions communicated by my Government to me to see that this bag is delivered according to its address in exactly the condition in which I received it, I have the honor to transmit the same by the hands of my assistant secretary, Mr. Benjamin Moran, who is directed to deliver it into your own hands if present, or if absent into those of one of the undersecretaries of state for foreign affairs.

It now becomes my duty to explain the circumstances under which this bag has found its way from the possession of the person to whom it was originally intrusted into that of the authorities of the United States. It appears that the Secretary of State of the United States on the 15th of August last received information deemed worthy of confidence that Mr. Robert Mure, the bearer of this bag, was at the same time acting as a bearer of dispatches from the insurrectionary authorities of Richmond to your lordship. Other information came that he was a bearer of dispatches from the same authorities to their agents in London, and still other information from various sources agreed in affirming that he was traveling under a passport issued by Her Majesty's consul at Charleston. Upon this information instructions were sent forthwith to the police of New York to detain Mr. Mure and any papers which might be found in his possession. He was accordingly detained and is now in custody at Fort Lafayette awaiting full disclosure. A large number of papers were found upon him, an examination of which was found fully to sustain some portions of the information which had been furnished, and to prove that Mr. Mure was acting as the bearer of a treasonable correspondence between persons acting in open arms against the Government of the United States and their friends and emissaries in Great Britain. He had also with him several copies of a printed pamphlet purporting to be a narrative of the events of the 21st of July at Manassas Junction addressed to persons in England and evidently intended to further the purpose of the conspirators in South Carolina. Robert Mure, the bearer of these papers, is represented to be a naturalized citizen of the United States where he has resided for thirty years and as actually holding a commission of colonel in the insurgent forces of South Carolina.

It turned out to be true that in the hands of this gentleman were found in an open envelope a paper purporting to be a passport, a copy of which I have the honor to append to this note,* and a letter of instructions signed by Robert Bunch, Her Majesty's consul for the United States residing at Charleston, a copy of which is likewise appended.* In the absence of all other evidence against Mr. Bunch to prove his departure from the line of his legitimate duty it is quite enough to call the attention of your lordship to the fact that in issuing

* Omitted here. See inclosures Kennedy to Seward, August 14, p. 646.

such a paper as this passport he has acted in direct contravention of a regulation issued by the proper Department of the United States, of which he had received notice, which forbids all recognition of any diplomatic or consular passport so far as to permit the bearer to pass through the lines of the national forces or out of the country unless it should be countersigned by the Secretary of State and the commanding general of the Army of the United States. Mr. Mure attempted to do both with a paper bearing no such signatures.

There is, however, other and still more serious cause of complaint against Mr. Bunch as disclosed by the papers of Mr. Mure, the exposition of which I am compelled to reserve for a separate communication. The present purpose is confined to an explanation of the reasons which have actuated the Government of the United States in taking the extraordinary step which has had for one of its consequences the effect of diverting, be it but for a moment, a part of the official correspondence of Her Majesty's Government from the channel in which it was originally placed. I am directed to express the regret the Government feels that such a measure had become imperative, and to assure your lordship of its earnest desire to make any suitable amends which may justly be required. If in the process there may have happened a slight interruption of the correspondence of the British consul it is their desire that the pressing nature of the emergency may induce your lordship to excuse it.

It is needless to say that the bag passes into the hands of your lordship in precisely the same condition in which it came from those of Mr. Mure. Comity toward the Government of a friendly nation together with a full confidence in its justice and honor to say nothing of a sense of propriety would deter the Government which I have the honor to represent from entertaining the idea of breaking the seals which protect it even were there ten times more reason than there is to presume an intention under so sacred a sanction to perpetrate a wrong certainly on one and perhaps on both Governments.

Still less is it the intention of the American Government to intimate the smallest suspicion of any privity whatever on the part of the authorities in Great Britain in aiding, assisting or countenancing a supposed design injurious to the United States and subversive of their sovereignty. Much ground as there is for presuming that it never was the intention of those who prepared the package to forward it to its nominal address but that it was rather the design after bringing bad matter under this sacred sanction safely through the dangers of hostile scrutiny to open the bag themselves and to disseminate the contents far and wide among the evil-disposed emissaries to be found scattered all over Europe, this consideration has never weighed a single moment to change their views of this trust when put in the balance with the strong reliance placed upon the good faith of Her Majesty's constitutional advisers. Least of all has it been in the thought of any one that your lordship would consent in any way to receive the papers if they are really illegal in their character or dangerous or injurious to the United States.

Should it, however, prove on inspection that any abuse has been attempted in America of the confidence to which Her Majesty's Government is in every way entitled I am directed to express to your lordship the hope that any papers of a treasonable character against the United States may be delivered up to me for the use of my Government and that Her Majesty's consul at Charleston if shown to be privy to the transmission of them under such a form may be made promptly

to feel the severe displeasure of the Government whose good faith he has sought to dishonor; for there can be no difference of opinion as to the nature of an offense which involves the perversion by the agent of one Government of the hospitality afforded to him by another to conspire against its safety, dignity and honor.

I pray your lordship to accept the assurance of the highest consideration with which I have the honor to be your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

—

LEGATION OF THE UNITED STATES,
London, September 3, 1861.

Right Hon. Earl RUSSELL, &c.

MY LORD: The undersigned, envoy extraordinary and minister plenipotentiary of the United States, deeply regrets the painful necessity that compels him to make a representation to the Right Hon. Lord Russell, Her Majesty's principal secretary of state for foreign affairs, touching the conduct of Mr. Robert Bunch, Her Majesty's consul for the port of Charleston in the United States. It appears from the contents of one of the many letters found in the possession of Mr. Robert Mure, bearer of dispatches from Mr. Bunch to the Government of Great Britain but detained as an agent of the enemies of the United States, that the following statement is made of the action of Mr. Bunch in Charleston:

> Mr. B. on oath of secrecy communicated to me also that the first step to recognition was taken. He and Mr. Belligny together sent Mr. Trescot to Richmond yesterday to ask Jeff. Davis, President, to ——— the treaty of ——— to ——— the neutral flag covering neutral goods to be respected. This is the first step of direct treating with our Government. So prepare for active business by 1st of January.

The undersigned is instructed to submit this information to Her Majesty's Government with a request that if it be found to be correct Mr. Bunch may be at once removed from his office. The undersigned is further instructed to add that the President will cheerfully accord an exequatur to any person who may be appointed to succeed him who will faithfully perform his functions without injury to the rights and the interests of the United States.

The undersigned avails himself of this occasion to renew to Lord Russell the assurances of his highest consideration.

CHARLES FRANCIS ADAMS.

—

LEGATION OF THE UNITED STATES,
London, September 9, 1861.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SIR: I have the honor to acknowledge the reception at the hands of your messenger, Captain Schultz, of a bag purporting to contain public dispatches from Mr. Robert Bunch, the consul at Charleston, to Lord Russell, the head of the foreign office in London.

In conformity with the instructions contained in your No. 63 dated the 17th of August I immediately addressed a note to Lord Russell explanatory of the reasons why such a bag was received through this channel, a copy of which is herewith transmitted. In it you will perceive that I have endeavored to adhere as closely as possible to the

language of your communication to me. At the same time in obedience to the directions contained in your No. 64, dated the 17th of August, I addressed another note to his lordship stating the grounds of dissatisfaction felt by the President with the conduct of Mr. Bunch and requesting his removal. A copy of this note is likewise appended to the present dispatch. These two notes together with the bag in exactly the same condition in which I received it from Captain Schultz I directed my assistant secretary, Mr. Benjamin Moran, to take with him to the foreign office and there to deliver into the hands of his lordship if present, or if absent from town into those of one of Her Majesty's under secretaries of state for foreign affairs.

Accordingly on the afternoon of Tuesday the 4th instant at about quarter past 3 o'clock, as Mr. Moran reports to me, he went to the foreign office and finding Lord Russell to be absent from town he delivered the bag and the notes into the hands of Mr. Layard, one of the undersecretaries. Since that time I have had no reply from his lordship although I received on Saturday last two notes from him on matters of minor consequence. I had hoped to send something by Captain Schultz who returns in the Great Eastern and I shall yet do so if it should come before the bag closes. I have consented to the departure of Captain Schultz mainly because Mr. Dayton has expressed a great desire that he should take charge of his dispatches as soon as possible.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

—

LEGATION OF THE UNITED STATES,
London, September 14, 1861.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SIR: I now have the honor to transmit copies of two notes received yesterday from Lord Russell in answer to my notes of the 3d of September transmitting to him the bag of Mr. Bunch.

It appears from one of them that Mr. Bunch has been acting under secret instructions which are only now acknowledged because they have come to light, and that his granting a safe conduct to an emissary of secession charged with treasonable papers is no objection to his neutral character in the eyes of his employers.

With regard to the question presented in the other note it is satisfactory to me at least in so far as it devolves all responsibility for the further treatment of the question into more capable hands. I transmit also a copy of my reply.

I shall not dwell further on the difficulties this question may occasion but proceed rather to another subject not altogether foreign from it which will not fail to require speedy attention.

* * * * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

[Inclosure No. 1.]

FOREIGN OFFICE, *September 9, 1861.*

CHARLES FRANCIS ADAMS, Esq., &c.

SIR: I received with some surprise from Lord Lyons an intimation that a sealed bag directed by one of Her Majesty's consuls to Her

Majesty's secretary of state had been seized and detained by order of the Secretary of State of the United States. It seems to have been suspected that Her Majesty's consul had inserted in his official bag and covered with his official seal the correspondence of the enemies of the Government of the United States now engaged in open hostilities against them.

Had Her Majesty's consul so acted he would have no doubt been guilty of a grave breach of his duty both toward his own Government and that of the United States. But I am happy to say there does not appear on opening the bag at the foreign office to be any ground for such a suspicion.

Her Majesty's Government were advised that the suspension of the conveyance by post of letters from British subjects between the Northern and the Southern States was a contravention of the treaty on this subject contracted by the two Governments. Her Majesty's Government have been unwilling to press this view on the United States. But this stoppage of the post has occasioned great inconvenience to individuals and I inclose a copy of a note from Mr. Bunch to the undersecretary of foreign affairs showing the mode in which he has endeavored to palliate the evil by inclosing private letters in his consular bag.

I shall address any further communication I may have to make on this subject to Lord Lyons.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

RUSSELL.

[Sub-inclosure.]

CHARLESTON, *August 5, 1861.*

HER MAJESTY'S UNDERSECRETARY OF STATE
FOR FOREIGN AFFAIRS:

Mr. Bunch presents his compliments to Her Majesty's undersecretary of state for foreign affairs and takes leave to inclose to him herewith certain letters which are intended for the post.

They are principally letters of servants, governesses, &c. (British subjects), which owing to the discontinuance of the post they are unable to send in any other way. Some also contain dividends, the property of British subjects, which they could scarcely receive without Mr. Bunch's intervention.

Mr. Bunch hopes that there is no irregularity in this proceeding. No expense of postage is incurred by the foreign office as the bag in which the letters are contained goes by a private hand to Liverpool.

[Inclosure No. 2.]

FOREIGN OFFICE, *September 9, 1861.*

CHARLES FRANCIS ADAMS, &c.

SIR: The undersigned, Her Majesty's principal secretary of state for foreign affairs, has received a communication from Mr. Adams, envoy extraordinary and minister plenipotentiary of the United States at this court, dated the 3d instant giving some information regarding the conduct of Mr. Bunch, Her Majesty's consul at Charleston in the United States, and requesting on the part of the Government of the United States that Mr. Bunch may at once be removed from his office.

The undersigned will without hesitation state to Mr. Adams that in pursuance of an agreement between the British and French Governments Mr. Bunch was instructed to communicate to the persons exer-

cising authority in the so-called Confederate States the desire of those Governments that the second, third and fourth articles of the declaration of Paris should be observed by those States in the prosecution of the hostilities in which they were engaged. Mr. Adams will observe that the commerce of Great Britain and France is deeply interested in the maintenance of the articles providing that the flag covers the goods and that the goods of a neutral taken on board a belligerent ship are not liable to condemnation. Mr. Bunch therefore in what he has done in this matter has acted in obedience to the instructions of his Government who accept the responsibility of his proceedings so far as they are known to the foreign department and who cannot remove him from his office for having obeyed his instructions.

But when it is stated in a letter from some person not named that the first step to the recognition of the Southern States by Great Britain has been taken the undersigned begs to decline all responsibility for such statement. Her Majesty's Government have already recognized the belligerent character of the Southern States and they will continue to consider them as belligerents. But Her Majesty's Government have not recognized and are not prepared to recognize the so-called Confederate States as a separate and independent State.

The undersigned requests Mr. Adams to accept the assurance of his highest consideration.

RUSSELL.

[Inclosure No. 3.]

LEGATION OF THE UNITED STATES,
London, September 13, 1861.

Right Hon. Earl RUSSELL, &c.

MY LORD: The undersigned envoy extraordinary and minister plenipotentiary of the United States has the honor to acknowledge the reception this day of two notes from the Right Hon. Earl Russell, Her Majesty's principal secretary of state for foreign affairs, both dated the 9th of September and both in reply to notes addressed to his lordship by the undersigned on the 3d instant touching the case of Mr. Bunch, Her Majesty's consul at Charleston, and the mode of transmission of his dispatches. The undersigned has the honor to inform his lordship that copies of these notes will be transmitted by the next steamer for the consideration of the Government of the United States.

The undersigned requests Earl Russell to accept the assurance of his highest consideration.

CHARLES FRANCIS ADAMS.

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NEW YORK, *September 20, 1861.*

Hon. F. W. SEWARD, *Assistant Secretary of State.*

DEAR SIR: Mr. Mott, who was associated with us for Mr. Mure, of Charleston, now in Fort Lafayette, having left for Saint Louis the further care of the matter has devolved upon us. May we ask the favor of you to inform us by letter as soon as the Department is in receipt of the expected information bearing upon the case that we may apply for a personal interview with the Secretary of State, and oblige,

Yours, very truly,

FOSTER & THOMSON.

WASHINGTON, *September 28, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Mr. Robert Mure, of Charleston, S. C., now confined in Fort Lafayette expresses his ignorance of the contents of the letters in his possession when he was arrested and states himself to be innocent of any complicity with treason to the United States Government. In his behalf I would respectfully request an opportunity for him to give his deposition under oath upon the subject, to be added to such other evidence as may be obtained bearing upon his case, to be made the basis of an application to your Department for his release from imprisonment. To obtain the deposition of Mr. Mure I would respectfully ask either that a pass may be given to myself accompanied by some person competent to administer an oath or that some Government officer or other person may be appointed by the Department to examine Mr. Mure and reduce his deposition to writing.

Very respectfully, your obedient servant,

JAMES THOMSON,
69 Wall Street, New York.

FORT LAFAYETTE, *October 2, 1861.*

MY DEAR SIR: The receipt of your note of 27th ultimo conveying a letter from Mr. Middleton was truly cheering and most gratefully appreciated by me. Poor fellow, he knows how innocent I am of any treason. I am glad you read his letter for it speaks for itself. Hearing Mr. Thomson has returned from Washington without reaching any satisfaction in my case is disappointing, but I have reconciled myself to whatever Mr. Seward has in store for me, satisfied of my own innocence and that the Government is acting oppressively and wrongfully with me. I inwardly feel this which nerves me to stand up against my present trials, hopeful that brighter and happier days will soon be restored to the country. I can never repay you for the untiring interest you have taken in my misfortune. I hope to see the end of all this and prove to you and others my innocence of the course the Government is pursuing with me.

They require me to take an oath before I can get out of here, without guaranteeing my personal security in South Carolina, or the safety of my property there. Now as matters stand I hope soon to have protection worth having for I intend to return to my own dear native land where I can secure myself by returning to my first allegiance, the home of my birth.

I have a letter from my son Robert. Poor lad, he is distressed about me but hopes I will soon be in Scotland. I observe the Liverpool cotton market is advancing. As I have no late letters, I do not know how my interest there stands but presume my friends have sold out some time ago which may be unfortunate, but I wait advices. When does your father return home? I suppose he is only on a business trip and may soon be home again. There have been 136 prisoners in this fort, but are now reduced to 106. We are too crowded for comfort, but I rejoice to say the most of the inmates are gentlemen and deserve another fate than mere confinement on suspicion. The President says no one is in here but on satisfactory evidence of treason. Alas, I feel this is not so, but we must all yield to the powers that be, be they for good or evil.

It is really wonderful my friends in Charleston could so well keep Mrs. Mure in ignorance of my arrest. I question if such a course is prudent. It in the end may be more severe upon her. I trust not, however. I have really nothing to write you from here.

Yours, faithfully,

ROBT. MURE.

P. S.—This must not be published.

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FORT LAFAYETTE, *October —, 1861.*

Messrs. FOSTER & THOMSON, *New York.*

GENTLEMEN: I wrote you a note on the 4th stating I had just then received your favor of 20th instant* setting forth the result of your (Mr. Thomson's) interview with Mr. Seward at Washington. The more I reflect on your letter the more I feel Mr. Bunch is too honorable to have complicated me in using his consular seal to cover treasonable matter to his Government. If the evidence of such be established then Mr. Bunch's exequatur should be promptly taken from him—in fact his Government should recall him and hold me harmless for his acts when I merely conveyed a sealed bag without the least knowledge of its contents. I insist that my deposition be taken and if you have not power to get this done other counsel be called to your aid and I would suggest the name of the Hon. Edwin M. Stanton at Washington (late Attorney-General). Mr. Seward takes such grounds as are not likely to be sustained if properly and boldly set before him.

Touching what is set forth as a passport it was simply an open letter. The application of a "British merchant" was not improperly applied, for with the exception of myself and one other house in Charleston there are none of British birth and in that way the name of a British merchant has often been applied to me in Charleston. My business is confined to England mainly, but I myself placed no weight on Mr. Bunch's letter beyond instructions how to act in case any Government agent or official required my authority for carrying the dispatches. I left Charleston as has been my custom for twenty years as an American citizen. I was arrested as a British subject and being such in one sense made no formal objection for proof of which but conferred with Mr. Archibald or his vice, Mr. Edwards, informing him upon all points as to my citizenship, &c.

As matters now stand I hold that Mr. Seward should give me every opportunity to establish my innocence by procuring such information from Charleston as to set at rest as to my knowledge of what was in the dispatch bag and that I traveled as an American citizen although bearing a letter from Mr. Bunch. I apprehend, however, such treatment to a loyal citizen will drive him hereafter to other and that to his mother allegiance. I had full assurance before leaving home I would have no difficulty in proceeding via New York to Liverpool, otherwise I never would have started although domestic matters in Scotland claimed my presence. Had I been acting in any way against the Government by taking up arms, &c., there might have been grounds for confining me here, but as I did nothing against the Government but carry a dispatch bag and a few friendly letters which the powers at Washington thought proper to break open and publish, I contend for the latter I am subject to no offense. The former is a matter that remains with Mr. Bunch.

* Not found.

It may now become a matter for the two Governments to settle. Meantime I may have to suffer my liberty and be otherwise subjected to dishonorable imputations, not to name what I am other ways losing in a domestic and pecuniary way from my long confinement, up to this time now nearly two months, which may be extended to an indefinite time. I urge you therefore to again write or see Mr. Seward and if need be employ the additional assistance of Edwin M. Stanton, who I know to have influence at Washington.

Very respectfully,

ROBT. MURE,
Of Charleston, S. C.

Let me hear from you soon either direct or through Mr. McGowan. The rules of this fort demand that no portion of this letter be published.

R. M.

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DEPARTMENT OF STATE, *Washington, October 15, 1861.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

SIR: Let Robert Mure, a prisoner confined at Fort Lafayette, be released on engaging upon his honor that he will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State. And also that he will not do any act hostile or injurious to the United States during the present insurrection. I transmit this order to Robert Murray, esq., U. S. marshal, who has been instructed by this Department to cause a police examination to be made in some cases of the persons and baggage of prisoners discharged from custody to the end that no correspondence or other improper papers be conveyed by them to persons outside the fort.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

—

FORT HAMILTON, N. Y., *October 17, 1861.*

I, Robert Mure, do hereby engage on my honor not to enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State; and also that I will do no act hostile or injurious to the United States during the present insurrection.

ROBT. MURE.

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DEPARTMENT OF STATE, *Washington, October 23, 1861.*

CHARLES FRANCIS ADAMS, Esq., &c.

SIR: I recur once more to your dispatch of September 14. On the 3d of that month you addressed a note to Earl Russell in which you informed him by my direction that from the contents of the many letters found in the possession of Mr. Robert Mure, bearer of dispatches to the Government of Great Britain but detained at New York as an agent of the enemies of the United States, the following statement is made of the action of Mr. Bunch in Charleston:

Mr. Bunch on oath of secrecy communicated to me also that the first step to recognition was taken; that he and Mr. Belligny together sent Mr. Trescot to Richmond

yesterday to ask Jeff. Davis, President, to ——— the treaty of ——— to ——— the neutral flag covering neutral goods to be respected. This is the first step of direct treating with our Government. So prepare for active business by 1st of January.

You submitted this information to Her Majesty's Government with a request on the part of the President of the United States that if it should be found to be correct Mr. Bunch might be at once removed from his office. And you further added by my direction that the President would cheerfully accord an exequatur to any person who might be appointed to succeed Mr. Bunch who would faithfully perform his functions without injury to the rights and interests of the United States.

There is appended to your dispatch now before me the written answer of the Earl Russell to your note thus recited. His lordship answers that he will without hesitation state to Mr. Adams that in pursuance of an agreement between the British and French Governments Mr. Bunch was instructed to communicate to the persons exercising authority in the so-called Confederate States the desire of those Governments that the second, third and fourth articles of the declaration of Paris should be observed by those States in the prosecution of the hostilities in which they were engaged. His lordship then asked you to observe that the commerce of Great Britain and France is deeply interested in the maintenance of the articles providing that the flag covers the goods and that the goods of a neutral taken on board a belligerent ship are not liable to confiscation.

Earl Russell thereupon proceeds to say that Mr. Bunch in what he has done in this matter has acted in obedience to the instructions of his Government, who accepts the responsibility of his proceedings so far as they are known to the foreign department and who cannot therefore remove him from his office for having obeyed their instructions. But his lordship adds that when it is stated in a letter from some person not named that the first step to the recognition of the Southern States by Great Britain has been taken he (Earl Russell) begs to decline all responsibility for such statement, and he remarks on this branch of the subject that Her Majesty's Government have already recognized the belligerent character of the Southern States and they will continue to consider them as belligerents, but that Her Majesty's Government have not recognized and are not prepared to recognize the so-called Confederate States as a separate and independent State.

You are instructed to reply to this note of Her Majesty's principal secretary of state for foreign affairs:

First. That Her Majesty's Government having avowed that Mr. Bunch acted under their instructions so far as his conduct is known to the foreign department, and that Government having avowed their responsibility for his proceedings in that extent, it is admitted that so far as that portion of the subject is concerned the matter is to be settled directly with Her Majesty's Government.

Second. That a law of the United States forbids any person not specially appointed or duly authorized or recognized by the President, whether citizen or denizen, privileged or unprivileged, from counseling, advising, aiding or assisting in any political correspondence with the Government of any foreign State whatever with an intent to influence the measures of any foreign Government or of any officer or agent thereof in relation to any disputes or controversies with the United States or to defeat the measures of the Government. The proceeding of Mr. Bunch was clearly and distinctly in violation of this positive law.

Third. This Government finds no sufficient justification or excuse for the proceeding of Mr. Bunch thus shown to be in violation of the

law of the United States in the consideration that Great Britain was deeply interested in the maintenance of the articles which provide that the flag covers the goods and that the goods of a neutral taken on board a belligerent ship are not liable to confiscation.

It is enough to say on this subject that in our view the proper agents of the British Government to make known that interest here are the diplomatic not the consular agents of Her Majesty, and that the only authority in this country to which any diplomatic communication whatever can be made is the Government of the United States itself.

Still less can the United States admit that communication by Mr. Bunch while exercising consular privileges with which he was clothed by the consent of the United States with insurgents in arms against the Federal Government is justified by the declaration of the British ministry that they have already recognized the belligerent character of the insurgents and that they will continue to consider them as belligerents. It is indeed understood to be true that Her Majesty's Government have heretofore issued a royal proclamation which they interpret as declaring that they recognize the insurgents as a belligerent. But it is also true that this Government has with equal decision and with equal resolution announced to the British Government that any such declaration made by the British Government would not be accepted as modifying in the least degree the rights or powers of this Government or the obligations due to them by Great Britain as a friendly nation.

Still adhering to this position the Government of the United States will continue to pursue as it has heretofore done the counsels of prudence and will not suffer itself to be disturbed by excitement. It must revoke the exequatur of the consul, who has not only been the bearer of communications between the insurgents and a foreign Government in violation of our laws but has abused equally the confidence of the two Governments by reporting without the authority of his own Government and in violation of their own policy as well as of our national rights that the proceeding in which he was engaged was in the nature of a treaty with the insurgents and the first step toward a recognition by Great Britain of their sovereignty. Moreover the conduct of the person in question even while this correspondence has been going on as well as before it commenced has been that not of a friend to this Government or even of a neutral but of a partisan of faction and disunion.

In reviewing this subject it would be unjust to Her Majesty's minister residing here as well as to Her Majesty's Government to omit to say that that minister has in all his proceedings carefully respected the sovereignty and the rights of the United States, and that the arrangements which have been made by him with the approval of this Government for communication between the British Government and its consuls through the national vessels of Great Britain entering blockaded ports without carrying passengers or private letters seems to forbid any necessity for a recurrence of such proceedings as those which have brought about these explanations.

You will inform Earl Russell that the exequatur of Mr. Bunch has been withdrawn because his services as consul are not agreeable to this Government, and that the consular privileges thus taken from him will be cheerfully allowed to any successor whom Her Majesty's Government may appoint against whom no grave personal objections shall exist. It is a source of satisfaction to the President to reflect that the proceed-

ing which I have been considering occurred some time ago and that the part of it which was most calculated to offend and to which exception is more especially taken finds no support in the communication of Earl Russell.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

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LEGATION OF THE UNITED STATES,
London, November 22, 1861.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SIR: I have to acknowledge the reception of the missing dispatch of the 23d of October from the Department, which relates as I had conjectured to the case of Mr. Bunch, the British consul at Charleston. In conformity with the instructions therein contained I have addressed a note to Lord Russell on the subject, a copy of which I have the honor to transmit herewith.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

[Inclosure.]

LEGATION OF THE UNITED STATES,
London, November 21, 1861.

Right Hon. Earl RUSSELL, &c.

MY LORD: The undersigned, envoy extraordinary and minister plenipotentiary of the United States, has the honor to inform the Right Hon. Earl Russell, Her Majesty's principal secretary of state for foreign affairs, that he has now just received the answer of his Government to the note addressed by his lordship to the undersigned on the 9th of September last touching certain representations made by him under instructions from his Government of the conduct of Mr. Robert Bunch, Her Majesty's consul at Charleston, and he now proceeds to submit the substance of the same to his lordship's consideration.

And first it is a source of satisfaction to the undersigned to be able to say that the President finds that that part of Mr. Bunch's proceedings which was most calculated to offend the United States and to which exception was more especially taken has no support in the communication of his lordship to which it is now proposed to reply. If it be true that Mr. Bunch made any assurances direct or implied to the insurgents in the United States of a disposition on the part of Her Majesty's Government to recognize them as a State it is now clear that he acted utterly without authority. Whatever is the responsibility which may be supposed to attach to Mr. Bunch for such an act there is no disposition left to assign the smallest share of it to the source to which he is indebted for his official position.

But though there is great cause for gratification in this view of his lordship's note the undersigned is constrained to admit that in another the President has received it with somewhat less satisfaction. It would appear that Her Majesty's Government has avowed that Mr. Bunch did act under instructions so far as his conduct was known to the foreign department and that that action went to the extent of communicating to the persons exercising authority in the so-called Confederate States the desire of Her Majesty's Government that the second, third, and

fourth articles of the declaration of Paris should be observed by the States in the prosecution of the hostilities in which they were engaged. The undersigned regrets to be obliged to submit to his lordship's consideration the fact that Mr. Bunch received from the Government of the United States a recognition exclusively confined to the performance of consular duties and that in proceeding to execute others which very nearly approach if they do not absolutely belong to those of diplomatic agents only he seems to them to have transcended the just limits of any authority which they had ever consented to vest in him.

Well aware of the great difficulties necessarily in the way of an intimate acquaintance with the laws of a foreign State the undersigned will not pretend to claim of Her Majesty's Government that it should be familiar with those of the United States; but it becomes his duty to point out the fact that Mr. Bunch in accepting the post which he did under Her Majesty's authority voluntarily made himself amenable at least during the period of his residence to the authority of those laws. When therefore he received a direction from the foreign department to do an act which was not known by it to be a violation of one of those laws but which he was bound to know to be such his duty clearly should have been instead of proceeding at once in contravention of the law to apprise his Government of the position he was placed in and to await their decision after a full consideration of the question involved. The statute to which allusion is made forbids under a heavy penalty any person not specially appointed or duly authorized or recognized by the President, whether citizen or denizen, privileged or unprivileged, from counseling, advising, aiding or assisting in any political correspondence with the Government of any foreign State whatever with an intent to influence the measures of any foreign Government or of any officer or agent thereof in relation to any disputes or controversies with the United States or to defeat the measures of their Government.

Neither is the undersigned so fortunate as to see in this proceeding of Mr. Bunch thus shown to be on his part a wanton violation of the law of the United States a sufficient justification or excuse in the consideration that Great Britain is deeply interested in the maintenance of the articles which provide that the flag covers the goods, and that the goods of a neutral taken on board a belligerent ship are not liable to confiscation. It is enough to say on this subject that in the view of nearly all civilized nations the proper agents to make known such wishes are the diplomatic, not the consular agents of a Government, and that the only authority in the United States to which any diplomatic communication whatever can be made is the Government of the United States itself. The undersigned is too confident of the soundness of the principles which have ever actuated the Government of Great Britain in all its relations with foreign countries not to affirm that it would never give countenance for a single moment to the application of any other doctrine than this to the management of its own affairs.

Least of all will the undersigned be permitted to admit that communication by Mr. Bunch while exercising consular privileges granted to him with the consent of the United States with insurgents endeavoring to overthrow the Government can be justified by the declaration of Her Majesty's ministers that they have already recognized the belligerent character of those insurgents and will continue so to consider them. It is indeed true that Her Majesty's proclamation has been issued for the regulation of all her own subjects and that it has

been interpreted by her Government as recognizing the insurgents as a belligerent. But it is equally true that the Government of the United States declines to accept any such interpretation as modifying in the least degree its own rights and powers or the obligations of all friendly nations toward it.

Still adhering to this position the undersigned is instructed to announce as the result of the most calm and impartial deliberation upon the question thus submitted for its decision the necessity which his Government feels itself under to revoke the exequatur of Mr. Bunch. Neither has this step been taken without the pressure of a strong conviction that independently of the facts already alleged his personal conduct even down to the time this correspondence has been going on as well as before it commenced has been that not of a friend to the Government nor even of a neutral but of a partisan of faction and disunion.

In conclusion it is with much pleasure that the undersigned has it in his power to convey to Earl Russell the sense entertained by the President of the action of Her Majesty's representative at Washington. It is felt to be due to him as well as to his Government to say that in all his proceedings he has carefully respected the sovereignty and the rights of the United States, and that the arrangements which have been made by him with the entire approval of the Government for establishing a communication between his Government and its consuls through the national vessels of Great Britain entering blockaded ports without carrying passengers or private letters bid fair to preclude all necessity for a recurrence of such proceedings as those which have necessitated this painful correspondence.

Having thus performed the duty imposed upon him of announcing that the exequatur of Mr. Bunch has been withdrawn because his services are no longer agreeable to the Government of the United States the undersigned is further instructed to say that the consular privileges thus taken from him will be cheerfully allowed to any successor whom Her Majesty may be pleased to appoint against whom no grave personal objections are known to exist.

The undersigned has the honor to renew to Earl Russell the assurances of the highest consideration with which he is his lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Case of Henry A. Reeves.

This person was arrested by order of the Secretary of State about the 2d of September, 1861, at Greenport, Long Island, and committed to Fort Lafayette. He was the editor of a paper published at Greenport called the Republican Watchman, which by its secession teachings and attacks upon the acts of the officers of the United States Government and the Administration afforded aid and comfort to the insurrectionists. An order was issued from the Department of State October 3, 1861, directing Lieutenant-Colonel Burke, commanding at Fort Lafayette, to release Reeves on his taking the oath of allegiance and stipulating not to do any hostile act against the Government of the United States. The said Henry A. Reeves was accordingly released October 5, 1861.—*From Record Book, State Department, "Arrests for Disloyalty."*

U. S. MARSHAL'S OFFICE, *New York, August 31, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: I have this day mailed for your perusal several copies* of the Republican Watchman, published at Greenport, Long Island, and await your opinion as to whether the editor shall be confined at Fort Lafayette or not.

Yours, respectfully,

ROBT. MURRAY.

WASHINGTON, *September 2, 1861.*

ROBERT MURRAY, *U. S. Marshal:*

Arrest the editor of the Greenport Republican Watchman and send him to Fort Lafayette and deliver him into the custody of Col. Martin Burke. If he has left home for Syracuse arrest him anywhere on the road where he can be found.

WILLIAM H. SEWARD.

UNION OFFICE, *Riverhead, Long Island, September 3, 1861.*

DEAR GOVERNOR SEWARD: Pardon me for trespassing upon your time for a moment. It is high time that the arm of the Government was stretched out down this way. The traitor press and traitors' mouths ought to be hermetically sealed. We have in Greenport a paper called the Republican Watchman which according to its small ability is doing what mischief it can and weekly teaches secession. Already the proprietor has notified the sheriff of our county of his expectation of a cleaning out by the loyal people of the place in order of course to secure damages; but it would be well for the Government to step in before the people do and suppress it lawfully. It is a most pestilent sheet, supported mainly by Ben Wood as I understand, and ought to be stopped. According to its power it is equally as bad as the New York News, Journal of Commerce or Day Book. If you do not interpose the people will and for one I deprecate their taking the law into their own hands.

There are many individuals among us who ought to be arrested. In every way, by words at least and by act if they could, they malign and damn the Government and make themselves so obnoxious to the wrath of our well-disposed people that I have wondered these sympathizers with Southern traitors have not already been tarred and feathered. It is a state of things we cannot long submit to and I fear the word will soon be given that will produce lawless but deserved deeds. A few detectives or a marshal down here to gather names and facts would do something perhaps to allay the feeling, but the suppression of the Watchman would strike terror to their cowardly hearts and keep them silent. I sincerely trust that something will be done. We have murderers enough in front without being obliged to look after assassins at our backs. One of the fiercest has a son, postmaster, who pretends to be a Republican, both no doubt playing into each other's hands as they have done heretofore. We are getting to be weary of these things and we beg you to help us.

I am, dear sir, with highest esteem and regard, faithfully yours, and my country's,

W. VAN ZANDT.

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*Not found.

SMITHTOWN, LONG ISLAND, *September 9, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: I have been earnestly requested by a large number of the friends of Mr. Henry A. Reeves, of Greenport, Long Island, now a prisoner at Fort Lafayette, to inquire into the causes of his arrest and to use my influence for his release. I have known Mr. Reeves for a long time and have always esteemed him as a gentleman of worth and integrity. The course he has pursued during the present disastrous condition of the country has not met with my approbation, but I have still deemed him loyal though I think his views erroneous and untenable. He has a mother and sister entirely dependent upon his exertions for support. May I not ask his release upon the condition that his future course will be more in accordance with the sentiment so loyally and almost universally expressed by the masses of the North, to which I think he ought unhesitatingly to subscribe?

Should you deem that a compliance with the above request would not be prejudicial to the public interest you would receive the grateful thanks of his family and friends and much oblige, yours, respectfully,

EDWD. HENRY SMITH,
Member of Congress, First District of New York.

P. S.—I am also requested to ask permission to visit Mr. Reeves for the purpose of consulting with him upon his affairs, which visit (if granted) must of course be subject to any conditions the Government may see fit to impose. An early answer is respectfully requested.

E. H. S.

DEPARTMENT OF STATE, *Washington, September 13, 1861.*

Hon. EDWARD HENRY SMITH, *Smithtown, N. Y.*

SIR: Your letter of September 9 has been received. Mr. Reeves has the opportunity to submit anything to the Government here that he desires through the hands of Colonel Burke. Any communication that he might desire to make would receive due consideration; but it is not deemed expedient by the public authorities to grant permission for visits to the prisoners at Fort Lafayette except in compliance with wishes expressed by themselves. I should be happy to accede to your wishes if it were compatible with regulations which have been made out of regard to the public safety and welfare.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

FORT LAFAYETTE, *Saturday, September 21, 1861.*

S. WELLS PHILLIPS, *Watchman Office, Greenport, Long Island.*

DEAR FRIEND: Your favor of the 17th was received this morning and its contents noted with the attention its importance demands. I have addressed a letter to the Secretary of State to-day of which I inclose a copy. As to my giving proof of loyalty, taking an oath, &c., while utterly denying that I have done anything to warrant even a colorable pretense of necessity for any such test, and while as utterly repelling the imputation that arises from the very attempt to impose it, I am yet willing to accept any conditions necessary to effect my release from this prison which are compatible with my own honor and self-

respect. Anything that does not leave me the possession of these essential elements of manhood without which life would be simply intolerable and useless can never obtain the sanction of my judgment nor the assent of my mind. I recognize the full importance of my being at liberty, both as respects my own and the interest of others, nor am I inspired with any quixotic folly of affecting the glories of martyrdom, however tempting the occasion or worthy the cause, but I could not live outside these walls if to purchase such liberty I had subscribed to conditions in any wise derogatory to my personal self-respect. Retaining that I can calmly endure whatever measure of calamity the future may have in store; losing that the amplest freedom of action and the largest degree of prosperity are alike worthless to reconcile me with an existence void of all inward support and satisfaction.

Still this is presupposing a state of facts that may never arise. Until I know definitely the grounds on which I am held and the terms proposed to be submitted for my acceptance or rejection I cannot of course tell what I can do. Meanwhile I am exceedingly obliged to you, to Mr. Smith and to all others who have so kindly volunteered their services on my behalf, and we will hope that affairs will soon be brought to some decisive issue. * * * Mr. Smith will get a letter from me in a day or two reciting what I have done and inclosing a copy of my letter to Seward. Good-bye. Best wishes to your folks and to all inquiring friends.

Very truly and sincerely, yours,

HENRY A. REEVES.

[Inclosure.]

FORT LAFAYETTE, *September 21, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: I am this day in receipt of a letter covering a copy of a communication from yourself to Hon. E. H. Smith in response to his inquiries relative to my case, in which you state that I have "opportunity to intrust anything to the Government here that he (I) desires through the hands of Colonel Burke," and that "it is not deemed expedient by the public authorities to grant permission for visits to the prisoners at Fort Lafayette except in compliance with wishes expressed by themselves." I have been unable to fully satisfy my mind as to the precise meaning or force rather of the italicized clause, but if it reaches to the extent of making permission to receive visitors dependent on my previously expressed wish I hereby respectfully signify my wish that Hon. Mr. Smith be permitted to visit me at this place at as early a date as may comport with his convenience.

I am, very respectfully, your obedient servant,

HENRY A. REEVES.

DEPARTMENT OF STATE, *Washington, September 24, 1861.*

Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

SIR: You will please permit Mr. Edward Henry Smith, of Smithtown, N. Y., to visit in the presence of a proper officer Henry A. Reeves, a prisoner now confined in Fort Lafayette.

I have the honor to be, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

FORT LAFAYETTE, *October 1, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: Hon. E. H. Smith has visited me to-day in pursuance of your pass. Acting on his advice I have to request that you will with as little delay as possible forward to me copies of the charges and specifications if there be any which are lodged against me in the State or other Department of the Government, to the end that I may know the grounds on which I am held and thus be enabled to determine whether or not I can accept any proposed terms of release.

I have the honor to be, very respectfully, your obedient servant,

HENRY A. REEVES.

—

DEPARTMENT OF STATE, *Washington, October 3, 1861.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

SIR: Let H. A. Reeves be released from custody on his taking the oath of allegiance to the Government of the United States and engaging that he will do no act and hold no correspondence that is disloyal or prejudicial to the Union. I dispatch this by the hand of the Hon. William H. Ludlow to Robert Murray, esq., the U. S. marshal, who has been instructed to cause a police examination in certain cases.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

—

SMITHTOWN, *October 4, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: In accordance with the permission granted by the Department I visited H. A. Reeves at Fort Lafayette on Tuesday last. One object I had in view was to gratify his mother who is much distressed, and another to induce him to apply for his release on condition of his pledging himself to give his support to the Government and taking the necessary oath. With the permission of Colonel Burke I placed before him the inclosed letter from Dr. B. D. Carpenter, an influential man and a neighbor of Reeves. I deeply sympathize with the family of Mr. Reeves, who by his incarceration are entirely dependent upon friends and neighbors for support. I also sympathize with him as an old and warm friend, but utterly disapprove the course he has pursued during the deplorable condition in which our country has been placed by the foul rebellion which is pervading the land.

He (Reeves) is anxious to know what charges were made against him with a view to disprove them or to make the necessary amends if in his power, which if he will do I respectfully ask his release. The immediate friends of Mr. Reeves express themselves willing to pledge the future of his paper to an honest and loyal course, giving an unwavering adherence to the Union and Constitution, which if faithfully performed will undo what mischief in any way he has caused. I wish it to be distinctly understood that I have no sympathy with treason, but deem it the duty of every citizen to sustain the Government in its hour of peril and to insist upon the preservation of the Union and the maintenance of the laws. I do not wish to be intrusive or occupy unnecessarily your valuable time. I call your attention to the latter part of the inclosed letter. Will you have the goodness to let me know the conditions upon which Reeves will be released if at all?

Most respectfully, your humble servant,

EDWD. HENRY SMITH,

Member of Congress.

[Inclosure.]

CUTCHOGUE, *September 26, 1861.*

Hon. EDWARD H. SMITH.

DEAR SIR: I understand that you are in possession of a letter from the Secretary of State touching the arrest of Mr. Reeves. Do you not think with us that it would be well for you to have a personal interview with the honorable Secretary? By doing so you will be able to more fully explain Mr. Reeves' position and the most influential causes that resulted in his arrest. It is now well ascertained that a personal feeling was the motive to the charges made against him and that not the good of the State but desire to gratify personal malice the reason that his arrest was so diligently pursued. This feeling was constantly exerted to stimulate a warm and ardent but honest nature until he was led without doubt into imprudent, intemperate expressions, not willfully designing to injure the State, neither to embarrass the Administration. If rightfully understood the Secretary will readily conclude with us who see and feel the workings of it, but Mr. Reeves in his arrest is doing more to create a feeling of repugnance to the Administration than he could possibly have accomplished by any course that he might pursue with his paper. It being known that the local influence was not a political but a personal one tends to increase the feeling. Mr. Reeves himself is a Democrat, but his relatives are nearly all Republicans. They and others are by this arrest entirely diverted from their old party affinities.

You have our pledge that in case Mr. Reeves is released and again takes charge of his paper it shall be conducted as a Democratic paper, but not offensively so. Indeed every effort will be made by the patrons of the paper (and their efforts can be relied on) to make it an open, fair, but not obnoxious opponent.

Thine, as ever,

B. D. CARPENTER.

Another reason why the arrest of Reeves is creating a prejudicial feeling in the community is the fact that he is poor, very poor, and besides has a mother, sister and imbecile brother entirely dependent upon him, and that they are now being supported by voluntary contributions. You will see at once what effect such a combination of circumstances would be likely to produce acting on the sympathies of a community like ours.

—

FORT HAMILTON, *October 5, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: According to your orders of the 3d instant I have this day released * * * Henry A. Reeves, and herewith inclose their [his] separate oath of allegiance and parole.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

[Inclosure No. 1.]

FORT HAMILTON, *October 5, 1861.*

I, Henry A. Reeves, do give my word of honor that I will do no act and hold no correspondence that is disloyal or prejudicial to the Union.

HENRY A. REEVES.

[Inclosure No. 2.]

STATE OF NEW YORK, *County of Kings, ss:*

I, Henry A. Reeves, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States against all enemies whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any State convention or legislature to the contrary notwithstanding; and further that I do this with a full determination, pledge and purpose without any mental reservation or evasion whatsoever; and further that I will well and faithfully perform all the duties which may be required of me by law. So help me God.

HENRY A. REEVES.

Sworn to and subscribed before me this 5th day of October, 1861.

CHARLES W. CHURCH,
Justice of the Peace.

—

OAKDALE, SAYVILLE, LONG ISLAND, *November 5, 1861.*

Hon. WILLIAM H. SEWARD.

MY DEAR SIR: Is there any evidence on file in the State Department that Mr. H. A. Reeves was arrested on my complaint? You will greatly oblige me with a reply by return mail directed to me at the New York Hotel, New York.

Yours, truly,

WILLIAM H. LUDLOW.

—

DEPARTMENT OF STATE, *Washington, November 6, 1861.*

Hon. F. W. SEWARD,
Assistant Secretary of State, Washington, D. C.

SIR: On the subject of the letter of Mr. Ludlow of the 5th instant which you received I have to state that there does not appear to be any evidence on file in the Department of State that Mr. Henry A. Reeves was arrested on the complaint of Ludlow.

I am, sir, very respectfully, your obedient servant,

E. D. WEBSTER.

—

LONG ISLAND, *December 23, 1861.*

Evidence of H. A. Reeves' non-reform. He is a traitor and ought to go back to Fort Lafayette for the winter.

JOHN JONES, SR.

[Inclosures from Brooklyn Evening Star, Monday, December 23, 1861.]

[No. 1.]

HONORABLY DISCHARGED.

Jacob A. Appley, esq., of Southold, a well-known citizen who was arrested in New York City a short time ago charged with complicity in the alleged preparations to send the bark Augusta (of which he is owner) on a slave voyage and confined in Fort Lafayette by order of Secretary Seward was released on Tuesday, the charges against him proving to be frivolous. He reached his home on Wednesday. He tells a hard story of the fare and treatment dispensed to the unfortunates confined in that infernal bastile.—*Greenport (L. I.) Watchman.*

We never knew of a man sent to prison as a criminal who did not consider his fare and treatment "hard." Offenders are generally arrested "for nothing," at least they always say so.

[No. 2.]

Judge Flanders, as true and loyal a Democrat as the State contains, is a martyr to freedom of the press, being held in custody at Fort Warren without even the color of law.

We find the above in the Greenport (L. I.) Watchman, edited by Mr. Reeves recently released under mistaken clemency from Fort Lafayette.

—

WASHINGTON, *October 17, 1863.*

THURLOW WEED, Esq., *Astor House, New York.*

MY DEAR WEED: It is not in my judgment expedient for me to engage in correspondence on the subject referred to in the within letter. You can say to the police commissioners that Murray not Kennedy made the arrest, and if need be you can tell Mr. Bergen that Colonel Ludlow did not recommend the arrest but it was made on other demands, he knowing nothing about it.

Very truly, yours,

W. H. SEWARD.

P. S.—Please return the papers.

[Inclosure.]

BROOKLYN, *October 15, 1863.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: In a conversation some time since with Thurlow Weed he stated that the evidence in regard to Ludlow's recommendation of the arrest of Reeves would come out upon the case of the police commissioners and thought I had better get a resolution passed by that board asking for the evidence, which he said he had read in the State Department. That resolution passed and I am informed is now before you. It was in your defense that I made the statement that Ludlow was the cause of the arrest, he stating that the cause of the arrest was a political attack made in a paper edited by Reeves.

Ludlow has denied even recommending the arrest or having anything to do with it, and has tried to prove it by a letter from Mr. Webster. I think it is due to truth and justice, to history and to me that the facts should be placed before the world. Amongst your most malignant maligners has been this same Ludlow, and Weed knows that he has made charges against both you and Weed of the most outrageous character. I ask this as a matter of justice, and there can be no good reason why so base a scoundrel as this same Ludlow has proved himself should be sheltered by your Department. The arrest at the time was highly censured and the friend who excused you and put the blame where it belonged should not be left in the position of making false charges. Therefore I hope you will consider it a matter of duty to answer in full the resolution sent to you by the police commissioners. You will pardon me for saying that I think your own friends demand that the whole

truth should be made known. It was arrests of this kind, counseled by leading, pretending Democrats, that has given hope and life to the miserable copperheads of this State. The true history of this arrest is undoubtedly the history of many and if made public will do much to put down this miserable faction and cause the election I think of a Union senator for the First district.

Yours, &c.,

A. J. BERGEN.

Case of Cyrus F. Sargent.

Cyrus F. Sargent was arrested by order of the Secretary of State by U. S. Marshal Clarke, of Maine, about September 5, 1861, and committed to Fort Lafayette and from thence transferred to Fort Warren. He was charged with having a contract to furnish rebel regiments with supplies; with being engaged in building a vessel to carry war material to the insurrectionary States; with denouncing the Government and avowing sympathy with treason, and with intending to leave the State of Maine for the insurrectionary States and affording aid and comfort to the rebellion. An order was issued from the Department of State dated November 6, 1861, directing Colonel Dimick, commanding at Fort Warren, to release Sargent on his taking the oath of allegiance stipulating that he will do no act hostile or injurious to the United States during the present insurrection. He was accordingly released November 10, 1861.—*From Record Book, State Department, "Arrests for Disloyalty."*

—

YARMOUTH, ME., *August 30, 1861.*

Hon. W. H. SEWARD, *Washington, D. C.*

SIR: I have to inform your Department that Cyrus F. Sargent and Octavius A. Hill, members of New Orleans firms, representatives of the ship-owning and slave-holding interests and contractors for supplying regiments in the rebel army, are now in this town denouncing the Government and boldly avowing their sympathy for treason.

It is their intention to leave in a few days for New Orleans. If it is thought desirable to arrest them the authorities of Portland will attend to the matter when ordered so to do by the Government. I have given information to General Scott, to whom I am not entirely unknown. To him I would respectfully refer you for additional particulars. The Department can rely on the correctness of these facts.

Very respectfully, yours.

WM. G. HOBEN.

—

PORTLAND, *September 5, 1861.*

W. H. SEWARD:

I have arrested Hill and Sargent. Shall send them to New York to-day.

CHAS. CLARKE,
U. S. Marshal.

PORTLAND. *September 5, 1861.*

WILLIAM H. SEWARD, *Secretary of State:*

Sargent and Hill arrested on your dispatch* and in prison. Are getting out a writ of habeas corpus. Send instructions immediately.

CHAS. CLARKE,
U. S. Marshal.

—

DEPARTMENT OF STATE, *Washington, September 5, 1861.*

Lieut. Gen. WINFIELD SCOTT, *Washington.*

GENERAL: Please order by telegraph the military commander at Portland, Me., to receive Sargent and Hill of that city who have been arrested by the U. S. marshal by direction of this Department for violating the injunctions in the recent proclamation of the President. Direct the commander also not to respect any writ of habeas corpus which may be issued in the case.

I have the honor to be, your obedient servant,

WILLIAM H. SEWARD.

—

HEADQUARTERS OF THE ARMY,
Washington, September 5, 1861.

Lieut. Col. J. D. GREENE,
Seventeenth U. S. Infantry, Fort Prebel, Portland, Me.:

Receive from U. S. marshal at Portland Messrs. Sargent and Hill, who have been arrested for political offenses. Refuse to obey any writ of habeas corpus that may be served upon you in their cases. Send them quietly under charge of an officer and if necessary a few men by any suitable water conveyance from Portland to New York and deliver them for safe-keeping to Lieut. Col. Martin Burke, commanding Fort Lafayette.

WINFIELD SCOTT.

—

PORTLAND, ME., *September 5, 1861.*

WILLIAM H. SEWARD:

Sargent and Hill taken from the marshal on habeas corpus. Hearing at 3 to-morrow.

GEO. F. TALBOT,
District Attorney.

—

WASHINGTON, *September 11, 1861*

[Hon. CALEB B. SMITH, *Secretary of the Interior:*]

Cyrus F. Sargent and O. A. Hill have a contract to supply two rebel regiments at New Orleans. It is alleged at Yarmouth, Me., that the said Sargent and Hill are there building a vessel to carry material to the coast of Texas. This I have from Mr. George Woods, a citizen of Yarmouth, who is now in Pittsburg, Pa.

D. L. EATON,
Pre-emption Division, Land Office.

* Not found.

WASHINGTON, *September 21, 1861.*

U. S. MARSHAL, *Portland, Me.:*

If you can now arrest Cyrus F. Sargent and O. A. Hill and convey them to Fort Lafayette, N. Y., and deliver them into custody of Col. Martin Burke you are hereby directed to do so.

WILLIAM H. SEWARD.

—

PORTLAND, ME., *September 25, 1861.*

WILLIAM H. SEWARD, *Secretary of State:*

Have arrested Cyrus F. Sargent* and delivered him at Fort Lafayette.

CHAS. CLARKE,
U. S. Marshal.

—

AUBURN, ME., *September 30, 1861.*

Hon. W. H. SEWARD, *Secretary of State.*

DEAR SIR: The friends of Cyrus F. Sargent have requested me to write to you in connection with a petition† which they have signed to that effect asking that the cause of his confinement in Fort Lafayette may be investigated, and if not inconsistent with the public welfare upon his taking an oath of allegiance that he may be discharged. I have no personal acquaintance with Mr. Sargent and no personal knowledge of the cause or circumstances attending his arrest, but I am acquainted with many of those who have signed his petition and know them to be loyal and respectable, occupying high social positions, whose statements and wishes are entitled to consideration, and as Mr. Sargent is claimed to be a citizen of Maine and a resident of the district which I represent I have thought it not unreasonable for me to comply with their request so far as to call your attention to his case and inform you of the high social position of many of the signers of his petition, and to express the hope that you will cause the desired investigation to be made at the earliest day practicable.

Yours, with respect,

C. W. WALTON,
Member of Congress, Maine.

—

PORTLAND, *October 1, 1861.*

SECRETARY OF STATE.

SIR: I am requested to state to you the character of the petitions‡ to be forwarded to you with reference to the case of Cyrus F. Sargent. The petition signed by Eleazer Burbank and others contains the names of many gentlemen known to me as among the leading Republicans and most zealous and ardent friends of the Government; that signed by R. G. Blanchard and others, though as I am informed signed mostly by Democrats yet contains the names of several gentlemen of high respectability, and who I have no doubt give their warm support

* This was evidently a re-arrest after his release through the habeas corpus proceedings. No record found of Hill's re-arrest.

† Omitted.

‡ Petitions asking for investigation of the case of Sargent, and for his discharge, omitted.

to the Government in its present struggle. Both together embrace a large number of the people of Yarmouth, Mr. Sargent's place of residence.

I can see no good reason why their request should not be granted, but as I know nothing of the facts do not assume to judge the matter.

With great respect, your obedient servant,

W. P. FESSENDEN.

—

DEPARTMENT OF STATE, *Washington, October 3, 1861.*

GEORGE F. TALBOT, Esq.,
U. S. District Attorney, Machias, Me.

SIR: I send you herewith the papers upon which Cyrus F. Sargent was arrested together with such as have been submitted to me asking for his release. Will you please examine them, taking such other testimony as may be offered and report to me your opinion as to the merits of the case. Please return the papers to this Department.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

—

PORTLAND, *October 9, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: I this day received the papers relating to the application of Cyrus F. Sargent, a prisoner of war in confinement in Fort Lafayette, for release. I have addressed letters to the persons furnishing the information upon which the arrest was made with a view of taking their testimony and shall take such other evidence as will be offered, after which and as soon as the case can be investigated I will report to you and return the papers.

Very respectfully,

GEORGE F. TALBOT,
U. S. Attorney for District of Maine.

—

PORTLAND, *October 12, 1861.*

The SECRETARY OF STATE.

SIR: The friends (family) of Sargent have requested me to call your attention to the petitions heretofore forwarded to you for a speedy examination of his case as they feel confident that it will result in his release. Their anxiety is occasioned by the situation of his family, he having four young children who having lost their mother need his personal supervision. I write this merely to comply with their request that I would again call your attention to the matter.

With great respect, your obedient servant,

W. P. FESSENDEN.

—

PORTLAND, *November 5, 1861.*

WILLIAM H. SEWARD:

I send by next mail depositions and report in case of Cyrus F. Sargent. My conclusion is that his further detention is not necessary. Domestic reasons for early release.

GEORGE F. TALBOT,
U. S. District Attorney.

OFFICE OF THE U. S. ATTORNEY,
Portland, November 5, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Having been by your letter of the 3d ultimo requested to examine the papers upon which Cyrus F. Sargent, of Yarmouth, in this State, late of New Orleans, La., was arrested together with such as were submitted to you asking his release and such additional testimony as might be offered and to report my opinion of the merits of the case I have complied with your request, and have the honor to submit my report together with the papers transmitted to me and such affidavits as I have deemed it advisable to take.

I am informed that the prisoner Sargent, whose wife deceased last May, has under his care a family of young children now requiring his special attention on account of the serious illness of one of them. I have therefore telegraphed to you the conclusion to which I have arrived upon examining the case in order that his detention in prison might not be attributable for a single day to mere delay in forwarding a report and the evidence to Washington.

The information upon which Sargent's arrest was ordered appears to be a letter from William G. Hoben of August 30 ultimo and a letter of D. L. Eaton of September 11 ultimo, referring to George Woods, of Pittsburg, Pa., as authority for its statements. The charges in these letters are these: First, he was one of a business firm who had a contract for the supply of rebel regiments; second, they were building a vessel at Yarmouth to carry material (of war) to the coast of Texas; third, while in Yarmouth they denounced the Government and avowed sympathy with treason; fourth, they were about to leave the State with the purpose of going to New Orleans.

Proceeding to investigate the grounds of these charges, I addressed letters to Messrs. Hoben, Eaton and Woods recapitulating the information accredited to them and asking them to state such facts in support of these charges as were within their own knowledge, or to refer me to persons who had knowledge of such facts whose affidavits might be taken, at the same time assuring them that all communications and affidavits should be regarded as confidential. From Mr. Hoben I received no reply, and it appears from Mr. O. B. Pratt's affidavit that he has been absent from Yarmouth about six weeks and is now supposed to be in Washington. Messrs. Eaton and Woods have replied and I forward their letters as a part of my report.

Mr. Woods appears to have no knowledge whatever as to either of the charges except that he completely negatives the second. He refers, however, to Capt. Calvin Humphrey, late of the ship State of Maine, and to the postmaster at Yarmouth as persons likely to have knowledge of facts tending to substantiate the first and third charges. Captain Humphrey as appears by the affidavit of Mr. Ingraham is absent on a voyage from Europe to the Chincha Islands, and I judge that the friendly nature of his relations with the prisoner and the sympathy for the rebel cause attributed to him by Mr. Woods will not authorize the expectation that his testimony when obtained will be any more conclusive against the prisoner than that already obtained. However that may be it does not seem to me expedient to suspend a decision of the case to await his uncertain return and doubtful testimony.

I have taken the testimony of the postmaster referred to in Mr. Woods' letter, Mr. Otis B. Pratt, of Yarmouth, and forward it as a part of the case. In reference to the first charge he seems to have no actual

knowledge. He had heard one Joseph Gooding say that Sargent and Hill had a contract to supply the rebel army, but Gooding communicated this as information obtained in this State during the last summer and not as what he had learned at the South; and indeed it appears that he left the South previous to the taking of Fort Sumter. In reference to the second charge Mr. Pratt's information is hearsay; and if it were sufficient evidence it is evidence only of a wish of Sargent & Hill to load Gooding's vessel with supplies for the rebel army—a wish not followed by any attempt or overt act to accomplish it. The statement of Pratt goes far toward discrediting the supposition of any such attempt or act. There appears to be nothing in the affidavit of Mr. Pratt tending to sustain the third charge other than that the prisoner was in political sympathy with the Breckinridge branch of the Democratic party in this State and openly expressed the opinions which that party expressed and continue to express with reference to the rebellion, the war and the Administration. So long as such declarations are unaccompanied by treasonable acts it is certainly not the policy or purpose of the Government to interfere with them. Pratt affirms that he heard nothing of a treasonable nature said by Sargent or imputed to him by others. I should have sought out this Captain Gooding and taken his affidavit but for his absence at sea.

Mr. D. L. Eaton's letter in reply to mine is under date of October 22 ultimo and is appended to this report. He admits that he has no actual knowledge in reference to the charges.

Such are the results of my efforts to make certain and definite the accusations upon which the Government ordered the summary arrest of the prisoner, and such may be considered at this stage the whole strength of the Government's case.

I now turn very briefly to comment upon the testimony offered in behalf of the prisoner's release. It consists of the affidavits of Elias H. Sargent, Ammi Storer, Sylvanus C. Blanchard and Ferdinand Ingraham, which I transmit* with this report. Elias H. Sargent is a partner in the firm of Sargent & Hill, and states expressly that neither he nor the prisoner had knowledge that the member of the firm left in New Orleans was concerned in furnishing military supplies to the rebels, and that if such member was concerned in that business neither of them gave any consent to the enterprise. It appears that if anything of the kind was done it was after the return of the Messrs. Sargent to the North, and after communications between North and South had been interrupted by the war. Whatever responsibility might under ordinary circumstances rest upon the head of the commercial house for acts done by his partnership and in part upon his capital or credit the extraordinary state of the country at the time, arresting travel and interrupting correspondence, would seem to relieve him in this case. This is all there is in this part of the testimony relating to particular acts of the prisoner.

Mr. Ammi Storer's affidavit undoubtedly states the extent of Sargent's mere political sympathy with the rebels. The affiant is understood to be of the same political school and was therefore in a position to elicit his confidence. He seems to have expressed himself as a considerable party of our fellow-citizens have done without any disguise and without consciousness of liability to punishment or inquisition. Doubtless his political prejudices in favor of the movers of the great rebellion were further stimulated by his business relations with the

*Omitted; substance stated in this report.

South and by his temporary residence there. Nothing of this kind, however, unaccompanied by overt acts and no virulence of party feeling however insidious and dangerous should subject him to restraint at the hands of a just and liberal constitutional Government.

The other charges do not seem to be alluded to in these affidavits nor does the case find any evidence tending to sustain the fourth charge of the accusation. Reviewing the whole matter my opinion is that there is not sufficient evidence accessible to the Government to warrant ordering Sargent to be put upon his trial for treason, conspiracy or any other offense, and that it does not appear that he is such an enemy to the Government as to demand his further detention as a prisoner of war. At the time his arrest was first ordered the posture of public affairs was such that the proceeding summary as it was tended to strengthen the cause of the Government, and was approved by the great mass of our citizens under the prevalent belief that the Administration was in possession of some facts showing his complicity with treason. At that time hopes were cherished by a portion of our citizens that a political demonstration might be made at the polls which would paralyze the Administration in its efforts to subdue the rebellion and would compel it to offer some ignoble and unjust concessions to the armed traitors. The loyalty of the people has disappointed all such hopes. The feeble demonstration at the polls of hostility to the war policy of the Government showed the impracticability of this political diversion in favor of the rebels. Summary and severe measures seem to be no longer required and the Government may for the present safely rely upon the patriotism and devotion of the great mass of its citizens.

While the unhealthy political associations of Sargent and his Southern connections seem to justify the requirement from him as the condition of his release of a renewal of his oath of loyalty and perhaps his subjection for a period to such surveillance as may not be incompatible with his liberty his immediate release from imprisonment will be an act of clemency and justice likely to influence him favorably and to strengthen the Government in the respect and confidence of the people of Maine, and it may not be improper for me to pledge my own vigilance and that of the subaltern executive officers of the United States in this district that this act of clemency shall not be hereafter abused to the peril of the State.

I have the honor to be, with highest esteem, your obedient servant,

GEORGE F. TALBOT,

Attorney of the United States for the District of Maine.

[Inclosure No. 1.]

WASHINGTON, *October 22, 1861.*

GEORGE F. TALBOT, Esq., *U. S. District Attorney.*

SIR: On my return from a visit to Maine I found on my table your letter of the 9th instant touching the case of Cyrus F. Sargent, now confined in Fort Lafayette. But for my absence it would have been answered before.

In answer to your inquiry as to my knowledge of the facts alleged in the information communicated, I have no authority but that which I gave at the time of submitting the facts in the paper which you have quoted. The allegations and the name of my informant were written by me on the same slip of paper and passed to Hon. Caleb B. Smith, Secretary of the Interior. I have not met Sargent for years, but in

the course of friendly correspondence with Prof. George Woods, of Yarmouth, now of Pittsburg, he stated the facts which I deemed it my duty to communicate. Knowing Sargent to be a slave-trader, that his property is almost all in Southwestern Arkansas, and that his denunciations of the Government were as malignant as his expressed wishes for the success of the Southern rebellion appeared to be devout and hearty, it seemed to me not amiss to have him in keeping. I should add, however, that I know the latter fact, to wit, that of his hostility to the United States from hearsay, the truth of which I have no hesitation in accepting.

In a recent visit of a week in Portland and vicinity I did not meet a man, woman or child who spoke of the arrest of Sargent who did not consider it the best thing the Government had done in that vicinity. The people recognize in Sargent an enemy to his country, and they base their judgment upon the tone and tenor of his general conversation in the town where he lived and in the places where he resorted. Doubtless Mr. Woods can give you the data for his statements.

With great respect, I am, your obedient servant,

DANIEL L. EATON.

[Inclosure No. 2.]

PITTSBURG, PA., *October 19, 1861.*

GEORGE F. TALBOT, *U. S. Attorney.*

DEAR SIR: Your favor of the 9th caused me much surprise as my letter to Mr. D. L. Eaton was on other business, and the information in it in relation to the strong secession feeling in Yarmouth was communicated to him as one interested in Yarmouth without any intention on my part or even suspicion of informing the Government. Besides I have already suffered greatly from this secession party in Yarmouth and had and still have no desire further to provoke them, well knowing their tyrannical disposition.

My informant as to the Messrs. Sargent and Hill—four partners—was Capt. Calvin Humphrey, late of ship State of Maine, seized in New Orleans, now of ship Reaper, on her way from England to Akyab. Captain Humphrey is a most reliable man, very friendly to above named firm with which he was well acquainted in New Orleans. He returned last summer from that city favorable to the Southern side. He came from New Orleans through Mississippi in company with one of the firm, Mr. Andrew J. Hill, who was on his way to see the two regiments with which they had a contract to supply with all they wanted. This fact was known generally in Yarmouth without being communicated by me, and probably the postmaster in Yarmouth can recollect their admission of it in store of A. L. Loring, where both Sargent and Hill talked, and of the circulating by said Sargent of disloyal newspapers and can tell the name of a man in Yarmouth who says he was offered inducements to fit out a vessel to run the blockade.

The second matter was rumor, not of building a vessel but of being engaged in fitting out in Portland the ship Sam Locke, owned by said Sargent, Sam Locke, of New Orleans, and others. This was spoken of freely in Portland and Yarmouth and was stated by me as rumor. The information and very much more than I can give can be obtained in Yarmouth, and my affidavit will be of no use it seems to me. If so it can be given here.

Respectfully, yours,

GEORGE WOODS.

DEPARTMENT OF STATE, *Washington, November 6, 1861.*

Col. JUSTIN DIMICK, *Fort Warren, Boston, Mass.*

SIR: Let Cyrus F. Sargent, a prisoner confined in Fort Warren, be released on taking the oath of allegiance to the Government of the United States stipulating that he will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State. And also that he will not do anything hostile to the United States Government during the present insurrection. You will please make the stipulations a part of the oath. I transmit this order to John S. Keyes, esq., U. S. marshal, who has been instructed by this Department to cause a police examination to be made in some cases of the persons and baggage of prisoners discharged from custody to the end that no correspondence or other improper papers be conveyed by them to persons outside the fort.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Acting Secretary.

BOSTON, *November 8, 1861.*

W. H. SEWARD:

Domestic reasons require Cyrus F. Sargent's immediate release. Please order his release by telegraph to Marshal Keyes to relieve a distressed family. Report of Talbot before you.

S. C. BLANCHARD.

FORT WARREN, *November 10, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to inclose herewith the oath of allegiance of Cyrus F. Sargent, released agreeably to your order of the 6th ultimo.

I am, sir, very respectfully, your obedient servant,

J. DIMICK,
Colonel First Artillery, Commanding Post.

[Inclosure.]

I, Cyrus F. Sargent, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States against all enemies whether domestic or foreign, and that I will bear true faith and allegiance and loyalty to the same, any ordinance, resolution or law of any State convention or legislature to the contrary notwithstanding; and further that I do this with full determination, pledge and purpose without any mental reservation or evasion whatsoever; and further that I will well and faithfully perform all the duties which may be required of me by law, hereby stipulating that I will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States nor transmit any correspondence between disloyal persons without permission from the Secretary of State, and also that I will not do anything hostile to the United States during the present insurrection. So help me God.

CYRUS F. SARGENT.

Sworn to and subscribed before me this 10th day of November, A. D. 1861.

J. DIMICK,
Colonel First Artillery, Commanding Fort Warren.

Case of Algernon S. Sullivan.

Algernon S. Sullivan, of New York City, was arrested by order of the Secretary of State dated September 7, 1861, and committed to Fort Lafayette. He was charged with disloyalty; with assisting in transmitting contraband correspondence to the insurrectionary States; with holding treasonable correspondence with said States and with attempting to thwart the plans of the officers of the United States. Sullivan was counsel for Captain Baker,* of the rebel privateer Savannah. An intercepted letter from him dated August 23, 1861, and addressed to Hon. R. M. T. Hunter, Secretary of State, Confederate States of America, asks for numerous papers to be used in said Baker's defense, and he says: "I desire not to evade the high ground that the Confederate States are sovereign and that her citizens are not citizens of the United States." At the time of his arrest several letters addressed to persons in the insurrectionary States were found in his possession. An order was issued from the Department of State dated October 18, 1861, directing Colonel Burke, commanding at Fort Lafayette, to release Sullivan on his taking the oath of allegiance and engaging on oath that he will do no act hostile or injurious to the United States, nor enter nor correspond with any of the States in insurrection nor be engaged in treasonable correspondence with any person whomsoever during the present insurrection. He was accordingly released October 21, 1861.—*From Record Book, State Department, "Arrests for Disloyalty."*

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OFFICE OF THE SUPT. OF THE METROPOLITAN POLICE,
New York, September 6, 1861.

Hon. W. H. SEWARD, *Secretary of State.*

SIR: One of my officers, Sergeant Ferry, of Third street, Brooklyn, obtained information that all the papers of B. F. Grove,† of 17 Park Place, New York, and 250 Adelphi street, Brooklyn, had not been obtained at the time of his arrest; made search and discovered the accompanying letters, viz: One addressed B. F. Grove, Miss H. M. Hammond, Berryville, Clarke County, Va., and one to Hon. R. M. T. Hunter, Secretary, &c., Richmond, Va. I suppose that while the ground for detaining Grove is strengthened by the letter to him that letter and the unopened one to Hunter will sufficiently implicate Sullivan to require his arrest.

Very truly, yours,

JOHN A. KENNEDY,
Superintendent.

—

DEPARTMENT OF STATE, *Washington, September 7, 1861.*

JOHN A. KENNEDY, *Superintendent of Police, New York:*

Your letter of yesterday received. Arrest Algernon S. Sullivan, No. 59 William street, and deliver him to Col. Martin Burke, Fort Lafayette.

WILLIAM H. SEWARD.

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*See Vol. III, this series, for Baker's capture, the correspondence, etc., relating to the Confederate privateersmen, and the letters of Sullivan to the Richmond authorities which caused his arrest.

†See p. 635 for case of Benjamin F. Grove.

DEPARTMENT OF STATE, *Washington, September 7, 1861.*

Col. MARTIN BURKE, *Fort Hamilton, N. Y.:*

Receive at Fort Lafayette Algernon S. Sullivan when delivered by order of John A. Kennedy, superintendent of police.

WILLIAM H. SEWARD.

—

OFFICE OF THE METROPOLITAN POLICE,
New York, September 8, 1861.

Col. MARTIN BURKE,
Commanding U. S. Forces, Fort Lafayette.

SIR: During the temporary absence of Superintendent Kennedy a telegraphic dispatch has been received at this office from the Hon. William H. Seward, Secretary of State, directing the arrest of Algernon S. Sullivan, of this city. In compliance with said order Mr. Sullivan has been arrested and is herewith placed in your custody.

I am, with great respect, your obedient servant,

GEO. W. DILKS,
Inspector of Police.

—

NEW YORK, *September 9, 1861.*

Hon. W. H. SEWARD.

DEAR SIR: Mr. A. S. Sullivan was on Saturday taken and has been sent to Fort Lafayette under an order from your Department as he was informed. He is of counsel for the crew of the privateer Savannah and as such has needed to correspond with the authorities of the secession States in order to obtain documents and evidence which are deemed necessary for the trial, and as he assures his friends his letters have gone no further than the pursuit of these objects.

I respectfully ask that you would do him the justice and would do me the personal favor to look into his case and do what you judge right in the matter, that he may not be detained unless for cause which you deem adequate after examination. He has an amiable wife and infant child for whom we have great interest. His father is a man of independence and of Republican politics, as are two of his brothers in Ohio and Indiana as I am told. I am very sure that were he ever so ill disposed, as I think he is not, his efforts would do less injury to the cause of the Union than his imprisonment. Allow me on the score of former acquaintance to ask your attention to this case and the favor of an early reply.

I am, very respectfully, your obedient servant,

DANIEL LORD.

—

DEPARTMENT OF STATE, *Washington, September 10, 1861.*

DANIEL LORD, Esq., *New York.*

SIR: I have received your letter of yesterday relating to Algernon S. Sullivan, a political prisoner now in custody at Fort Lafayette. This Department is possessed of treasonable correspondence of that person which no rights or privileges of a lawyer or counsel can justify or excuse.* The public safety will not admit of his being discharged.

* For Sullivan's letters to R. M. T. Hunter and J. R. Tucker, Richmond, Va., see Vol. III, this series.

In view of the many representations made to me in the case I pray you excuse me for giving this letter to the public.

With great respect, sir, your obedient servant,

WILLIAM H. SEWARD.

—

54 WALL STREET, NEW YORK, *September 10, 1861.*

F. W. SEWARD, Esq.

DEAR FRED: I saw by yesterday's papers on my return to town last evening that Mr. Algernon S. Sullivan has been sent to Fort Lafayette. He is comparatively a stranger here and this leads me to say to you what I know of him. I have not seen him or any of his family, relatives or friends for five or six weeks past and write this entirely of my own volition and without the knowledge of any human being. I of course know nothing of what information or evidence the Government may possess in the case and do not mean in any manner to question the propriety of its course. The fact that Mr. Sullivan is a stranger here, a member of the bar in good standing and that I believe his family to be dependent upon his professional labors coupled with my surprise at the cause of his arrest induces me to write to you.

He is a Virginian by birth. Mrs. S. is also from that State; but notwithstanding these facts and the sympathies which would naturally flow from them Mr. S. has in several conversations with me during the past five or six months, and especially in the last conversation I had with him some five or six weeks since, expressed himself unhesitatingly and unequivocally in favor of prosecuting the war; that the Administration ought to be and must be sustained in so doing. I believe him to be entirely loyal and utterly incapable of intentionally committing any disloyal act. I should not have been more surprised at the arrest for this cause of our mutual friend R. B. Potter or any prominent Republican.

It occurs to me that in some of the letters said in the papers to have been written by him to the South he may have said more than was prudent or proper and may have disclosed more of our plans than he should have done. If so, it may be said for him that he is a lawyer—like many of us wanting clients. His friends are at the South. His anxiety to obtain favor there for this purpose may have led him to careless frankness of disclosure or to the expression of opinions really not his own. Should there be anything pointing to this would not justice be subserved by administering the oath and giving him his freedom? He would very certainly be sufficiently prudent in the future. Mr. Sullivan knew me as an old Tammany Hall Democrat. There was therefore no reason why he should have expressed other than his real sentiments to me. Since I began this letter I have seen two lawyers, acquaintances of Mr. Sullivan, one (F. R. Sherman) a prominent Republican, and they confirm the view I have expressed of Mr. Sullivan's sentiments.

This much I feel bound to say for Mr. S., hoping that if there is the slightest doubt of the sufficiency of the proof against him the Government will see the justice of inquiring into his case or of giving him an opportunity to exculpate himself. I will be very glad if you can find the time and inclination to inquire a little into it. I did not mean to ask your attention to so long a letter.

Pardon me, and believe me, faithfully, your friend,

JOHN S. SUTHERLAND.

61 WALL STREET, NEW YORK, *September 11, 1861.*

Hon. W. H. SEWARD.

SIR: Allow me to say that your answer to Mr. Daniel Lord in the matter of A. S. Sullivan gives the most entire satisfaction. I have known Mr. Lord all my life. He is arrogant, conceited and most of all distinguished for his overestimate of his own importance. He is withal intensely selfish, and little better than the traitors whom he encourages in their war upon the country. I have good reason for saying that Mr. Lord has done and will do all in his power to embarrass the Government, and I hope that he will yet find himself where he ought to be—in Fort Lafayette.

I am, sir, with great respect, your obedient servant,

E. SEELEY.

P. S.—Allow me to add that though a stranger to you I have been well known a long time to Mr. Welles, Secretary of the Navy.

E. S.

—

29 WALL STREET, NEW YORK CITY, *September 12, 1861.*

Hon. MCKEE DUNN, *Washington.*

DEAR SIR: I am requested by Mrs. Mary Sullivan, wife of A. S. Sullivan, a prisoner of Fort Lafayette (you know him—son of Judge Sullivan, of Indiana), to write to you and have you procure for her a pass from General Scott to allow her to visit her husband in the fort. Will you be kind enough to do this and write to me on receipt of this? Mr. Hudson joins me in this behalf. The woman is in trouble and is deserving of sympathy. I shall esteem it as a favor to myself if you will trouble yourself for her in this matter.

Respectfully,

D. C. STONE.

—

PRIVATE.] NEW YORK, *September 14, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington:*

Never was a more righteous and just arrest made in this city than that of Algernon S. Sullivan. He has been the most malignant of all the secession rebels with the exception of the two brothers Joel and Udolpho Wolfe. Algernon Sullivan had meetings of rebels at his house, No. 84 West Fourteenth street, and when not there they were held at Udolpho Wolfe's, No. 99 West Fourteenth street. Udolpho Wolfe keeps his store at 22, 24, 26 Beaver street. If arrested you will find a tin box in his safe any time between 10 and 3. The box is not locked up and is in charge of Mr. Castle, the bookkeeper in the front office. In that box are over $500,000 in bonds, securities and demands, with at least $80,000 in Confederate bonds belonging to Udolpho Wolfe. Udolpho Wolfe is the Confederate friend in this city of Henry A. Wise. He furnished B. Donnelly (Wise's old correspondent) with capital to start and carry on the Union House at Washington. It is a nest for secessionists. Udolpho Wolfe bottles over 3,000,000 bottles of gin every year. It is nearly all sold South. He has a brother in Kentucky. All these Wolfes came from Virginia, and Wolfe in 1860 published a book about Virginia and President Monroe, whose remains were removed from this city.

Joel Wolfe is also a secessionist and is constantly with John J. Cisco, who is ignorant of his real character. From Cisco, who is innocent, Wolfe

gets all the statements of the financial affairs of the United States and they are regularly transmitted by means of Algernon S. Sullivan to Jeff. Davis. Udolpho Wolfe has recently returned from Europe. He corresponded previous to his departure with Jeff. Davis and took out Burke, of New Orleans, who is his brother-in-law, and made large purchases for the Southern Confederacy. He has made arrangements secretly to ship directly to any Southern port. This is the way he advertises, but it is all a dodge:

To shipping merchants. Wolfe's Schiedam Schnapps.
30,000 cases of Wolfe's celebrated Schiedam Aromatic Schnapps for sale in bond or duty paid, put up with German, Dutch, Spanish, French and English labels.
Shipping merchants can purchase for the South American, East Indian and European markets delivered on board ship at Liverpool, London, Rotterdam or Hamburg at less than the New York price.
The schnapps is well known and sells freely in all the markets of the world.
For price, &c., apply to Udolpho Wolfe, New York; Hoffman, Dorrepaal & Co., Rotterdam; Biancone, Klee & Co., Hamburg.

Arrest him and you will find in a desk in the back room of the second floor letters from all these parties in the South. Open any of the cases of his gin that go into the West, to Louisville, and they will be found to contain orders for the rebels. He has connections in every Southern State. He has loaned Jeff. Davis $100,000 through the London bankers of Hoffman, Dorrepaal & Co.

When you arrested Sullivan you got one of the nest. Arrest Joel and Udolpho and you will strike a dozen more leaders of these really dangerous men. The securities and valuables of Joel Wolfe are generally kept in the tin box about one foot square in the front office, second floor of Udolpho Wolfe. If it is so when you arrest the bookkeeper Castle there will be $1,000,000 of stocks and bonds belonging to both brothers who were formerly partners. Joel can be arrested at the subtreasury of Mr. Cisco, with whom he spends several hours nearly every day.

I regard my country more than I do my private concerns, but as my own destruction would be the result of a communication to you under my own name I will only add that all is truth in this letter except my own name, which is fictitious.

CHARLES CATLIN.

—

29 WALL STREET, NEW YORK, *October 2, 1861.*

Hon. MCKEE DUNN.

DEAR SIR: Permit me again to trouble you in behalf of Mrs. Sullivan. The order of Secretary Seward to Colonel Burke to admit her to visit her husband in Fort Lafayette—Colonel Burke construed the order to allow her several visits. With that construction she went once to see her husband and made an arrangement to take the baby to see its father. All being arranged she only stayed a short time in the fort as Colonel Burke had promised her to go again. So before she got her interview as agreed on Mr. Seward ordered Colonel B. not to admit but one visit on the same pass; so she thus is deprived of really all the benefit of the pass. Had she known of such an order at first she would not have made a temporary visit.

Will you be so kind as to trouble yourself again and have for her another interview allowed as she has been so much disappointed in the first order, and much oblige, your friend,

D. C. STONE.

MADISON, [IND.,] *October 12, 1861.*

W. M. DUNN, Esq.

DEAR SIR: I am still much concerned about my son Algernon, now at Fort Lafayette. Have you any information that you can give me relative to the intentions of the Government concerning him? Your last letter advised me to be quiet for a while and I have followed the advice. Can you say anything different now? If you could say to the President or to Mr. Seward that Algernon's friends will guarantee his loyalty, that you know the family to be loyal, &c., would it now have any effect? Don't you think C. B. Smith would willingly interfere for Algernon? I can get letters from B. W. Thompson, Randall Crawford, Henry S. Lane and others. Would it be best to send them on now or wait a while? Please write me.

Yours, &c.,

JERE. SULLIVAN.

[Indorsement.]

Let him be released on taking the oath and engaging on oath that he will not do any act hostile or injurious to the United States and that he will not hold any correspondence himself nor be engaged in any way in transmitting correspondence with disloyal citizens.

W. H. S[EWARD].

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DEPARTMENT OF STATE, *Washington, October 18, 1861.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

COLONEL: Let Algernon S. Sullivan, a prisoner confined in Fort Lafayette, be released on taking the oath of allegiance and engaging on oath that he will not do any act hostile or injurious to the United States nor enter any of the States in insurrection against the authority of the Government of the United States nor hold any correspondence himself with disloyal citizens residing in those States nor be engaged in any treasonable correspondence with any person whomsoever during the present hostilities without permission from the Secretary of State.

I am, colonel, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

—

NEW YORK, *October 21, 1861.*

Hon. W. H. SEWARD.

MY DEAR SIR: I visited Fort Lafayette yesterday afternoon and have some intelligence to communicate to you in relation to some of the prisoners, Algernon S. Sullivan among the number. Will you please delay action upon any communication from Sullivan until I can see you? I shall be in Washington within a few days and will immediately call upon you.

Yours, truly

WM. H. LUDLOW.

—

I, Algernon S. Sullivan, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States against all enemies whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any State convention or legislature to the contrary not-

withstanding; and further that I do this with a full determination, pledge and purpose without any mental reservation or evasion whatsoever; and further that I will well and faithfully perform all the duties which may be required of me by law; and also that I will do no act hostile or injurious to the Government of the United States nor enter any State in insurrection against its authority nor hold any correspondence with citizens residing in those States nor be engaged in treasonable correspondence with any person whomsoever during the present hostilities without permission from the Secretary of State.

ALGERNON S. SULLIVAN.

Sworn to and subscribed before me this 21st day of October, 1861.

J. C. LAY,
First Lieutenant, Twelfth Infantry.

DEPARTMENT OF STATE, *Washington, October 22, 1861.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette, N. Y.:*

Do not release Sullivan from Fort Lafayette.

WILLIAM H. SEWARD.

HEADQUARTERS, *Fort Hamilton, October 22, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: In answer to your dispatch of this date, received 1.40 p. m., I have to state that Algernon S. Sullivan, a state prisoner, was released by your order yesterday evening in accordance with your letter of the 18th instant handed to me on the same evening by a deputy of Marshal Murray, from New York.

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

Case of Robert Elliot.

Robert Elliot was arrested in the State of Maine by order of the Secretary of War and committed to Fort Lafayette September 7, 1861, and from thence transferred November 1, 1861, to Fort Warren. He was charged with disloyalty and being in open and avowed sympathy with the rebels; evidence was had of his having organized a company of his fellow-townsmen for disloyal purposes. Governor Washburn, of Maine, states in a letter to the Secretary of State dated October 30, 1861, that—

> The propriety of the arrest of Mr. Elliot is I think unquestionable from the evidence contained in the papers which have been laid before me, to say nothing of many facts which have come to my knowledge from other sources, his treasonable designs and practices are in my judgment fully established. * * * The most salutary results have followed the prompt and wise action of the Government in this regard. I do not perceive, however, that the public good requires his further detention at Fort Lafayette.

An order was issued from the Department of State November 2, 1861, directing Colonel Dimick, commanding at Fort Warren, to release Elliot on his taking the oath of allegiance to the Government of the United States. He was accordingly released November 7, 1861.—*From Record Book, State Department, "Arrests for Disloyalty."*

WAR DEPARTMENT, *September 5, 1861.*

CHARLES CLARKE, *U. S. Marshal, Augusta, Me.:*

Arrest Robert Elliot and Virgil D. Paris as desired by Governor Washburn. Commit them as prisoners to Fort Lafayette.

SIMON CAMERON,
Secretary of War.

PORTLAND, *September 9, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

MY DEAR SIR: Things are not quite so bad here as your last dispatch* would seem to imply. The simple truth is that our marshal having Elliot in arrest and expecting Meade along thought that by waiting a day he could take along the whole batch, and not apprehending any interference clapped his men in jail. He was moreover under a misapprehension as to the day of sailing of the New York boat. As soon as he heard of the design to get a writ he started his men off between trains, sending men with instructions to pay no attention to the writs unless directed to them, but they were overtaken and outwitted. Arrangements had been made to seize them again if discharged and lodge them at the fort when your order to discharge them was received.

Public feeling is all right here in relation to such people, and will thoroughly sustain the Government in seizing all such people. The sorrow and disappointment at their escape was very great. It was an unlucky accident and would not be likely to occur again. I write this much in order that you may not find too much fault with our marshal, who is ardent, zealous and smart. His whole soul is in the service and he feels excessively mortified and chagrined. Our district judge (Ware) is with us heart and soul, and so are all our State judges. Clifford pretends to be right, but as you know is wholly unreliable and timid.

Our business men are embarrassed by being obliged to send to Boston for passports. As you are aware we have great intercourse with Cuba. I have been again requested to call your attention to the matter. I await your reply to my former letter before sending you a name.

Very truly, yours,

W. P. FESSENDEN.

DEPARTMENT OF STATE, *Washington, October 4, 1861.*

His Excellency ISRAEL WASHBURN, Jr., *Augusta, Me.*

SIR: Application has been made to the President for the release of Robert Elliot, a political prisoner held in custody at Fort Lafayette. The evidence taken in his case shows that he had not only conceived a purpose of treasonable co-operation in the State of Maine with the insurrectionary citizens arrayed in arms in other States for the overthrow of the Government and the Union but that he had even gone to the extreme length of getting up an unlawful armed force to operate in Maine against the lawful action of the State and of the Federal Government. His associates in this treasonable enterprise have since his arrest taken an oath of allegiance to the United States. This proceeding is very proper in itself, but the representations they make that they

* Not found.

and he were loyal to the Union at the time when they were combining in arms against it cannot be accepted at least in his behalf since it appears that he is too intelligent to misunderstand the legitimate tendencies of his criminal acts. He cannot be released. On the contrary your vigilance in ferreting out the conspiracy and in arresting it by denouncing it to the Government and the country is deemed worthy of especial commendation.

If any of the other offenders are still persisting in this treasonable course you will not fail I am sure to give information to this Department.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, October 7, 1861.*

His Excellency ISRAEL WASHBURN, Jr., *Augusta, Me.*

GOVERNOR: I transmit for your examination certain papers* this day submitted to me, and also others which were before me when I sent the letter to you on the 4th day of October, which has been published. The Government feels confident that it can safely rely upon your judgment, discretion and patriotism in regard to the merits of the case of Mr. Elliot, and for this reason I respectfully ask for your opinion thereon. You will please remit all the papers to me when you shall have examined them.

I have the honor to be, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

—

WASHINGTON, *October 7, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

HONORABLE SIR: Your dispatch to Governor Washburn convinces me that you have strong evidence against Robert Elliot which was not obtained in a spirit of patriotism but to avenge vindictive personal feelings. I know he never conceived the purpose of treason nor got up an unlawful armed force to act [against] the United States Government. Could I know the nature and substance of the evidence am well satisfied I could rebut it to your satisfaction, convinced as I am that your views are too exalted to wish to retain an innocent man. One favor please—grant me an interview with him. He is chairman of the board of town officers. Some lawsuits are now pending in which the town is highly interested. It is very necessary to consult him about them. Another thing, his poor wife is about distracted and could I say to her I had seen him and he was comfortable it would be a great consolation to her.

Hoping you will grant me a pass, I remain, yours, very respectfully,

H. F. ELLIOT.

—

STATE OF MAINE, AUGUSTA, *October 30, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have received your letter of the 7th instant in which you ask my opinion in regard to the merits of the case of Robert Elliot, now imprisoned at Fort Lafayette. I have examined the papers accom-

* None of the papers referred to found.

panying your letter, as also several depositions subsequently taken, all of which will be transmitted to you. The propriety of the arrest of Mr. Elliot is I think unquestionable. From the evidence contained in the papers which have been laid before me, to say nothing of many facts which have come to my knowledge from other sources, his treasonable practices and designs are in my judgment fully established; and it was of the highest interest to the Government that the movement which he organized should be checked at the earliest moment. The most salutary results have followed the prompt and wise action of the Government in this regard.

I do not perceive, however, that the public good requires his further detention at Fort Lafayette. A large majority of the company which he aided in raising for disloyal purposes have taken the oath of allegiance and express regret that they should have permitted themselves to be led from the path of duty and patriotism, and some of them I learn have recently enlisted in the military service of the United States. Robert Elliot himself writes me that the fallacy of the opinion which he entertained not long since that peace could be secured without bloodshed is now fully apparent to him. Under these circumstances and considering that he will be subject to indictment and trial hereafter should a prosecution for his offense against the Government be deemed advisable I would respectfully recommend his discharge from imprisonment upon his taking the oath of allegiance.

It is due to the Hon. E. K. Smart that I should say that from the facts which have been made known to me I am satisfied that the charges of improper conduct made in the papers presented to you by Hiram Elliot and D. B. Preller are without foundation, nor should I omit to add that in my opinion Colonel Smart by his faithful and vigorous action in this matter has rendered a most important service to the Government.

I have the honor to be, your obedient servant,

I. WASHBURN, JR.

SOUTH MONTVILLE, ME., *October 31, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington, D. C.*

DEAR SIR: I had a long conversation yesterday with Governor Washburn as to the release of Robert Elliot. He showed me your letter to him and his reply which he had prepared to send to you. I said to him as I now wish to say to you it is not time for Elliot to be released. I live a neighbor to him and I have been well acquainted with public sentiment in our Congressional district since I had the honor to represent it in Congress four years ago. I was in the village where Elliot's family live but three days ago and I know that our best men there as well as through our county, even those who are his personal friends, think it would not be safe to have him released. His arrest and removal did us more good than anything that has taken place since the commencement of the war. His release now would I feel sure fan anew the fires of secession which have been held in check by his removal and confinement. Although he may take the oath of allegiance I am quite certain he will as heretofore do everything he dares to against the war and the Government.

Governor Washburn showed me the letters and petitions he had received from our leading men asking for Elliot's release. They are all good men but I beg to say that they all live in our cities where they

can quell treason much easier than we can in our small villages and country places. I am very certain that it is not yet safe to turn traitors loose among us. If Elliot were my own father or brother and had been guilty of what he has I should want him kept safely till the war is over or nearly so. Governor Washburn has the impression that Elliot will be released before long whether he (Washburn) asks for it or not. I will only say further that in my judgment seven-eighths of our loyal citizens and best men think he should not be permitted to associate with our people again at present. I write this with reluctance but from a sense of duty to the Government. If he could be released as a favor to him and his family without being an injury to the Government it would give me great pleasure to see it done for I am a strong friend to his family, but I am a stronger friend to my country and my glorious Government.

I am, sir, most respectfully, your obedient servant,

EBENEZER KNOWLTON.

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DEPARTMENT OF STATE, *Washington, November 2, 1861.*

Col. JUSTIN DIMICK, *Fort Warren, Boston, Mass.*

SIR: Let Robert Elliot, a prisoner confined in Fort Warren, be released on taking the oath of allegiance to the Government of the United States stipulating that he will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State; and also that he will not do anything hostile to the United States during the present insurrection. You will please make the stipulations a part of the oath. I transmit this order to John S. Keyes, esq., U. S. marshal, who has been instructed by this Department to cause a police examination to be made in some cases of the persons and baggage of prisoners discharged from custody to the end that no correspondence or other improper papers be conveyed by them to persons outside the fort.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

—

I, Robert Elliot, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States against all enemies whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any State convention or legislature to the contrary notwithstanding; and further that I do this with a full determination, pledge and purpose without any mental reservation or evasion whatsoever; and further that I will well and faithfully perform all the duties which may be required of me by law, hereby stipulating that I will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States nor transmit any correspondence between disloyal persons without permission of the Secretary of State, and also that I will not do anything hostile to the United States during the present insurrection. So help me God.

ROBERT ELLIOT.

Sworn to and subscribed before me this the 7th day of November, A. D. 1861.

J. DIMICK,
Colonel, U. S. Army.

Case of Edward B. Wilder.

Edward B. Wilder was arrested by order of A. Q. Keasbey, U. S. district attorney, at Newark, N. J., September 7, 1861, and by order of the Secretary of State committed to Fort Lafayette. He was charged with disloyalty and treason, having offered to instruct the rebels how to construct a formidable implement of war to be used against his Government, thus affording aid to the enemy. An order was issued from the Department of State dated October 11, 1861, directing Col. Martin Burke, commanding at Fort Lafayette, to release Wilder on his taking the oath of allegiance stipulating that he will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State, nor do any act hostile to the United States during the present insurrection. He was accordingly released October 14, 1861.—*From Record Book, State Department, "Arrests for Disloyalty."*

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NEWARK, *September 7, 1861.*

Hon. W. H. SEWARD, *Secretary of State:*

Edward B. Wilder arrested. Is manufacturing a rifle battery. Intercepted letter shows he intends sending South if possible, and that family alone prevents him from going himself to fight Northern abolitionists. What shall I do?

A. Q. KEASBEY,
U. S. Attorney for New Jersey.

—

DEPARTMENT OF STATE, *Washington, September 7, 1861.*

A. Q. KEASBEY, *U. S. Attorney, Newark, N. J.:*

Your telegram received. Send E. B. Wilder to Fort Lafayette, N. Y.

WILLIAM H. SEWARD.

—

NEWARK, *September 7, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Your dispatch in answer to mine of to-day concerning Edward B. Wilder was received and Wilder has accordingly been sent to Fort Lafayette. I inclose a copy of the intercepted letter sent here by the Post-Office Department. The machine referred to is now at Washington at the shop of Dennis, coachmaker, corner of Louisiana avenue and Sixth or Seventh street. He tried to sell it to the United States Government. He has a small machine here at a manufactory. It is a rifle battery. He protests that he is a loyal man. He is from North Carolina.

Your obedient servant,

A. Q. KEASBEY,
U. S. Attorney for New Jersey.

[Inclosure.]

NEWARK, N. J., *August 14, 1861.*

DEAR NATHAN: * * * As matters are progressing with the country it is difficult to determine what six months or a year will pro-

duce. Louisa is well aware of my feelings in this matter, and my wife and family are all that have prevented my leaving here to fight against this miserable, fanatical horde of abolitionists. Louisa was here when my cousin from Michigan was and knows that I assisted him for a certain consideration to build a certain ——. It is completed and works most admirably. If you can suggest any way that I can plainly write and thus give you a description of it I will do so most cheerfully. At all events I am ready to dispose of it South. She (Lou) can give you the particulars, as she saw the model and knows to what I refer. * * *

EDWARD B. WILDER.

—

NEW YORK, *September 11, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Referring to the communication of Russell Sturgis, esq., in behalf of Mr. E. B. Wilder, a prisoner in Fort Lafayette, herewith submitted, I beg leave to say that I have known Mr. Sturgis intimately for many years and I have to ask that you will give his statement in this case a candid consideration. He is one of our most highly respected merchants, of unimpeachable integrity, as firm as a rock in his Union sentiments and I am sure would be the very last man to disguise the truth to serve the best friend on earth. I have no personal knowledge of this case, but possessing the fullest confidence in Mr. Sturgis' representation I commend it earnestly to your attention.

Very respectfully, your obedient servant,

C. H. MARSHALL.

[Indorsement.]

I concur in every word expressed above.

M. H. GRINNELL.

[Inclosure.]

NEW YORK, *September 11, 1861.*

Hon. W. H. SEWARD, *Secretary of State.*

SIR: I take the liberty to address you on behalf of a Mr. Edward B. Wilder, now confined in Fort Lafayette, New York Harbor. Mr. Wilder I have known for many years and he has during that space of time been much in my employ. Mr. Wilder has property in North Carolina where he resided for some years, and some two years since removed from North Carolina on account as I well know of his and his family's very great dislike to slavery and its institutions. This has always been his sentiment often repeated to me in conversation, and I truly believe that both himself and Mrs. Wilder possess very strong Northern feeling, they both being natives of the North.

Mr. Wilder's cousin invented a rifle battery which they exhibited to me some time since and I recommended his showing it to Government, which (by a letter I have received from him from the fort under date of 8th instant, a copy of which I now inclose) I notice he did. It is true I cannot reconcile the statement of his motives for his peculiar communication to his Southern friends that he gives in his letter to me to what I have thought to be his upright and manly character. But yet I cannot disbelieve what he names to me to have been his motive for so

doing as I have always known him to possess as warm and earnest Union sentiments as my own and notwithstanding the strong appearances against him I believe him to be true to his country.

Mr. Wilder is pretty well known in this city, and others I believe would express this opinion of him as earnestly as myself. I know that Mr. Wilder is ready at the moment to subscribe to the strongest oath of allegiance to his country and its flag and I would ask the Secretary, such being the case, if he could not be relieved from his confinement upon giving proper security for his future behavior; this would give great relief to his family of a number of interesting young children, and I should myself feel under great obligation to the Secretary would he entertain this proposition.

Most respectfully, yours,

RUSSELL STURGIS.

P. S.—Since writing the foregoing I have been placed in possession of and now hold two letters from Mr. Wilder—one to his wife and one to his daughter—written from Washington the day after the battle of Bull Run (Mr. Wilder was at the battle) expressing th
with the Government and most patriotic feelings o
which strongly confirms the account he gives of
letter to his son-in-law, which he says was a ruse t
&c. And certainly in these letters there is every f
his country and none for disunion. This the Secre
and I can but hope will justify his granting the applicatio
note from Doctor Dodge, of Newark, covering to me the two private letters I have alluded to.

R. S.

[Sub-inclosure.]

FORT LAFAYETTE, *September 8, 1861.*

RUSSELL STURGIS, Esq.

DEAR SIR: By means of a letter written my son-in-law, N. R. Mendenhall, and which fell into the hands of the Government, I was arrested and, as the Times and Herald state, for building a rifle battery for the South. You have known me for many years and are fully aware that I am in every sense of the word a Union man. You are also aware that I own some property, mining and otherwise, in North Carolina. I accordingly wrote the letter in which I stated that I had built a machine and would be glad to dispose of it South, and that were it not for my family I would be South in order to assist in driving back abolitionists, &c. I intended it as a ruse in order to prevent the confiscation of my property, knowing that Mendenhall would make the contents known in Greensborough, N. C., and at the same time trusting to my own true and loyal feelings to shield me from suspicion, in which I erred.

Now, sir, in candor and in the presence of the Almighty I do solemnly aver that I have never built any battery for the South nor was I building or intending to build one for them. Neither have I ever in any way, shape or form furnished any drawings or information regarding the same to any parties South nor intended doing so. The battery I was building is a small 16-inch model which in accordance with my cousin's instructions would first go to Washington (perfected with self-primers) in order to exhibit it (as I did the large one now in Washington) before the President and other officers of the Government, and

then to take the same to General Frémont via Chicago and Saint Louis. These are the facts and still those papers have made the above assertion.

Will you, Mr. Sturgis, oblige myself and family by having those papers state the facts, and also to write Mr. Seward, Secretary of State, stating the facts in the case? I am willing and ready to act for the Union and not talk as too many are doing, and I stated openly in Washington if the battery met with the approval of the Government and they would purchase it, to take my portion of it and at my own expense fit out and go with a troop of cavalry and offer the same to President Lincoln. These facts can be substantiated by Mr. Halsted and other gentlemen in Washington.

My family of course are in deep distress, but knowing my own innocence in the matter and trusting to my friends to aid in my release, I am content to wait with resignation their efforts. Your kindness will be ever remembered in this affair.

Yours, very truly,

E. B. WILDER.

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NEWARK. *September 17, 1861.*

President LINCOLN.

DEAR SIR: Pardon the liberty I take in thus addressing you but do not cast my letter aside without a perusal, for I must ask a great request of you which none other but yourself can grant. Please keep my letter strictly private. None know of it here and I wish none to know it but yourself. My father is a prisoner in Fort Lafayette, but he is a true Union man. I will tell you the plain truth about his arrest. He has a rifle battery (which you may remember seeing in Washington) on which he expended a considerable amount of money. Some time since he heard all his property South would be confiscated. As Government did not take his battery he could not bear to lose his property South, so he wrote to my brother-in-law in Virginia which was merely as a ruse to save his property. That letter was intercepted and he arrested, but he is true and loyal for the Union. Before he took his rifle to Washington he received an offer from the Confederate States for it of $100,000 which he would not accept not being willing to aid the South in her rebellion.

Now, dear sir, please grant my father pardon. I beg, I entreat of you to release him. Were he a secessionist I would not ask it, but as it is I cannot bear it. Do not cast me aside without his pardon, for life is so lonely without a father. I will not ask your time to answer this, only, only send me the order for his release. Let me be the first one to say through your lips, "Father, you are free."

I will ever pray for and bless your name if you will only grant the prayer of your humble servant,

ALICE B. WILDER.

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DEPARTMENT OF STATE, *Washington, September 21, 1861.*

SETH C. HAWLEY, Esq., *New York.*

SIR: I inclose the papers relative to the case of E. B. Wilder at Fort Lafayette. I will thank you to examine and report upon the subject.

I am, your obedient servant,

WILLIAM H. SEWARD.

NEW YORK, *September 23, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

DEAR SIR: Yours of the 21st instant inclosing documents in relation to the case of Edward B. Wilder, now confined in Fort Lafayette, is received. I have examined the papers transmitted and beg leave to report that the evidence contained in the intercepted letter from Mr. Wilder to Nathan R. Mendenhall, of Winchester, Va. (if unexplained), must be held as conclusive as to the animus of the writer. According to that he has thought, talked, written treason. He has offered to instruct the rebels how to construct a formidable implement of war to be used against his Government and directed them to whom to apply for information. This is offering aid to the enemy. It is a treasonable act, and his wife and family are all that prevent his actually taking up arms against the Government of the United States. This is quite sufficient to call for his arrest and confinement.

The testimony in his behalf by Messrs. Marshall, Grinnell, Sturgis and Dodge is clear and ample as to his general good character and integrity but it stops short of establishing his loyalty. As much can be said with equal truth for vast numbers who are now bearing arms against the United States Government. The only really pertinent testimony in behalf of Mr. Wilder is contained in the letter written by himself to Mr. Russell Sturgis. He says the intercepted letter was a ruse to prevent the confiscation of his property. He furnishes them valuable information how to arm themselves with a powerful means of destroying the armies of the Union as a ruse to cheat them into sparing his property. In plain English his motive for committing treason to his country was mercenary. The explanation may be true, which is doubtful, but it certainly is not a good defense. If instead of instructing them how to make a rifle battery he had actually sold and delivered over to the enemy and was on his trial for treason on that account the court would not allow him to prove in his defense that he made or saved money by the transaction. The man who instructs the rebels in the art of making rifle batteries which "work most admirably" to be used against the armies of the Union for the purpose of saving his Southern property will be likely to personally take up arms against his country for the same purpose unless prevented by the fear of greater penalties.

Finally the evidence of the disloyalty of Mr. Edward B. Wilder is such as to warrant and require his arrest and detention while the allegations in his defense are not established by any competent evidence and if established would not prove him to be innocent.

Very respectfully, yours,

S. C. HAWLEY.

I return herewith all the documents transmitted.

DEPARTMENT OF STATE, *Washington, September 24, 1861.*

RUSSELL STURGIS, Esq., *New York.*

SIR: I have examined the case of Mr. Edward B. Wilder and am of the opinion that he is clearly guilty of a treasonable correspondence and conspiracy to overthrow the Union. His discharge therefore would be incompatible with justice and the public safety.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

NEWARK, *September 30, 1861.*

WILLIAM H. SEWARD, Esq.

DEAR SIR: I hope you will pardon the liberty I take in thus addressing you. I do not feel an entire stranger to you as I had an introduction to you last winter in Washington by my friend Mrs. John A. Gilmer, and I trust in the kindness of your heart you will grant me a patient hearing as I am in great trouble.

A letter of my husband was intercepted and he was arrested some few weeks ago. That letter was written to prevent the confiscation of our property South which I will explain presently. At the time of his arrest some gentlemen here of the highest respectability went before Mr. Keasbey, U. S. district attorney, and testified to Mr. Wilder's loyalty. Of course our local paper came out with a great sensational piece such as mentioning the family, number of house, &c. Some of the statements were entirely untrue. For a letter they had letters and also stated that we had a kind of sign writing for communication. I called to see Mr. Keasbey the next day and requested him kindly to correct the misstatements. He asked me in rather a sarcastic manner if he should have the letter published. I told him no as I did not wish to make any explanations through the papers. I also told him that I had been too good a Republican to be treated unfairly by my Republican brethren. He did publish the letter that day. I also asked Mr. Keasbey if I sent to him gentlemen that he knew and that were acquainted with Mr. W[ilder]'s feelings and principles if he would report their testimony at Washington. He promised to do so. I rested on the belief that he would do what he could favorably under the circumstances. He may have done so but I have reason to think otherwise, having been informed within the last few days that he has been using his influence against instead of for us. You will know better than I whether he has merely done his duty or exceeded it. Perhaps he has been influenced by unprincipled enemies, which of course I must have as I have been subject since Mr. Wilder's arrest to a kind of loaferly persecution such as receiving anonymous, insulting letters.

I think it is very hard situated as I am here, almost a stranger, with not a relative excepting my children within 800 miles. We left the South a little more than a year ago with considerable sacrifice, fearing these troubled times and also wishing to bring up our children under Northern influence, and since our residence here our conduct has been perfectly loyal. You are aware that Newark is a manufacturing city. When the trouble between the North and South first commenced most of our factories here stopped. Consequently at the beginning of last winter our laboring poor were without work or bread. I devoted my entire time from the beginning of January till the middle of April, with the exception of two weeks spent at Washington, in relieving their necessities and providing them with work. I also used my means freely for their relief. In the month of May another call was made upon the ladies to provide comforts and hospital stores for our soldiers I again contributed with money, time and comforts. My husband also contributed liberally toward a large flag that was raised on our church.

Now if this is disloyalty I would like to know what loyalty is. We are accused of receiving letters from the South, which has prejudiced our case here. I admit that; but they were from a Mrs. Gilmer, whom you well know is loyal to our Union if any one is South. Another correspondent is Mrs. McConnel, a friend of Mrs. Gilmer and a Massachusetts lady who is residing South, and from my daughter, wife of a gentleman in the Southern army. In these terrible times a person feels doubly anxious to hear from friends South.

Now as regards Mr. Wilder's case, he built a rifle battery which was pronounced a terrible weapon by competent judges here. As soon as it was finished he took it to Washington in hopes of being able to dispose of it to the Government. He found it required more influence than he could command to get it accepted by the Government. His cousin from Michigan was the inventor. My husband made the improvements and furnished the means for building it. The battery was brought out in his cousin's name, L. C. Wilder, as he knew there were parties in Baltimore who were watching his movements in hopes he would commit himself in such a manner that there would be an excuse for confiscating his property South. He remained in Washington five weeks, then returned home leaving the battery in Washington in the hands of an agent to dispose of it if possible to the Government or to some regiment. Just before his arrest he had commenced building a smaller one to take to Europe, being told it required less influence there to dispose of it. He has no model of any kind here, as the papers stated. You can see by these statements that it would have been simply impossible for him to dispose of it to the Confederate States, or rather for them to get it out of Washington. Had he been disloyal and wished to dispose of his battery South he could easily have done so and built it South. A few weeks before his arrest we received a letter from our daughter South. She had heard our property was to be confiscated. That intercepted letter was written merely as a ruse to save his property from being confiscated. It was well understood by some of Mr. W[ilder]'s friends here that had he succeeded in disposing of his battery to the Government he would return immediately to Newark and raise a company of cavalry partly at his own expense. I admit that my husband is bitterly opposed to the abolitionists; he has suffered by them. He has as much faith in their love of preserving our Union as in the secessionists. I know that he has expressed his opinion rather freely against the abolitionists and I fear he has made himself enemies who will now use their influence against him to the extent of their power. I know that our kind friends in New York have exerted themselves in his behalf, which with this true statement of the facts I cannot but trust will procure Mr. Wilder's release. I cannot expect an answer to this, but if you only knew with what an anxious and troubled heart I send it on its mission you would at least give it a kind and early consideration. Should Mr. Wilder not be released soon I would be greatly obliged if you would give me a pass for myself and children to visit him at Fort Lafayette.

Yours, respectfully,

MRS. E. B. WILDER.

P. S.—Should you wish these statements substantiated I can easily have it done.

FORT LAFAYETTE, *October 1, 1861.*

E. M. ARCHIBALD, Esq.,
Her British Majesty's Consul, New York.

DEAR SIR: I am in receipt of your favor of September 28* and hasten to reply frankly in accordance with your suggestions to that effect touching my property. The property I refer to are sundry notes now in the Branch Bank of Cape Fear, Greensborough, N. C., left by

* Not found.

my wife and self for collection. The purchaser has no deed of this property until the notes, amounting to $3,000 with interest, and having three years more to run are paid, when a deed will be made by my wife for the same. The property was a house and some three acres in Greensborough, built with money left my wife as also some of my own. I also own certain interests in some good copper mines in the State of North Carolina, which interests were secured by the issue of stock or scrip. These mines since the rebellion broke out have suspended operations.

My daughter wrote me some time ago that it was all to be confiscated; hence the ruse that I adopted by writing that letter (to try and save it) and which led to my arrest. The writing of that letter I have regretted most sincerely, when I view it in its proper light, and I must say nevertheless that it was with reluctance that I did it against the solicitation of my wife who endeavored to dissuade me from so doing; but being out of business the future welfare of myself and family rendered it as I thought imperative. I trusted to my antecedents and the respect I had and have entertained for the Administration to exonerate me from blame when the causes for which the ruse was made were known to the public.

There is not a human being that will come forward and say that I have ever even spoken disrespectfully of the Government or in any way or manner encouraged the rebel movement. On the contrary I am and have been most anxious to see the rebellion crushed out by the strong arm of the Government, as my future success in our mining affairs depended on it. As I stated in a former letter, there are many gentlemen in the cities of Newark and New York who will vouch that my feelings and interests are on the side of the Federal Government, and I do most solemnly asseverate before my Eternal Judge that I have never for one moment entertained a thought inimical to the Government nor of giving aid or comfort to the rebels directly or indirectly; and wrongly as I have innocently acted in regard to that letter it does seem hard that for one false step taken during a period of forty-seven years (when that period, thank God, has ever been untarnished) it should be the means of my incarceration and eventual ruin of my wife and five children with none to aid or assist them during a period of long confinement for myself.

I have never been naturalized nor never for one moment have entertained the idea of abandoning the allegiance that I owe to Her Majesty, neither shall I ever do it. As stated in my former letter* I am ready and willing to adopt any measures (not derogatory to an Englishman nor affecting my allegiance to Her Majesty) which they may deem essential toward effecting my release.

I have given all the facts in the case and sincerely trust that through the kindness of yourself and Lord Lyons I may be restored to my family.

Believe me, my dear sir, with considerations of the highest esteem for your kindness thus far, very respectfully, your obedient servant,

EDWARD B. WILDER.

P. S.—I have had no trial. Had I one it would not be difficult for me to prove my innocence.

E. B. W.

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*Not found.

FORT LAFAYETTE, *October 2, 1861.*

His Excellency ABRAHAM LINCOLN,
President of the United States of America.

DEAR SIR: I was arrested in the early part of September through a letter that I wrote my son-in-law which fell into the hands of the Government and sent to this place. Many of my friends in Newark and New York aware of my loyalty to the Administration have kindly interested themselves in endeavoring to obtain my release and again restore me to my family, but thus far without success. And in the anguish of my feelings at the deep sorrow in which my wife and children are resting, to say nothing of their future destitution, I write to Your Excellency.

In writing the letter that I did I must say it was on my part with reluctance and against the better counsels of my wife but I trusted too much to my past life, as every one with whom I am acquainted can readily testify to my unerring devotion to the Union. I own some little property in North Carolina, accumulated after many years of honest industry and sufficient with my daily exertions to keep my family from the iron hand of poverty. This property my daughter wrote me was to be confiscated, and in order to try and save it I wrote the letter that led to my arrest to my son-in-law who would have used it to try and save the same. It was simply a ruse which my known loyalty to the Government I trusted would be sufficient when the facts were known to exonerate me. To say the least of it it was a great indiscretion on my part; an error of the head while my heart was true to the Union. And I do now, sir, most solemnly asseverate before my Maker, before whom we all shall stand sooner or later, that in writing that letter I never for one moment meditated an act of disloyalty to the Government. My only object was to save my property. I have done wrong, for it seems my antecedents have no weight in the balance. The past history of my devotion and my present for the preservation of this good old Union under which I have lived and prospered ought certainly to mitigate my sentence of exile from those who are very dear to me and who look to me alone for their daily bread. My wife and little ones are wrapped in grief as each day closes on my captivity. Your Excellency is blessed with a family and can readily portray my feelings.

I have been told that Mr. Lincoln is humane in the plenitude of his power. If so let me beg and supplicate you for one word of yours that will send me back to my children. If my loyalty is questioned I will most cheerfully submit to any decision or decree of the Government by giving ample security or by oath. The health of my wife is such that she cannot live a great while and for God's sake allow me to spend the few remaining days that are allotted her on earth with her. Were I at heart a guilty man or if my past life can point out one act or word of disloyalty to the Government I could not and would not dare to address you on the subject of my release, but I am innocent though writing that letter having for its object as I then thought justifiable motives. Could I have been allowed a trial my past and present life's record would have declared me innocent. Your sympathy in my behalf will add greatly to my present sorrow [*sic*].

I am, very respectfully, your obedient servant,

EDWARD B. WILDER.

NEW YORK, *October 2, 1861.*

SECRETARY OF STATE, *Washington City, D. C.*

DEAR SIR: I understand a strong effort is being made for the release of E. B. Wilder, of Newark, N. J., now confined at Fort Lafayette. I trust the Government will weigh this subject well before they acquiesce. One man to the writer's knowledge who is very active in his behalf ought if strict justice were meted out to be in the same inclosure. It has been more than intimated that both he and Wilder have helped the rebels to more than one envelope of fulminating powder. The time may come when I will give you my name and residence. In the meantime beware of any communications from George R. Hazewell in behalf of said Wilder.

Very respectfully, &c.,

A TRUE BLUE.

While writing I understand that Hazewell is this day soliciting letters from leading men in this city through his friend Counsellor Smith for the relief of Wilder. They are a precious pair.

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DEPARTMENT OF STATE, *Washington, October 5, 1861.*

ROBERT MURRAY, Esq.,
U. S. Marshal for the Southern District of New York.

SIR: I have to request that you will bring the case of the prisoner E. B. Wilder, confined at Fort Lafayette, before the first U. S. grand jury empaneled for the southern district of New York.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

—

NEW YORK, *October 6, 1861.*

F. W. SEWARD, *Assistant Secretary of State.*

DEAR SIR: I do not feel quite easy in my mind touching my report in the case of E. B. Wilder, confined in Fort Lafayette. I do not know but he has been discharged notwithstanding that report. If not further reflection causes me to fear that I did him injustice. There was but a mere point of proof against him and that was contained in the intercepted letter. If half who are as guilty as he were imprisoned all the forts in the land would not suffice to contain them. I do not think the Government would be put in peril by setting him at liberty. Under all the circumstances I should be pleased or rather relieved of a little anxiety if you should overrule my report and set Mr. Wilder free.

Yours, respectfully,

S. C. HAWLEY.

—

DEPARTMENT OF STATE, *Washington, October 11, 1861.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

SIR: Let E. B. Wilder, a prisoner confined in Fort Lafayette, be released on taking the oath of allegiance to the Government of the United States stipulating that he will neither enter any of the States in insurrection against the authority of the United States Government

nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State; and also that he will not do anything hostile to the United States during the present insurrection. Make the stipulations a part of the oath. I transmit this order to Robert Murray, esq., U. S. marshal, who has been instructed by this Department to cause a police examination to be made in some cases of the persons and baggage of prisoners discharged from custody to the end that no correspondence or other improper papers be conveyed by them to persons outside the fort.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

I, E. B. Wilder, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States against all enemies whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any State convention or legislature to the contrary notwithstanding; and further that I do this with a full determination, pledge and purpose without any mental reservation or evasion whatsoever; and further that I will well and faithfully perform all the duties which may be required of me by law; and also that I will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State, and also that I will not do anything hostile to the United States during the present insurrection.

E. B. WILDER.

Sworn to and subscribed before me this 14th day of October, 1861.

J. C. LAY,
First Lieutenant, Twelfth Infantry.

Case of George L. Bowne.

George L. Bowne, a member of the Florida legislature, was arrested by order of the Secretary of State dated September 7, 1861, by U. S. Marshal Chase, northern district of New York, at Cooperstown, N. Y., and committed to Fort Lafayette. He was charged with signing the secession ordinance in the legislature or convention of Florida and with being a spy traveling through the North to gain information for Jeff. Davis. An order was issued from the Department of State dated September 20, 1861, directing Colonel Burke, commanding at Fort Lafayette, to release Bowne on his taking the oath of allegiance. He was accordingly released September 24, 1861.—*From Record Book, State Department, "Arrests for Disloyalty."*

RICHFIELD SPRINGS, OTSEGO COUNTY, N. Y.,
August 28, 1861.

Hon. WILLIAM H. SEWARD.

SIR: G. L. Bowne, of Key West, is at Cooperstown. He signed the secession ordinance in the legislature (or convention) of Florida and has the deepest stake in the Southern Confederacy. Miss Cornell, of

Cooperstown, has in her possession I know a letter from Bowne stating that he signed as above. She has a more recent letter from him asking her to destroy the first and begging her silence. This I know. He is rich and is a spy. He travels that he may gain facts for Jefferson Davis. He will be for a fortnight or more at Cooperstown where he can be arrested as a spy and should be.

Your friend and my country's,

E. BROOKS,
Of New York.

—

DEPARTMENT OF STATE, *Washington, September 7, 1861.*

EDWARD J. CHASE, *U. S. Marshal, Lockport, N. Y.:*

Arrest G. L. Bowne, of Key West, who is said to be at Cooperstown. Secure his papers and send him forthwith to Fort Lafayette, N. Y., in charge of a trustworthy person.

WILLIAM H. SEWARD.

—

U. S. MARSHAL'S OFFICE, *Lockport, September 11, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: On Saturday evening, the 7th instant, your telegram was received directing the arrest of G. L. Bowne and his conveyance to Fort Lafayette. Two of my deputies were charged with the execution of the order and on the next evening arrested Mr. Bowne at Cooperstown, and on the 10th instant delivered him to the custody of Colonel Burke at Fort Lafayette and took the colonel's receipt for him. The deputies found in Mr. Bowne's possession numerous papers of a miscellaneous character and some letters from friends and on business; some from Key West. Only a few have been opened and none read except the address and signature. Some of the packages of papers were at the time of seizure in sealed envelopes which have not been opened. The papers are all in my office under the seal of my deputy, Mr. Tucker, who made the seizure. Shall I examine them or forward them to you?

I am, sir, very respectfully, your obedient servant,

EDWARD J. CHASE,
U. S. Marshal.

—

WASHINGTON, *September 13, 1861.*

Hon. W. H. SEWARD, *Secretary of State.*

DEAR SIR: As counsel of Mr. Bowne, of Key West, Fla., now a prisoner in Fort Lafayette, New York Harbor, I am anxious to have an interview of a few moments in reference to his case. Mr. Bowne is a native of Western New York, and for the benefit of his health in the fall of 1839 went to Key West and has ever since spent his winters there, returning as the summer approached to his old home in Cooperstown and there remaining until cold weather. This year he left Key West as early as March. A few days since he was arrested and conveyed to Fort Lafayette. He has no idea of the cause of his arrest further than being by order of the Secretary of State. He presumes that it grows out of the treasonable position assumed by the State of Florida.

Mr. Bowne has always been and now is a Union man and opposed to anything like secession. As a member of the legislature of Florida he opposed to the last the calling of a convention, and when it was

determined to call one he refused longer to remain a member of the legislature and sat with them no more. His course all through and his influence has been for the Union both in Florida and Western New York. On this I am advised that abundant proof can be furnished from Cooperstown and Key West. My object in asking an interview is to ascertain the nature of the charges against my client and to (if possible) arrange some plan to produce the proof of his innocence of any thought, word or deed against the integrity of the Union. The importance in this case of some speedy action and release if innocent is that Mr. Bowne has for more than twenty years been a very sick man, and his confinement in Fort Lafayette for any very considerable length of time might be fatal to him.

Hoping that the Secretary will accord me an interview, I remain, your obedient servant,

P. S. L. CUMMINS,
Of Cummins, Alexander & Green, Attorneys, New York.

—

DEPARTMENT OF STATE, *Washington, September 14, 1861.*

EDWARD J. CHASE, *U. S. Marshal, Lockport, N. Y.:*

Your letter of the 11th received. Send at once by post the papers to which it refers in the case of G. L. Bowne.

WILLIAM H. SEWARD.

—

COOPERSTOWN, N. Y., *September 16, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

DEAR SIR: Permit me to lay before you the following statements in regard to Mr. George L. Bowne recently arrested in this village upon the charge as is generally understood of treason.

Mr. Bowne, now about forty-four years of age, is regarded here as one of our citizens; was born in the town of Butternut, now Morris, in this county and lived with his mother in this village during a portion of his boyhood and early manhood and ever since made his annual summer visits here as to his home. A feeble constitution and inherited pulmonary indisposition induced him about twenty years since to go to Key West as a clerk in the employment of Mr. Doubleday, a merchant of consumptive tendencies who had gone thither from this town and had found that climate highly favorable to his health. Young Bowne finding that climate agreed with him has since made Key West his business residence (he is without family) and by assiduous attention to business has accumulated it seems a considerable degree of wealth. His summers have usually been spent among us, but an increase of his asthmatic difficulties has invariably driven him South on the approach of cold weather.

Among us Mr. Bowne is universally esteemed as a man of unimpeachable character. His amiable, gentlemanly and correct deportment has secured him the respect of the whole community and very strongly endeared him to his intimate friends. In his absence and without being previously consulted he was a year ago elected to represent Key West in the Florida legislature. He is not a politician; did not seek the place, and if as is believed there has been a long entertained conspiracy in the South against our Government I am quite sure Mr. Bowne is not

one of the conspirators. Whatever disloyal act or circumstance (if any) may appear against him I believe should be attributed to his yielding to the influence of politicians around him instead of following the dictates of his better feelings and judgment.

In conversation here the last two summers he has uniformly deplored the national troubles and manifested a decided preference for the Constitution and Union over any division or separation of the States if it could be maintained without too great a sacrifice of present and future interests. Doubting that it could be he has asked, "Why not let the South go?" His deportment, tone and conversation through the summer has been much less obnoxious in public than that of many I am sorry to say of my Democratic neighbors, and some of them men of mark. I am informed that several vessels in which he is more or less interested as an owner are chartered by our Government and now employed in her service.

I do not know upon what grounds his arrest is based and will not therefore presume to judge of its justice or expediency, but I do not hesitate to say that unless the nature of the evidence against him or some urgent public policy (of which I cannot judge) requires that he be tried or kept in custody I believe the interest of the Government would be subserved by setting him at liberty. If he is to be tried cannot the trial be had soon, that if not convicted he may be set at liberty before cold weather? If he cannot be tried soon nor discharged from arrest unconditionally then I would suggest that he be allowed to go at large on his parole as I have not a doubt that his parole may safely be relied upon both to return into custody at any specified time and to observe faithfully any line of conduct to which he may pledge himself. Should it be deemed necessary, however (which I sincerely hope it may not be), to keep him in custody for any considerable time then may it not be well in view of his health that he be soon removed to some place of safe-keeping in a milder climate (if he shall prefer the request). His immediate friends here seem more anxious about his health on the approach of the cold weather than about the final result.

Our friends here—the Government's friends—have urged upon me to make this communication believing that Mr. Bowne's disloyalty whatever it may have been has not been the disloyalty of a determined traitor. We beg for him and his case as favorable a disposition as the Government in justice, humanity and its policy can make.

Most respectfully, very truly, yours,

W. H. AVERELL.

—

COOPERSTOWN, *September 16, 1861.*

Hon. WILLIAM H. SEWARD.

DEAR SIR: Feeling that you will appreciate my motives in address ing you I deem it needless to make excuses for intruding on your no doubt already over-occupied attention and will briefly state my object, which is to petition for your favorable consideration in the case of George L. Bowne, esq., who was arrested in this village on the 8th instant on a charge of treason. No doubt his more influential friends here and in New York City have or will appeal to you in his behalf and my action may be superfluous, but I cannot refrain from doing what I consider my duty in testifying to you that the course pursued by Mr. Bowne during the past summer has been that of a good and loyal citizen.

I cannot better illustrate what I believe to be his sentiments than by repeating the words he used at my table when dining with me about the middle of July last. On that occasion the conversation turned on the affairs of our country and Mr. Bowne said that he had heard men in Cooperstown use language against the Government which he thought was very wrong; that though he had heavy interests at the South and his sympathies were on her side that he could not feel as these people seemed to do, and that if he did he would not dare to express himself as they did. He said his first wish was for the maintenance of the Union but as he considered that impracticable he desired a peaceable separation, but deprecated the action of the South in taking Fort Sumter and thus involving the country in a civil war.

Of course if Mr. Bowne has by word or act committed treason or the interest of our country demands his confinement I have not a word to say, but if his arrest was caused by mere suspicion or from the fact of his being a member of the Florida legislature you will please allow my statement to have whatever weight you think it entitled to.

I inclose two paragraphs* clipped from our village papers, one Republican the other Democratic, but both for the Union and opposed to traitors North or South.

With the highest esteem I feel honored in subscribing myself yours, truly,

A. A. BROWN.

Should you not remember me I would refer you to your friend William H. Averell, esq.

A. A. B.

[Indorsement.]

Mr. Bowne may be released on his taking an oath of allegiance.

[W. H. SEWARD.]

[Inclosure.]

ARREST ON A CHARGE OF TREASON.

Considerable excitement was occasioned in our village last Sunday evening by the arrest of George L. Bowne, esq., on a charge of treason. The arrest was made on a warrant from the State Department at Washington by Deputy Marshal Tucker, of Lockport, and Assistant Deputy Marshal Pierce, of Rochester. The Albany Atlas and Argus having given an exaggerated statement of what occurred we will state what was done and said more in detail than would have been necessary had the simple fact of the arrest only been announced.

In the first place it is proper to state that Mr. Bowne is a native of this county and resided here till early manhood. He then emigrated to Key West, Fla., where he has been for many years and is now engaged in large commercial and mercantile transactions. Although scarcely forty years of age and unmarried, by his superior business qualifications, energy and discretion he has accumulated a large property. Being subject to severe visitations of asthma he has for several years spent the summer seasons at the North, and the last two or three years mostly in this his native county. Last year he purchased a house in this village, furnished it and has resided in it the past spring and summer, his brother who is in business here being a member of his family. Mr.

* One of the inclosures omitted as unimportant, being substantially a repetition of the other.

Bowne and his partner (Bowne & Curry) are large ship owners, much larger than any other house in Florida, and they have now some three or four vessels in the service of the Government. A year ago Mr. Bowne was elected a member of the Florida legislature for two years. He is now a member and was last winter at the time the secession ordinance was unanimously approved; and it is this fact very probably which has subjected him to the imputation of treason, at least none other is even suspected here.

Now as to his arrest. The two marshals, the sheriff and we believe a deputy went to his house and made the arrest between 6 and 7 p. m. Mr. Bowne although astonished at the charge submitted uncomplainingly and cheerfully. He delivered over his letters and papers unhesitatingly, ate his supper composedly and made his arrangements to leave promptly. Suffering under a recent attack of asthma he dreaded the night air and the marshals were requested to remain over till Monday morning. They expressed a willingness so to do but said if they did a faithful discharge of duty would require his safe custody in jail. Mr. Bowne of course preferred proceeding to Fort Plain at once.

After all things were ready and waiting the arrival of Mr. Bowne's carriage to take himself, brother and the two marshals some fifty or sixty persons assembled and most of them came into the house. On coming in one man harshly addressed the marshal, telling him that he could not and should not take Mr. Bowne from the house or village. The marshal very mildly but firmly replied that he had an official duty to perform and he should perform it; that Mr. Bowne was a gentleman and would be treated as such and he advised that there should be no disturbance or resistance. The rejoinder to this was in substance, "I am as big or a bigger man than you and can whip you." To this the marshal said: "Sheriff, arrest that man," and the arrest was promptly made. After this another man told the marshal with an oath that he should not or could not take Mr. Bowne from the house; to which the marshal replied that he had better be careful or he would be sent for, and that he must be very careful about interfering. Mr. Bowne was not in the room where this conversation took place but he soon sent word and requested the crowd to leave the house if they were his friends.

Then the marshal was told that he could not take Mr. Bowne until he showed his papers. The marshal refused most decidedly to show his papers to the crowd but that Mr. Bowne could see them or had seen them, and then again Mr. Bowne requested them to leave the house, saying he had seen the warrant and it was all right. The crowd still remained in the house and there were other harsh words and offensive language. About 8.30 the carriage came to the door and Mr. Bowne, his brother and the marshals seated themselves and drove off, the crowd groaning and using insulting language. The marshals informed Mr. Bowne and his friends that they should take him to Rochester instead of New York and the Argus states that this was said to prevent a mob, &c., whereas Mr. Bowne greatly preferred to be taken to New York.

Now this demonstration to resist the execution of process issued by the highest authority in the Government, although disgraceful and criminal to individuals and disreputable to our village, was far less imposing than the one the Argus describes. Besides it was a demonstration calculated to injure and implicate Mr. Bowne and might have resulted in serious and fatal damage to others as well as himself had it not been for the interposition of the calm but firm determination of the officers and above all the manly and noble conduct and bearing of Mr.

Bowne himself. He was not simply self-possessed but in all respects he deported himself as a gentleman unconscious of treasonable acts or complicities, and we hope and trust that his noble bearing on the trying occasion was the true index.

He was taken to Fort Lafayette in New York Harbor and we shall soon know the specific treasonable acts wherewith he is charged and cannot doubt his speedy release and return.

—

FORT LAFAYETTE, *New York Harbor, September 19, 1861.*

George L. Bowne being duly sworn* says: First, that he was not a member of the convention of the State of Florida which passed the ordinance of secession; second, that he was a member of the legislature of the State of Florida in the year 1860–'61, and as such member opposed and voted against the act authorizing a convention of the said State; third, that previous to his leaving New York for Florida last fall he expressed himself opposed to the secession of Florida and was uniformly opposed to it; fourth, that he is a Union man and has during the past summer so declared himself; fifth, that he is a native of this State and has resided for a number of years past during the summer months at Cooperstown, in the State of New York; sixth, that he used all his influence to prevent the secession of the State of Florida.

G. L. BOWNE.

[Indorsement.]

Let Mr. Bowne be released on taking the oath and engaging not to enter insurrectionary States during the war without consent of the Secretary of State.

W. H. S[EWARD].

—

DEPARTMENT OF STATE, *Washington, September 20, 1861.*

Col. MARTIN BURKE, *Fort Hamilton, N. Y.*

COLONEL: You are authorized to release George L. Bowne, a prisoner at Fort Lafayette, upon his taking the oath of allegiance to the United States.

I am, your obedient servant,

WILLIAM H. SEWARD.

—

STATE OF NEW YORK, *County of Kings, ss:*

I, George L. Bowne, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States against all enemies whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any State convention or legislature to the contrary notwithstanding; and further that I do this with a full determination, pledge and purpose without any mental reservation or evasion whatsoever. So help me God.

G. L. BOWNE.

Sworn to and subscribed before me this 24th day of September, 1861.

CHARLES W. CHURCH,
Justice of the Peace.

* No jurat found attached to this paper.

DEPARTMENT OF STATE, *Washington, September 25, 1861.*

Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

SIR: Let Mr. G. L. Bowne, a prisoner now confined in Fort Lafayette, be discharged on taking the oath of allegiance to the Government of the United States and engaging not to enter any of the insurrectionary States during the war without the consent of the Secretary of State.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

—

NEW YORK, *September 28, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: Will you have the private papers of George L. Bowne taken from him on his arrest returned to us at this city or direct the marshal to return them to Mr. Bowne at Cooperstown?

Yours, respectfully,

CUMMINS, ALEXANDER & GREEN.

—

FORT HAMILTON, *New York Harbor, September 28, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington.*

SIR: I have the honor to acknowledge the receipt of yours of the 25th instant in reference to the discharge of George L. Bowne, and beg to call your attention to the discrepancy in the instructions conveyed in that and in the communication dated September 20. Mr. G. L. Bowne was discharged on the 24th instant under instructions dated the 20th and the papers in his case were yesterday forwarded you by mail. If desired I will forward copies of both your communications.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, U. S. Army, Commanding.

—

DEPARTMENT OF STATE, *Washington, September 30, 1861.*

Messrs. CUMMINS, ALEXANDER & GREEN, *New York.*

GENTLEMEN: Your letter of the 28th instant has been received, and in compliance with your request the private papers taken from George L. Bowne at the time of his arrest and forwarded to this Department have been to-day sent by mail to your address.

I am, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, October 1, 1861.*

Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

SIR: Your letter of the 28th ultimo informing this Department of the discharge of George L. Bowne in accordance with the instructions of the 20th ultimo and before the receipt of those of the 25th has been duly received. Your proceedings in the matter are entirely approved.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

Case of John C. Brain.

John C. Brain was arrested at Michigan City, Ind., early in September, 1861, charged with being a spy in the service of the rebels, a member of the disloyal secret organization known as the Knights of the Golden Circle and an officer in the rebel army. He was examined before a magistrate by whom he was committed to jail for want of bail in the sum of $6,000 and was afterward sent to Fort Lafayette for safe-keeping and subsequently transferred to Fort Warren. A paper was found in his possession showing that he was recognized as a sergeant in a company of State guards which it was stated would be subject to Governor Magoffin's orders "to go anywhere," and was authorized to enlist men for the same "to be called for when needed." This paper was dated Louisville, April 16, 1861. The evidence produced on his examination showed that he had been about Michigan City since the latter part of June, 1861, occasionally absenting himself for a week or more at a time in a mysterious way, no one knowing whither he went; that he disclosed to some persons that he was a Knight of the Golden Circle and made efforts to induce them to join; that he stated that the obligation of the society bound its members "to furnish all information possible;" that he also tried to induce parties to engage in conveying contraband goods, sabers, pistols, &c., to the rebel States; that he talked against the Government, alleging that it was already destroyed and that a Government like that of France was preferable; that one object he set forth as embraced in the organization of the Knights of the Golden Circle when trying to persuade persons to join the same was to aid in the "substitution of a new and different form of government;" that he was seen to have in his possession "a printed hand bill for recruits in the Confederate Army." After his confinement Brain claimed to be a British subject which claim was so far recognized that he was released on the 10th day of February, 1862, on his taking an oath not to go to nor hold correspondence with the insurrectionary States nor do anything hostile to the United States during the present insurrection without requiring an oath of allegiance.—*From Record Book, State Department, "Arrests for Disloyalty."*

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LOUISVILLE, *April 16, 1861.*

We the undersigned agree to form two or more companies for the purpose of enlisting in the State Guard and we hereby pledge ourselves to do so when a sufficient number have been enlisted. These companies will be subject to Governor Magoffin's orders to go anywhere.

PRESTON ROGERS,
FRANK TRYON,
Captains.
J. V. COWLING, JR.,
W. BELL, JR.,
First Lieutenants.
W. D. CHIPLEY,
J. T. G. GALT,
Second Lieutenants.
JAMES GHISELIN,
Third Lieutenant.
JOHN C. BRAIN,
Sergeant.

I am acquainted with Mr. J. C. Brain, and hereby authorize him to enlist men for these companies to be called for when needed.

J. V. COWLING, JR.,
First Lieutenant.

—

LOUISVILLE AND NASHVILLE RAILROAD COMPANY,
SUPERINTENDENT'S OFFICE,
Louisville, May 15, 1861.

Mr. J. C. Brain, the bearer, desires to take some sketches on the line of the Louisville and Nashville Railroad. Station agents will confer a favor by affording Mr. B. such facilities as they may be able.

Respectfully,

J. B. ANDERSON,
Superintendent.

—

CHICAGO, *September 7, 1861.*

TO THE SHERIFF OF LA PORTE COUNTY, IND.

DEAR SIR: If the John C. Brain spoken of in above [following] extract taken from Chicago Journal of this date is of more than medium size, light complexion, light hair and grayish eyes, with rather exposed upper teeth when speaking, and if the said John C. Brain has at any time been engaged in getting up a railroad route book from New Orleans to New York, the said John C. Brain is an unmitigated scoundrel and swindler, and if the evidence is not sufficient to properly punish him on the charge of spy to the enemies of our Government hold him for swindling several parties of this city and Pittsburg of considerable sums of money and advise me by mail. Besides my clients I think William D. Baker, Shanley S. Millar, S. P. Rounds, proprietor of the Adams House, of this city, or a Mr. Haven, a publisher and printer of Pittsburg, Pa., would be glad to get a chance at him.

Very respectfully, yours,

JOHN B. THOMAS,
Attorney.

[Inclosure.]

John C. Brain, a daguerreotypist, has been arrested at La Porte, Ind., as a member of the K. G. C. and a Southern spy. He is now in jail in default of $6,000 bail.

—

CHICAGO, *September 11, 1861.*

WILLIAM H. SEWARD:

J. C. Brain is in custody as a spy at La Porte; a member of the K. G. C.; is recognized by an officer and men of the Indiana Ninth. Arrested at Philippi as a spy. Papers in cipher. Is in jail. Was once editor of Southern Traveler, Baltimore. What shall be done with him?

JOHN C. MILLER.

—

DEPARTMENT OF STATE, *Washington, September 12, 1861.*

JOHN C. MILLER, *Chicago:*

Your telegram received. Cause J. C. Brain to be sent to Fort Lafayette, N. Y.

WILLIAM H. SEWARD.

CHICAGO, *September 18, 1861.*

W. H. SEWARD, *Secretary of State:*

Send another order. Your telegram read J. C. Abram; should be John C. Brain. Whom shall I draw on for expenses of transportation? * * * Answer.

JOHN C. MILLER.

DEPARTMENT OF STATE, *Washington, September 19, 1861.*

JOHN C. MILLER, *Chicago, Ill.:*

Your telegram of the 18th received. The mistake in ours did not originate here. Your telegram of the 11th was answered as received in regard to the person at La Porte, Ind. If his name is John C. Brain do as directed in regard to him, drawing on this Department for all necessary expenses in this and other cases.

WILLIAM H. SEWARD.

FORT LAFAYETTE, *Friday, October 4, 1861.*

E. M. ARCHIBALD, Esq.,
Her British Majesty's Consul, New York.

DEAR SIR: I have been removed from La Porte, Ind., after being confined over a month in the county jail to this fort. When arrested or till now there has been no distinct charge against me and I am guiltless of any unlawful act. The soldiers who arrested me took from me over $200, giving no receipt or acknowledgment whatever. By the Chicago newspapers I learn that I am an officer in the rebel army, the only foundation for which has been my having signed the roll of a company of State Guards in Kentucky which company I believe has never been organized and I never took any oath whatever to this country or any State thereof. I am a native of London; came here in 1849; have never been naturalized or declared intentions. My uncle, William Tabram, resides in Bristol, Pa., and my mother, Mrs. John Brain, resides in Springfield, Clark County, Ohio. As a British subject I appeal to you for protection and the restoration of my money and liberty.

Yours, very respectfully,

JNO. C. BRAIN.

DEPARTMENT OF STATE, *Washington, October 15, 1861.*

Col. MARTIN BURKE, *Fort Hamilton, N. Y.*

COLONEL: You will please allow Mr. Archibald, the British consul at New York, to have an interview with J. C. Brain and George Parker, alleged to be British subjects confined at Fort Lafayette.

I am, colonel, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, October 26, 1861.*

Right Hon. Lord LYONS, &c.

MY LORD: With reference to the case of John C. Brain now confined at Fort Lafayette, N. Y., I have the honor to remark that from papers on file in this Department it appears that on the 16th of April last the person referred to was a sergeant in a military organization in

Kentucky called the State Guard and was empowered to enlist recruits for three companies, all for the purpose of waging war against the United States; that he was arrested for this offense and is imprisoned as a person dangerous to be allowed to go at large during the existing condition of affairs in that State and in others. He is detained at a place where the writ of habeas corpus is suspended and it is conceived cannot at present be released compatibly with the public safety.

I avail myself of this occasion to offer to you a renewed assurance of my very high consideration.

WILLIAM H. SEWARD.

—

CHICAGO, *October 29, 1861.*

Hon. W. H. SEWARD, *Secretary of State.*

SIR: I hand you herewith the evidence in the case of John C. Brain. He was examined before a magistrate in La Porte County, Ind., and committed in default of bail, $6,000. A statement of the evidence together with the affidavits of Mrs. Mary Fraley are inclosed. Mrs. Fraley was boarding at the same hotel with Brain and through an intimacy with his wife was brought into contact with Brain. She seems to be a credible person. As to his nativity he is reported to me to have been a native of Springfield, Ohio. Of this I have no evidence. One of his letters* which I inclose states that he came to this country when some ten years of age. Naturalization of his father in some States would have made him a citizen. A letter to the English consul at Chicago states that his father is residing at Montgomery, Ala. I hand you a letter* from his father dated 23d of July last showing him to have been in Cincinnati at that date.

Respectfully submitted.

JOHN C. MILLER.

[Inclosure No. 1.]

In the matter of the prosecution of one John C. Brain, who was first arrested by Colonel Milroy, Ninth Regiment Indiana Volunteers.

This man Brain was arrested at Michigan City after having been suspected and watched for some time. He was brought to Camp Colfax, and by order of Milroy the papers, &c., were placed in my hands, with the request to hold him by some prosecution under our statutes until his case could be fully developed. He was finally arrested on the charge of aiding and corresponding with the rebels. The examination elicited the facts, of which the following is a somewhat full statement leaving out, however, all useless verbiage:

One E. R. Young who had been on his track for some time testified substantially as follows: The first suspicion of the gentleman arose from the circumstances noticed by the superintendent of New Albany and Salem Railroad, he taking up his pass over the railroad. He pretended to be preparing memoranda for a railroad map or some such thing while in fact he did nothing as far as could be seen which showed that such was the fact. He was about Michigan City from and after the latter part of June and at times would absent himself for a week or ten days no one knowing his whereabouts. In order to learn the facts Young became friendly with him, and he explained to Young in full the society of the K. G. C.; that he was one; that the oath required him and any other member to furnish all information possible; that he could

*Not found.

make money by carrying contraband goods, such as pistols, &c., South, telling Young just what he could obtain articles for North and what he could obtain for them in Southern cities, his knowledge showing that he had been engaged in the business; that upon one occasion he recognized a couple of ladies who came in from Chicago and went South to Louisville, and afterward informed Young that they recognized him by the society sign of recognition, he telling Young that they had numbers of sashes, caps, &c. The more full detail of this evidence he can give himself with much other information not brought out in the examination.

One E. M. Davis testified that he knew of his sounding men upon governmental questions, saying that one like France was preferable, &c.; that this Government was already destroyed, &c. He endeavored to induce Davis to institute the organization of the K. G. C., telling him fully as to the obligations, &c., and that it was to aid in substitution of a new and different form of government, explaining the condition and magnitude of the organization South.

Major Blowney, formerly of the Ninth, now of the Twenty-eighth [Twenty-ninth] Regiment Indiana Volunteers, and provost-marshal at Philippi under Dumont (colonel), recognized him as having been about Philippi during the latter part of June and fore part of July. That when there he was with one Crim, a merchant and a noted secessionist.

One Aaron Fosdick also recognized him as being about Philippi, and several others of the Ninth Regiment recognized him. Fosdick thought he was peddling some of the time.

One John Young testified to some conversations with him, but so mixed up with other matters as to be of little bearing.

One Palmer saw him have a printed hand bill for recruits for Confederate Army. Saw the evidence of his appointment or authority to recruit which was in shape of a letter.

One Mrs. Fraley could have testified to about the same but owing to prudential reasons was not called upon the stand.

[Inclosure No. 2.]

LA PORTE COUNTY, *State of Indiana:*

Mary Fraley being duly sworn deposeth and saith that on or about 28th day of July, 1861, John C. Brain tried to make arrangements with her to carry revolvers for him into the States of Kentucky and Tennessee, said Brain and his wife to accompany her; he, the said Brain, agreeing to give her a share in the profits and assured her that she would make $30 per month by engaging in said business; also that said Brain gave her a hand bill calling for men to enlist in the Southern army, which she read, after which she returned the same to him. Mrs. Brain, wife of said John C. Brain, told her that she destroyed said hand bill with other papers by throwing them into a vault; that said Brain told her that he knew all about the rebel army, and that he kept himself fully posted with regard to their doings, and that he would be with them within two months. He also told her that he would write and let them know when we were coming with pistols for them; that he also told her the names of a number of men who would assist her that she might avoid being arrested by the U. S. authorities.

MARY FRALEY.

Subscribed and sworn before me September 21, 1861.

C. S. WINSHIP,
Mayor of Michigan City.

DEPARTMENT OF STATE, *Washington, February 5, 1862.*

Col. JUSTIN DIMICK, *Fort Warren, Boston.*

SIR: Let John C. Brain, a prisoner confined in Fort Warren, be released on stipulating upon oath that he will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State; and also that he will not do anything hostile to the United States during the present insurrection.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

FORT WARREN, *Boston Harbor, February 10, 1862.*

I, John C. Brain, a prisoner confined in Fort Warren, do solemnly swear that I will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State; and also that I will not do anything hostile to the United States during the present insurrection. So help me God.

JOHN C. BRAIN.

Subscribed and sworn to this 10th day of February, A. D. 1862, before me at Fort Warren, Boston Harbor.

J. DIMICK,
Colonel First Artillery and Brevet Colonel, Commanding Post.

WASHINGTON, *March 1, 1862.*

Hon. WILLIAM H. SEWARD, &c.

SIR: I have received a letter from John C. Brain, who informed me that he has been released from prison and begs me to make inquiries concerning a sum of $220 which he states to have been taken from him when he was arrested.

You may perhaps remember that reference was made to this sum of money in a dispatch from Her Majesty's consul at New York to me dated the 23d of October which I left with you for perusal on the 26th of that month, and which you were so good as to return to me on the same day. It was stated in that dispatch that Mr. Brain had informed the consul that a sum of $220 in gold was taken from him at Camp Colfax, in Indiana, by a private soldier by order of a captain; that no acknowledgment was given to him for the money and that he was very desirous that inquiry should be made concerning its safety.

Brain now informs me that it was Captain Blake, of the Ninth Indiana Regiment, who took charge of the sum in question. He states further that after an imprisonment of nearly six months he is turned out entirely destitute of money and suffering from a severe rheumatic attack brought on by confinement and by sleeping during nine days on a stone floor.

I beg to recommend the matter to your attention and to express a hope that the money may be restored to this poor man without delay.

I have the honor to be, with high consideration, sir, your most obedient, humble servant,

LYONS.

DEPARTMENT OF STATE, *Washington, March 4, 1862.*

Right Hon. Lord LYONS, &c.

MY LORD: I have the honor to acknowledge the receipt of your note of the 1st instant relative to the recovery of the sum of $220 which is alleged to have been taken from John C. Brain when arrested by the military authorities in Indiana last year.

In reply I have the honor to state that the Secretary of War to whom the matter was referred informs this Department that he has directed an inquiry to be set on foot in the proper quarter regarding the facts of the case, and also the return of the money if so taken from Mr. Brain.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

WAR DEPARTMENT, *Washington, March 4, 1862.*

Lieut. Col. WILLIAM H. BLAKE,
Ninth Indiana Regiment, Fetterman, Va.

COLONEL: Lord Lyons has written to the Secretary of State in behalf of John C. Brain, who says he was arrested at Camp Colfax, Ind., and that by direction of a Captain Blake a private soldier took from him the sum of $220 in gold and that no acknowledgment was given to him for the money. As you are the only officer appearing on the roll of that regiment by the name of Blake it is presumed that Mr. Brain has mistaken your rank and that you are the officer referred to as having given orders to the private to take the money.

I will thank you to report to this Department with as little delay as possible the facts and circumstances connected with the arrest of Mr. John C. Brain, and if the money was taken as alleged you will please remit the sum so taken therewith.

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

DEPARTMENT OF STATE, *Washington, March 28, 1862.*

Right Hon. Lord LYONS, &c.

MY LORD: Adverting to your note of the 1st instant relative to the recovery of the sum of $220 alleged to have been taken from Mr. John C. Brain when arrested by the military authorities in Indiana last year and to my reply, I now have the honor to inclose to you for your information the copy of a statement in writing on the subject which was made under the instructions of Adjutant-General Thomas to E. D. Webster, esq., of this Department, by Lieut. Col. William H. Blake, of the Ninth Indiana Volunteers, and a copy of the letter from Captain Copp referred to in that statement.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

[Inclosure No. 1.]

CAMP ANDREW JACKSON,
Near Nashville, Tenn., March 14, 1862.

E. D. WEBSTER, Esq.

SIR: I am directed by Adjutant-General Thomas to make to you a statement of facts in my possession respecting the arrest of Mr. John

J. Brain, a British subject, at Camp Colfax, Ind., and a sum of money alleged to have been taken from him by order of a Captain Blake, of the Ninth Indiana Volunteers. In reply I would state that I as captain in said regiment at that time ordered the arrest of John C. Brain then sojourning at Michigan City, Ind., at the junction of the Louisville, New Albany and Salem Railroad with the Michigan Central Railroad. He (Brain) was charged by the citizens of the city with being a rebel spy and an agent of contraband goods going forward to Louisville. I arrested him myself and delivered him over to now Captain Bush, Michigan City Artillery, now encamped here, with orders to deliver him over to the civil authorities of La Porte, Ind.

Captain Bush and myself examined his trunks at the Jewell House, Michigan City, where he was stopping with his wife. I only took possession of his papers as they exhibited the fact that he was recently from the South. These Captain Bush carried to La Porte and delivered them with the prisoner to Captain Copp, of the Ninth Indiana Volunteers, now in this camp. Brain and the papers were then delivered over by my order to the civil authorities. Since then I have lost sight of the prisoner.

From the moment of his arrest up to his delivery by myself to Captain Bush there had been no search of his person nor did I then know nor have I since heard that Brain had money in his possession or that any had been taken from him, nor did I order any search for money or any other valuables in his possession but left his private property intact in possession of his wife then stopping at the Jewell House, Michigan City, Ind. On the contrary I learned that he had no money, was indebted to his hotel keeper and owed other small bills in the city. Nor did he avow himself an English subject but claimed to be a citizen of the State of New York, which I believed him to be. I inclose the statement of Capt. William Copp, of Company B, Ninth Indiana Volunteers, containing statements of facts respecting his knowledge of the transaction.

Captain Bush's battery being attached to another division I have not been able to see [him] but will take the earliest opportunity to send forward his statement. I would refer you to Morgan C. Weir, attorney at law, La Porte, Ind., the person who took charge of the papers and prosecuted the case.

Trusting this may be satisfactory, I remain, with great respect, your obedient servant,

WM. H. BLAKE,
Lieutenant-Colonel Ninth Indiana Volunteers.

[Inclosure No. 2.]

CAMP ANDREW JACKSON, *Nashville, Tenn., March 15, 1862.*

Being personally acquainted with most of the circumstances of the arrest and confinement of a man going by the name of John C. Brain I hereby certify the following facts:

First. He told me he was a native of Tennessee; that he had a brother in the secession army; that he had been given a commission as an officer in the Southern army but preferred to seek his fortune in the North, getting up a railroad guide or acting as agent for one.

Second. He had no money when arrested, or professed to have none. He had bought a coat for which he agreed to pay Mr. Lower, of Michigan City, the sum of $16. When arrested and brought to La Porte Mr. Lower came to get one or the other, the coat or the money. He told me he had no money and would pay for the coat when he got ready.

I took the coat from the impudent scoundrel's back and gave it to Mr. Lower. Had he been robbed or deprived of money or other valuables he would have made it known to me or to some of the officers at the time.

WILLIAM COPP,
Captain Company B, Ninth Regiment Indiana Volunteers.

Cases of Charles H. and William H. Winder.

Charles H. Winder, a citizen of Washington of notoriously disloyal character, was arrested on the 9th day of September, 1861, by order of the provost-marshal of Washington and held in custody by him. He was examined at the provost-marshal's office and the evidence elicited is probably preserved in that office. A quantity of disloyal correspondence from him to his brother William H. Winder, of Philadelphia, was traced and seized and came to the Department of State, among which are the following passages, all in letters written by Charles H. Winder and addressed to William H. Winder:

January 2, 1861:

This idea of forcing States is one of the supremest follies; it can't result successfully.

February 19, 1861:

I suppose you have read Davis' admirable inaugural and seen it reported that Mr. Johnson is appointed Secretary of State? If that is so he can do something for me.

February 25, 1861:

Toombs I know likes you; I met him Tuesday night at a supper at McGuires'. In conversation my Southern views were developed which made him quite cotton to me.

April 4, 1861:

Naval preparations of a special character are under way. Stringham, the most bitter Republican and the most resolute of Northern officers, has been ordered to the command of the Minnesota to be got to sea with the utmost dispatch. * * * I am tired of this suspense. I would prefer that cannon should begin to speak.

April 7, 1861:

I wish my family were away from here. The first shot that is fired at Pickens or Sumter will be a signal for a contest here. The most exasperated feeling exists in Maryland and Virginia and the restraint once broken an overwhelming rush will be made from both States on this place. I feel well satisfied in my own mind that Mr. Davis will be in the White House before the 1st of August.

April 15, 1861:

I know I possess the confidence of the Montgomery Government and I am not disposed to do anything that can by the remotest possibility compromit my position there If the Confederate States invade Maryland they shall have all my earnest, zealous efforts in their behalf. I will doubtless be called to Montgomery in June or July. The reunion of the States is an impossible event; only by the adoption of the Constitution of the Southern Confederacy by separate State action can it be done.

April 17, 1861:

Our city is a military garrison. I do not entertain your fears of Northern power. I know we are better organized; that in the coming contest we are more than a match for them. We never will have a union with them. When I say "we" I mean the Confederate States.

April 19, 1861:

You have all to wake up to a startling reality before July. Mark what I now tell you.

May 3, 1861:

The Administration have determined to invade Virginia. *Quem Deus vult perdere prius dementat.*

On the 10th day of October, 1861, Winder was released from confinement on his parole till the 31st of the same month, and on the said 31st of October his parole was extended to December 1, 1861; it was then extended to February 1, 1862, and then to March 1, 1862. In the meantime Winder had continued open-mouthed in his secession declarations insomuch that in directing the extension of his parole from December 1 to February 1 the Secretary of State had deemed it his duty to admonish him to greater caution and to a more strict construction of the provisions of his parole. Information had been given to the Department that some time in November, 1861, in a public place in Washington Winder had said that his sympathies were with the South in the pending struggle; that he probably never should change his sentiments; that he had told General Porter if to sympathize with the South and to desire her success in the present struggle was his offense he was guilty. The extension of Winder's parole from February 1 to March 1, 1862, reached beyond the time when this class of cases passed from the supervision of the Department of State and said parole was in force on the 15th day of February, 1862, when the case with others of like character was transferred to the charge of the War Department.

William H. Winder was arrested at Philadelphia on the 10th day of September, 1861, in pursuance of a telegraphic message of which the following is a copy:

W. H. Winder, of Philadelphia, has treasonable correspondence from his brother, Charles H. Winder, in Washington. It is important that this should be seized. You will therefore search the house and office of said William H. Winder for treasonable letters either of Charles H. Winder or John [H.] Winder, brigadier-general in the rebel army. Mark each and forward them to me by express under seal. Use every diligence to prevent letters being destroyed at one point while you are searching at the other. Answer.

A. PORTER,
Brigadier-General and Provost-Marshal.

Mr. Franklin, a detective officer to whom said message was addressed, procured a warrant from the mayor of the city and arrested Winder and searched his lodgings and office. Winder was discharged by the mayor, immediately re-arrested on a warrant issued by U. S. Commissioner Heazlitt and subsequently sent to Fort Lafayette by order of the War Department and afterward transferred to Fort Warren. The papers found in Winder's office showed him to be an industrious partisan writer, fully justifying the insurrectionary States in all their views and acts up to the outbreak of actual war and thoroughly sympathizing with them up to the day of his arrest. March 18, 1861, he wrote in the Pennsylvanian (newspaper) as follows:

The equality of the States to be at an end and the South to subside in vassalage to a domineering majority pledged to a course that would result in its inevitable ruin.

March 21, in the same paper:

Let the people of Pennsylvania reflect on what must be her condition with a dissevered Union. The only resource will be to join the Southern Confederacy and look there for that prosperity impossible to her in the Northern Confederacy.

March 22:

The Constitution of the new Confederacy exhibits in letters of light the very just, reasonable terms upon which they will be made a Union people.

April 12 he wrote to the rebel Secretary of State, Robert Toombs, at Montgomery:

If it would be at all desired by you I would take occasion from time to time to give such information as would acquaint you with the real sentiment of the people.

April 19 he wrote to John Letcher, the rebel governor of Virginia:

My sentiments are so well known that most of the leading men of the South would trust me with a carte blanche to arrange terms.

May 6, in the New York Journal of Commerce, he writes:

The North or the ruling party has declared a programme of principles inconsistent with the rights and safety of the South; and therefore she seeks that safety out of the Union she understands to be refused her in it.

It appears that his rebellious sympathies grew ever stronger, for on the 24th of May the editor of the Journal of Commerce wrote to him:

Your communications are of too sweeping a character to suit our class of readers. It is from no want of respect for you or your writings, but we have to consult how far we can go in publishing without having our office torn down or a halter around our necks.

All his writings and correspondence which are voluminous up to the day of his arrest are so uniformly in the same vein that it seems like interminable repetition to read page after page reiterating the same ideas in different forms. The letters of Charles H. Winder found in possession of his brother speak without reserve of his (Charles') adhesion to the rebel cause and his intention to reside in the Confederate States. He informs his brother of his purpose to go to Montgomery to enter into the employment or service of the rebel government. The correspondence does not show that William H. Winder at any time rebuked or expressed disapprobation of these ideas of his brother. The case of William H. Winder presents the singular features of a man associating and corresponding almost exclusively with rebels and sympathizers with rebellion, including some of the leaders of the insurrection and newspapers known as the most ultra advocates of their cause, and writing daily for successive months letters and articles which would be pronounced without hesitation by every reader to be strongly in sympathy with the rebellion, yet professing an unequaled love for the Constitution and the Union and a loyalty surpassing that of all other men; and when tendered his liberty on different occasions on condition of taking the oath of allegiance refusing to comply with that condition because he claimed that his loyalty was of so high and pure a quality that it would be soiled and dimmed by the very act of expressing it by an oath. The said William H. Winder remained in custody at Fort Warren February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

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Extracts from correspondence of Charles H. Winder, of Washington, with his brother William H. Winder, of Philadelphia.

[No. 1.]

SEPTEMBER 24, 1860.

DEAR BROTHER: * * * It is a very curious coincidence that Johnson and Douglas made a speech on the same day, the one in Pennsylvania and the other in New York. The former declares that " seces-

sion is the rightful remedy, the last hope of the South," and the latter (Douglas) declared that "secession must be crushed out by force." I am very sorry Johnson has got into such company. I think dissolution is at hand. At any rate if it does not occur now it is only a question of time. Two peoples so utterly, radically and hopelessly different in views, sentiment and social organization can never harmonize. * * *

Your affectionate brother.

C. H. WINDER.

[No. 2.]

MY DEAR BROTHER: * * * A gentleman told me in confidence (and therefore you must not repeat it) that he dined at Bright's the other day and that he (Bright) told him that Governor Willard had actually determined to recommend to the legislature of Indiana the repeal of all laws prohibiting slavery in that State, but that Bright and other friends had dissuaded him from doing so at this time because it would be attributed to a feeling of bitterness against the abolitionists and a desire to toady to the South. "But," added Bright "the time is close at hand when the movement will be made both in Indiana and Illinois." * * *

Your affectionate brother,

C. H. WINDER.

[No. 3.]

WASHINGTON, *January 2, 1861.*

DEAR BROTHER: * * * Everything looks gloomy. Civil war seems inevitable. This idea of forcing States is one of the supremest follies that ever was conceived. It can't result successfully and must entail consequences in comparison to which the War of the Roses and the Thirty Years' War in the Lowlands was mere child's play. * * *

Your affectionate brother,

C. H. WINDER.

[No. 4.]

SUPREME COURT ROOM, *February 21, 1861.*

DEAR BROTHER: * * * "I have heard"— and stopped. I said, "What have you heard, Mr. President?" "Never mind," he replied, "it is no business of mine." "Does it concern me?" I asked. He said, "You have a right to have your opinion upon the subjects that now distract the country." He spoke so mournfully and his hand shook so that he could scarcely take a letter out of an envelope and he looked so woe-begone and mournful that I felt the profoundest sympathy for him. I said, "Mr. President, if you have time and feel sufficient interest in my poor opinions I would like to tell you frankly what my opinions are and exactly where I stand." He said he would be glad to hear. I then stated them briefly: "In fact," I said, "I stand upon the speech you delivered from that window to the multitude on the night of the Breckinridge ratification. The sentiments and opinions you then declared are exactly mine,"—and I concluded by saying that some of his officers were propounding a most extraordinary question to candidates for military commissions, to wit: "If your State goes out would you take up arms against her?" That I did not believe he approved of any such question, but candor compelled me to declare

emphatically that no earthly power could induce me to take up arms against my State. The old man's eyes were filled with tears and he said: "You are all right; there's nothing to complain of in your views. But," he added, "you haven't been here lately." I told him he was mistaken; that I had been there several times but could not get in, and that I had been to every levee but one and was gratified at the cordial manner in which he received me. He said he would see about the nomination and we separated with unusual feeling on his part.

Poor old man! He is a mere reed in the storm. I must close or I will not save the mail.

Your affectionate brother,

C. H. WINDER.

[No. 5.]

JUNE 27, 1861.

DEAR BROTHER: * * * I have no doubt on earth that the use of graphite would be of immense use in forts and stationary batteries. It would I think have all the effects you claim for it. They would not listen to me and I am not in with any of these fellows who can reach them. I should think a big speculation might be made through influential persons like Draper and some Pennsylvania Cameronians. * * *

Your affectionate brother,

C. H. WINDER.

DEPARTMENT OF STATE, *Washington, September 11, 1861.*

WILLIAM MILLWARD, *U. S. Marshal, Philadelphia:*

Arrest W. H. Winder and send him to Fort Lafayette, N. Y.

WILLIAM H. SEWARD.

WAR DEPARTMENT, *Washington, September 11, 1861.*

WILLIAM MILLWARD, *U. S. Marshal, Philadelphia:*

You are directed to arrest William H. Winder and transfer him to the charge of Col. Martin Burke at Fort Lafayette.

SIMON CAMERON,
Secretary of War.

PHILADELPHIA, *September 11, 1861.*

Hon. SIMON CAMERON, *Secretary of War:*

William H. Winder, of this city, has been arrested for treasonable correspondence with rebel officers in obedience to a dispatch sent on from Provost-Marshal-General Porter. We find scores of letters in Winder's possession to and from many traitors—Breckinridge, Burnett, Vallandigham, Hallock, of the Journal of Commerce, &c. He has destroyed or concealed the letters from his brother, Charles Winder, of Washington. The correspondence proves that Charles Winder and William H. Winder knew of the intention and plan of taking Washington last April. Please order the marshal of this district at once to take William H. Winder to Fort Lafayette. He is a constant conspirator and should not be at large.

GEORGE A. COFFEY,
U. S. Attorney.

PHILADELPHIA, *September 11, 1861.*

L. C. BAKER, *466 Thirteenth Street:*

I have just mailed you letter to-night. I have had W. H. Winder held for treason with abundance of evidence. Arrested him at armory of Home Guard, of which he was a member.

FRANKLIN,
Detective.

WAR DEPARTMENT, *Washington City, September 13, 1861.*

GEORGE A. COFFEY, *Philadelphia:*

Send William H. Winder to Fort Lafayette. Seal up his papers and see that they are properly taken care of to be held as evidence for his conviction.

SIMON CAMERON,
Secretary of War.

NO. 53 LIBERTY STREET, NEW YORK, [*September 25, 1861*].

Hon. WILLIAM H. SEWARD.

MY DEAR SIR: I inclose you a note which I received this morning from William H. Winder, esq., a prisoner at Fort Lafayette. The answer which I made to it Colonel Burke, to whom I sent it, will forward to your Department. I should not institute or attempt any legal proceedings on behalf of any gentleman who might ask my assistance. My action in case I undertook to relieve any of them would extend no further than to the preparation of proofs to be submitted to the Department in such as I should consider clear instances of misapprehension, in which if any exist I think, knowing your sense of justice, the restoration to liberty of a party mistakenly committed and confined would be a relief to you only second to that which the prisoner himself would experience on being again free and unsuspected.

Yours, truly,

JOHN E. DEVELIN.

P. S.—May I ask the return of the inclosed? It may be that my answer will go to Secretary Cameron. If so and not received by you may I ask you to cause this and the inclosed to be sent over to him with an indorsement by you of my loyalty? I believe Mr. Winder was arrested by order of Secretary Cameron.

[Inclosure.]

FORT LAFAYETTE, *September 24, 1861.*

JOHN E. DEVELIN, Esq., *Astor House, New York.*

DEAR SIR: There are several parties here who though intelligent and possessed of means seem at a loss how exactly to proceed to secure their liberation from a confinement brought about under some misapprehension. I know nothing of the particulars of their cases but venture to suggest that if satisfied of their innocence of any impropriety which could justly consign them to this place you would probably be willing to take the necessary steps to secure their liberation with a zeal equal to your ability. At their instance I write to you, and if you should find it convenient to act for them and could get permission to see them in order to acquaint yourself with their cases they would be glad to see you.

I am, most respectfully, yours,

W. H. WINDER.

DEPARTMENT OF STATE, *Washington, September 30, 1861.*

RICHARD M. BLATCHFORD, Esq., *New York.*

SIR: The Secretary of State has directed Col. Martin Burke to permit you to visit in presence of a proper officer the prisoner, W. H. Winder, at Fort Lafayette.

Very respectfully, your obedient servant,

E. D. WEBSTER,
Clerk.

FORT HAMILTON, *September 30, 1861.*

Col. E. D. TOWNSEND, *Assistant Adjutant-General.*

SIR: Inclosed you will find a letter from a respectable party in answer to one from Mr. Winder, now confined in Fort Lafayette. I thought it would not be improper to send it to you in order that I might be informed of the views of the Department upon the matter.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

[Inclosure.]

NO. 53 LIBERTY STREET, NEW YORK, *September 30, 1861.*

WILLIAM H. WINDER, Esq.

DEAR SIR: On my return to-day from Washington I find on my table your favor dated Fort Lafayette, 24th instant, stating that there are several parties there at a loss how to proceed to secure their liberty from a confinement brought about under some misapprehension, and suggesting that if satisfied of their innocence of any impropriety which could justly consign them to that place I would probably be willing to take the necessary steps to secure their liberation.

In answer I would say I would feel it a duty imposed upon me by my profession to investigate the case of any of the gentlemen confined at the fort who should desire me to do so, and that in the event of evidence being furnished which in my judgment ought to satisfy the officers of the Government that the party had been arrested and was detained under a misapprehension I should do all in my power to secure his release. Entrance to the fort can be had only by special permission, and the name of the gentleman to be visited must be inserted in the pass as I understand. You will therefore readily perceive that in order to pay a visit to any of the gentlemen referred to in your note it is necessary for me to be possessed of his name. If you will be so kind therefore as to send me their names I will endeavor to visit them to-morrow.

Yours, very respectfully,

JOHN E. DEVELIN.

DEPARTMENT OF STATE, *Washington, October 1, 1861.*

Col. MARTIN BURKE, *Fort Hamilton, N. Y.*

COLONEL: I transmit a copy* of a letter of the 24th ultimo, addressed by Mr. W. H. Winder, a prisoner at Fort Lafayette, to Mr. John Develin at the Astor House, New York, the original of which has been for-

* Omitted here. See inclosure Develin to Seward, September 25, p. 726.

warded to this Department by Mr. John Develin. It is presumed that in forwarding the original to Mr. Develin Mr. Winder must have found means to elude the vigilance of the authorities at Fort Lafayette.

I am, colonel, your very obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, October 1, 1861.*

JOHN E. DEVELIN, Esq., *Astor House, New York.*

SIR: I have received your note without date, accompanied by one addressed to you by Mr. W. H. Winder, which is herewith returned agreeably to your request. It is not deemed advisable that you should have interviews with the persons to whom he refers, or compatible with the reputation of a good citizen which you so deservedly enjoy that you should have any professional connection with them.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

—

FORT LAFAYETTE, *October 20, 1861.*

[CHARLES H. WINDER.]

DEAR CHARLES: I received on the 15th yours of the 11th announcing your sad bereavement to which I immediately replied. I also received and replied to yours written after your return from Baltimore in which you spoke of bringing my case to the consideration of Governor Seward. To my remarks on this suggestion of yours I would add these further observations. In regard therefore to any qualification or condition to a release I inclose some hasty remarks.

I am wholly unwilling to believe that Governor Seward or General Cameron could wish me to slime myself with conditions that would place upon me a lasting mark of degradation so poisonous to my peace as to render life undesirable, and implanting in the bosom an implacable feeling which may cause unhappiness to others as well as to myself. A release to be in any manner acceptable must be on such terms and in such manner as is best calculated to restore the personal good feeling which I had ever entertained and had oft manifested and which I had supposed was mutual, and to bury in oblivion the hardship and losses caused by my arrest and confinement. I am guiltless of wrong to the Constitution and the Union or to any section of the country in thought, word or deed, and upon this rock I stand and I cannot countenance anything inconsistent with it. I am now under the responsibility of the oath as much so as if I again should take it, and if I have violated it I am now amenable to condign punishment. If guiltless why make an oath a condition of my release?

I conclude with a suggestion that I be allowed on parole to go to Washington in person to attend to the investigation of my case. I will of course in no manner avail myself of the liberty of parole to do anything inconsistent with its spirit but will confine myself strictly to its object and return promptly to this place if my liberation be not the result. Give yourself no uneasiness about me. If you can obtain your own honorable discharge I have the heart for any fate and an abiding confidence in a retributive future.

I am, ever, your most affectionate brother,

W. H. WINDER.

FORT HAMILTON, N. Y., *October 22, 1861.*

Col. E. D. TOWNSEND, *Assistant Adjutant-General, &c.*

SIR: Inclosed please find a letter from William H. Winder, a prisoner at Fort Lafayette, which I deem best to forward through you.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

[Inclosure.]

FORT LAFAYETTE, *October 18, 1861.*

[CHARLES H. WINDER.]

DEAR CHARLES: I have this moment yours of the 15th instant, and hasten to urge upon you my strong wish not to compromise me by any application for my release, except to learn the cause of my detention. In order that you may clearly comprehend my position I will state the facts:

On Tuesday, the 9th, in the evening, I was arrested on a warrant issued by the mayor of Philadelphia, predicated upon a dispatch from the provost-marshal of Washington, for carrying on a treasonable correspondence with the Confederates. The officer who took me by his inquiries indicated they expected to find such among my papers with General Winder and myself. Two officers went with me to my chamber and ransacked trunks, closets, drawers, &c., and took away every paper found, though upon examination not one was found in any manner to refer to political matters. I was then locked up in a station house all night, and I learn that during the night having searched my person and taken all my keys they ransacked my office, and during the next day overhauled all my private papers of thirty years' standing to find out what I had been doing during the last few months.

On the next day (Wednesday) I was discharged by the mayor and at the request of the U. S. district attorney was turned over to him, the marshal taking charge of me until afternoon, when a hearing was to be had before the commissioner. At the hearing the U. S. attorney expressed his disappointment at finding no correspondence to implicate me, but having read my papers (copies of my political correspondence, contributions to newspapers and memoranda for reference, many of them never sent, both of letters and communications and many intended for future use to be incorporated in communications where in the context they would wear an aspect very different from the naked memoranda), he desired postponement to hunt up evidence in Philadelphia of my conversations, the charge upon which I was taken being unsupported by a scintilla of evidence. But in my writings I had freely spoken and had condemned without stint or limitation the abolition wing of the Republican party. This stung the district attorney, who not daring to put my writings in evidence but desirous of punishing me for them wanted time to hunt up charges, and two days were allowed him for that purpose.

When the hearing came on he was still unable to bring any charge, and in meantime had contrived to get a dispatch from General Cameron to send me here. I was then discharged by the commissioner and instantly sent here. The marshal showed me a dispatch received on the 11th from Governor Seward: "Send W. H. Winder to Fort Lafayette." This was not used, they hunting up cause of accusation. I wrote Governor Seward a letter, and this dispatch would seem to have been written in reply or on receipt of my letter, which was written and sent before I was arrested or had dreamed of such a thing.

Thus it would seem that I was originally arrested on a false alarm that I was in correspondence with General Winder at Richmond, with whom I have had no communication verbally or in writing since about January, and at no time was politics the subject of a single remark between us. My writings may be sharp and ill judged, but not sharper or of wider scope than Governor Seward, General Cameron and all others of that party allow themselves in speaking of us. But in regard to devotion to the Constitution and the Union which it formed it is breathed in every line. White is not a more inseparable attribute of snow than love of the Constitution is of all my writings, and I could not wish a more triumphant vindication of myself than would be the publication of my writings entire. I here repeat emphatically that unless a difference of opinion from the Administration in regard to the best mode of securing the perpetuity of the Union be cause of offense there exists no ground upon which to base a charge.

Such being the state of the case I have supposed that neither General Cameron nor Governor Seward could have given any personal attention to the charges against me; nor can I reconcile it to myself that either could so far distrust me as to suppose I would clandestinely do anything I was ashamed to avow, and that if I had been in favor of a separation of the States that I would openly have taken my stand. I look therefore for an unconditional release, and in such a manner as shall make it manifest to the world that I stand perfectly acquitted of anything inconsistent with a true lover of the Constitution and its Union. To be called upon to take an oath to support the Constitution, &c., as a condition of release is by my own act to indorse my arrest and imprisonment as being deserved. Than to utter such self-calumny my burial here is less revolting. If I have any knowledge of those gentlemen my liberation as indicated above will be the prompting of their own hearts. I have so believed all along and shall not cease to do so except upon their own testimony. I am entirely satisfied that in a majority of cases their authority to arrest is given upon confidence in parties demanding it and without any sufficient authenticated evidence satisfactory to their own judgment. As no testimony has ever existed so none can ever be adduced or will be made public which can justify my arrest. It was clearly made under misinformation. Do nothing therefore to put me in a false position. Captain T. sends his kindest regards and warmest sympathy for your sad bereavement. Remember me most affectionately to Mary and Josie.

Your affectionate brother,

W. H. WINDER.

Possession of my office and papers was retained for nearly two weeks by the officers, and extracts or purported contents of private letters falsely published.

—

BALTIMORE, *October 22, 1861.*

WILLIAM HODGE, Esq.

MY DEAR SIR: I venture with no little diffidence to trespass upon your kindness in a matter that may seem to you to be out of my appropriate sphere and in which nevertheless I cannot but feel a deep interest. There is in my church a venerable lady, the widow of the late General Winder, who as you know was in his day one of our most prominent and distinguished citizens. She has been for many years living a very retired life dependent upon three sons, one of whom is in the Confederate Army from whom she cannot hear. The two others

have recently been arrested, one in your city and the other (Mr. William Winder) in Philadelphia. From this one (now in Fort Lafayette) she has received letters declaring that he has always been a Union man; that he has never written a line South since the fall of Sumter and before that wrote only what he had written to members of the Federal cabinet and Northern members of Congress; that his health is very precarious; that his only offense is having a brother in the Confederate Army, and all that he desires is an opportunity to prove his innocence. These letters she inclosed to General Scott some weeks ago but has received no reply.

Feeling the deepest interest in her anxiety and trying circumstances, having always held her in the greatest respect as a most estimable Christian lady, I have been greatly affected by her appeal to me as her pastor, and conscious that I can exert no influence myself I have ventured upon your friendly consideration, knowing your familiarity with all the means and modes of reaching the seats of power, to ask if you can advise or aid me in doing anything to get Mr. Seward's attention and favorable consideration to the case of Mr. William Winder on account of his venerable mother. If he has really done anything that ought to subject him in his state of health to such confinement of course I ought not to say a word; but will not Mr. Seward give him reasonable opportunity to prove what he asserts, that he has done nothing against the Government? Can you do me the favor to suggest what if anything can be done in the case, or that in your opinion it is useless to attempt anything in present circumstances? I am really very sorry to trouble you with such an application but in the emergency know nowhere else to look with any hope.

Please present my best regards to the ladies and believe me, very respectfully, your obedient servant,

JOHN C. BACKUS.

DEPARTMENT OF STATE, *Washington, October 31, 1861.*

Brig. Gen. ANDREW PORTER, *Provost-Marshal, Washington.*

GENERAL: You may extend for the period of thirty days and upon the same terms the parole of Mr. Charles H. Winder.

I am, general, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

[NOVEMBER 17, 1862.]

Col. J. DIMICK, *Commanding Fort Warren.*

SIR: Lieutenant Parry has refused to forward my letter to the Hon. James Brooks, returning it to me. I beg respectfully to state that Mr. Brooks has been elected a member of Congress for the city of New York, is a public man upon his responsibility as such and to refuse to allow him to receive a letter addressed to him is no less an insult to him than it is a violation of my rights. It is to charge him with incapacity or indisposition to act rightly with the letter. More especially if Mr. Brooks should not find fault with me for my charges against himself it seems passing strange that you should find cause to interfere and prevent my conveying to him my opinion of his course. Under the supposition that Mr. Parry did not know that Mr. Brooks was elected a member of Congress I again deposit the letter to be sealed and forwarded to its destination.

Respectfully, yours,

W. H. WINDER.

[Indorsement.]

FORT WARREN, *November 18, 1862.*

The inclosed letter to Hon. James Brooks, written by Mr. William H. Winder, was respectfully returned to him as contrary to my instructions to allow it to pass. He reincloses it to me with this letter. I refer the matter to the Department that the letter may reach its destination if there be no objection to it.

J. DIMICK,
Colonel First Artillery, Commanding Post.

[Inclosure.]

NOVEMBER 17, 1862.

Hon. JAMES BROOKS, *New York.*

DEAR SIR: I find my mind so importunately beset by most distressing reflections upon the course which you and too many others have taken in relation to the emancipation proclamation and the orders already issued for instant action intended to secure its successful accomplishment in the most horrid form that I cannot resist giving them expression. While expressing indignation at its purpose and declaring the proclamation to be clearly unconstitutional in fact, you and others nevertheless prove false to the Constitution and to humanity and aid the unconstitutional measure most effectually by lulling watchfulness, suppressing action with the siren songs of *brutum fulmen*, and a Pope's bull against the comet. If you really be in earnest in your belief of its unconstitutionality and injustice it would seem that you should show it in some efficient manner. For if it be unconstitutional and improper it is your duty as it is that of all loyal to the Constitution, of all professing loyalty to Christianity, to denounce and to oppose by every legal and honorable means all steps manifestly tending and intended to accomplish this unconstitutional and unchristian measure. Most especially should you denounce all those orders which on penalty of dismission with such disgrace as it is in the power of the official to inflict require Army officers to aid the negroes, forbidding them to interfere with any attempt the negroes may make to free themselves.

A Lieutenant Johnston, in Kentucky, deeply impressed with the unconstitutionality and barbarity of the proclamation policy tendered his resignation rather than violate his oath to support the Constitution. For this he was instantly and ignominiously put in irons and sent to prison. Being resolute he again tendered his resignation for which he was in the language used disgracefully dismissed the service, and in presence of the army had his shoulder straps and insignia of office rudely torn from his person. This is the treatment for fidelity to one's oath to support the Constitution and defend it. What a spectacle!—the sworn conservators of the Constitution issuing proclamations subversive of the Constitution and revolting to Christianity, manacling in irons and disgracing so far as they can disgrace anybody an officer for tendering his resignation rather than become a *particeps* in an outrage upon the Constitution! The case of Lieutenant Johnston as reported is even more flagrant and calls for deeper condemnation than that of Mrs. Brinsmade. Why are you and the other sirens silent upon the case of Lieutenant Johnston and upon the orders issued in consequence of his tender of resignation?

The New York Times of the 14th instant in a special dispatch says that information having been received that certain military commanders had returned fugitive slaves from within our lines to loyal as well as

rebel masters, and the Department had called for reports in order that such officers may be duly punished. Why don't you publish again General Butler's reply to Governor Andrew's lecture to him upon similar proceedings? You indorsed that letter at the time as a fitting rebuke and so did the nation generally. Give us that letter.

Why do you not boldly and openly sustain all who maintain and defend the Constitution? Why not proclaim to Army and Navy that the Constitution is the supreme law of the land? When by the course of the *brutum fulmen* sirens the horrors of a servile war shall aggravate the desolation of the South, mortally embittering hatred without securing subjugation or union—union with murderers alike of the Constitution as of women and children—what a union is thus offered to the South—a fraternity of the "Massachusetts school." Will you be able in that dread day to find siren songs which will lull your awakened conscience? Why not act consistently with your declarations of the unconstitutionality of the proclamation and of a desire to restore a fraternal union? Will it weaken the North at home or degrade it abroad if you and all others condemning this act take all necessary and proper steps to avert the disgrace abroad and the horrors at home of its enactment? With the thunder of the people's voice let the lightning of their will strike all who lay sacrilegious hands upon that ark of our security, the Constitution.

I look upon the imprisonment of what are termed state prisoners—indeed upon the summary execution of all of them though all be pure as was Washington—as a light crime in comparison with the proclamation policy. How the papers teemed at one time with denunciations of an emancipation policy, universally scouting the idea as a monstrous slander, and they and the Army vied with each other in giving assurances that whenever an emancipation policy should be announced that the whole Army would refuse to act and would lay down their arms. Can't you republish some of the many thousand such assurances so vehemently given? The sins of this war are already a sufficient stench in the nostrils of nations. Shall this country by the adoption of the proclamation policy attach an inextinguishable odor of infamy to itself?

Respectfully, yours,

W. H. WINDER.

WASHINGTON, D. C., *November 22, 1861.*

SECRETARY OF STATE:

On Monday last while in Burch's saloon on Fourteenth street in company with Hon. Thomas H. Clay I was introduced by a Mr. Munroe to a Mr. Winder, who was represented as an excellent man in every respect except that he was a secessionist. In a brief conversation which followed Mr. Winder remarked that his sympathies were with the South in the pending struggle. Upon a remark being made by Mr. Munroe that some day he would probably be as good and loyal a citizen as any and would see the error of his views Winder remarked that he probably never should change his sentiments; that he was a Southern man; that when arrested (and he remarked parenthetically that he was a prisoner now on parole) and brought before General Porter he had said:

General, let's avoid any unnecessary circumlocution in this matter. If to sympathize with the South and to desire her success in the present struggle is my offense I am guilty, but if acts are requisite to make it out I am not.

He said that James B. Clay's only offense had been that he chose to think as a man had a right to think. Hon. Thomas H. Clay remarked that that was not all; that James had attempted to leave the State to forward the interests [of] the rebellion. Mr. Winder again remarked that Mr. Clay had a perfect right to leave the State if he pleased. I said to Mr. Winder that he was the first person of his sex whom I had heard in Washington declare his sympathies with the South. He said he could not help it; that his heart was there.

Much more in this strain was said by Mr. Winder in the midst of a pleasant conversation and we parted, Mr. Clay and myself expressing confidence that he would probably soon be convinced that after all his feelings the United States Government would be found by him to be the best he could live under.

EDWARD F. UNDERHILL.

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DEPARTMENT OF STATE, *Washington, November 30, 1861.*

Brig. Gen. ANDREW PORTER, *Provost-Marshal.*

GENERAL: Mr. Charles H. Winder's parole which expires on December 1 may be extended for sixty days further, but it is indispensably necessary that he should abstain from political conversation. He has already been reported to me as publicly expressing treasonable sentiments within the past month. It will not be in my power [*sic*] this exemption from confinement if he does not himself co-operate in the regulations prescribed.

Very respectfully, your obedient servant,

WILLIAM H. SEWARD.

—

FORT WARREN, *December 3, 1861.*

[CHARLES H. WINDER.]

DEAR CHARLES: Since replying to yours of the 25th ultimo* I have nothing further from you, from which and from other circumstances I infer that Mr. Hodge has learned that Governor Seward has objections to setting a precedent of unconditional release and may be unwilling therefore even to allow me on parole to visit Washington to investigate my case.

I have omitted I think to call attention to the fact that since my arrest all my letters at the Philadelphia post-office have been stolen from the office by the marshal so that all my business has been interrupted, to my great detriment. Having arrested me without any justifying evidence and having outraged my rights by an illegal and secret seizure and search of all my papers of thirty years' collection to find cause for its justification, and failing to find any instead of having me released they had me transferred to a distant fort, seizing every letter addressed to me and keeping them in the hope to find something to give countenance to my confinement. This of course they will not find, but the iniquity of the proceeding cannot be overstated. I am confident that Secretaries Seward and Cameron are not conscious parties to these monstrous outrages of my rights and interests as an American citizen, and I do suppose that Governor Seward when properly advised will give an order to the marshal to surrender all my papers and to cease to take my letters from the post-office. If Mr. Hodge can get such an order on the marshal for my papers to be surrendered to Mr. George

* Not found.

W. Biddle I would like it. The order could also admonish the marshal not again to take a letter of mine from the post-office. I anxiously wait to learn if your parole has been extended, fearing as I greatly do that its non-extension may have caused your silence.

Your affectionate brother,

W. H. WINDER.

—

FORT WARREN, *December 5, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: In accordance with your letter of instructions* read to the parties confined in this fort to address you directly in relation to their release I proceed to do so, relying upon the implied assurance of your letter that these communications will receive your personal attention and reply. I have been confined now nearly thirteen weeks and during all that time I have been unable to learn of any charge whatever, consequently I can only state that I am unconscious of act or word inconsistent with the character and duty of a true American citizen; hence I infer that my arrest did not emanate from the head of a Department and that the names of such when employed in this matter were merely pro forma without attention to and probably without knowledge of the document to which they were attached. In this state of affairs I will respectfully submit to your consideration the propriety of allowing me on parole to visit Washington for the examination of my case, and I will add my conviction that a short interview will satisfy you of some error in my arrest and confinement which have proved seriously detrimental. Should the granting of the parole prove to be inconsistent with your purposes I trust I shall not be disappointed in my expectation of receiving a statement of any charges against me fully, specifically and with all the evidence in possession of the Department together with the names of all parties making charges.

Respectfully, your obedient servant,

W. H. WINDER.

—

[WASHINGTON,] *December 5, 1861.*

Hon. F. W. SEWARD, *Assistant Secretary.*

SIR: I have ventured in the accompanying letter to solicit the attention of the honorable the Secretary of State to the case of my brother, William H. Winder. May I take the liberty of invoking your good offices to lay my letter before him and to invite his attention to the subject-matter of it? I venture to suggest that the speediest and fairest mode of arriving at a just conclusion would be to allow him to come on to Washington and submit to the honorable the Secretary such explanations as he has to offer.

I am, very respectfully, your obedient servant,

CH. H. WINDER.

[Inclosure.]

WASHINGTON, *December 5, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I beg leave most respectfully to solicit your attention to the case of my brother, William H. Winder, now a prisoner in Fort Warren. I have understood that Mr. Blatchford, Mr. Hodge and Mr. Reverdy

* See p. 151, Seward to Keyes, November 26.

Johnson have interested themselves in his behalf, and feeling perfectly conscious that I could not hope to add any force to the intercessions of these distinguished gentlemen I have abstained from obtruding myself upon your notice, but no action having been taken by you in his case I cannot help feeling assured that it results wholly from a misapprehension of his case. And as no one knows better than myself that there is not the remotest foundation for his arrest I earnestly beg now to invoke your favorable consideration of the appeal of those gentlemen for the following reason: My brother is and has always been a firm, consistent, unwavering Union man. He believes that all the blessings that can attach to a nation are bound up in a fraternal union of all the States and that misfortune, suffering and weakness will follow a dissolution. Believing this he has most earnestly and (I think) ably advocated the Union on every occasion and in every manner in his power. He has never by word or deed given just cause of offense to the Government. If these things be so I will not suffer myself to doubt for an instant that you would order his unconditional release without delay if you were satisfied of them. To this end all that he asks is scrutiny. Take up his case, sir, and if any proof to the contrary can be brought against him you will at least have the satisfaction of knowing that your action in depriving a man (whose personal relations to you I know entitles him to your kind consideration, however humble he is) of his liberty you did so on substantial grounds. On the other hand if he be innocent you will admit that his fate has been a hard one. Torn from his business, the sole support of a mother now past eighty years, his papers and effects taken possession of by persons to say the least wholly indifferent to his interests (I of course allude to subordinates intrusted with the duty of arresting) and himself incarcerated now for three months, I submit most respectfully whether this be not a hard fate, if as I said before he has given no just cause of offense. Nay more than that if his aim and desire is the same as your own?

I know well, sir, that my solicitation can and perhaps ought not to have any weight with you, but I am very sure that in a case like this you will not be swayed by who says but by what is said. I again earnestly ask for the sake of justice that you will take the trouble to satisfy yourself about the case of a man whose personal feelings toward you are those of admiration and friendship and who I repeat looks to the same end with yourself. If you find upon fair investigation that you have proceeded upon good grounds it will silence us and be a consolation to you to know that you have acted justly. To this end will you allow me to suggest that you order my brother to be sent to this city on a temporary parole so that he can be at hand to explain whatever may be susceptible of explanation? I ask this in behalf of an aged mother who is now on the verge of the grave, and of my own family in the bosom of which these events have sped an arrow of unutterable affliction.

I am, sir, very respectfully, your obedient servant,

CH. H. WINDER.

DEPARTMENT OF STATE, *Washington, January 10, 1862.*

Col. JUSTIN DIMICK, *Fort Warren, Boston.*

SIR: Let W. H. Winder, a prisoner confined in Fort Warren, be released on taking the oath of allegiance to the Government of the United States, stipulating that he will neither enter any of the States in insurrection against the authority of the United States Government

nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State; and also that he will do nothing hostile to the United States during the present insurrection. You will please make the stipulations a part of the oath. I transmit this order to John S. Keyes, esq., U. S. marshal, who has been instructed by this Department to cause a police examination to be made in some cases of the persons and baggage of prisoners discharged from custody to the end that no correspondence or other improper papers be conveyed by them to persons outside the fort.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

DEPARTMENT OF STATE, *Washington, January 14, 1862.*

Brig. Gen. ANDREW PORTER, *Provost-Marshal, Washington.*

GENERAL: I inclose herewith and invite your attention to a memorandum* laid before the Department relative to one Captain Winder, a son [brother] of the insurgent General John H. Winder, who it is alleged has given utterance to expressions that place him under strong suspicions of disloyalty. Will you please cause inquiries to be made into the matter and adopt such proceedings as in your judgment are proper and report to this Department.

I am, general, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

FORT WARREN, *Boston Harbor, January 15, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: I have the honor to report that * * * W. H. Winder declines taking the oath of allegiance as a condition of release.

I am, sir, very respectfully, your obedient servant,

J. DIMICK,
Colonel First Artillery and Brevet Colonel, Commanding Post.

DEPARTMENT OF STATE, *Washington, January 17, 1862.*

Col. JUSTIN DIMICK, *Fort Warren, Boston.*

COLONEL: Your letter of the 15th instant reporting * * * that William H. Winder refuses to take the oath of allegiance has been received. In reply I have to request that you will hold [Winder] in custody till further orders from this Department.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

DEPARTMENT OF STATE, *Washington, January 22, 1862.*

Hon. J. A. PEARCE, *U. S. Senate.*

SIR: Referring to your memorandum* without date I have the honor to inform you that the Secretary of State does not deem it expedient to

* Not found.

interpose in regard to the letters of Mr. W. H. Winder which it is alleged are stopped at Philadelphia by the U. S. marshal, as he is acting it is presumed under directions from the Post-Office Department.

I have the honor to be, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

WASHINGTON, *January 28, 1862.*

Hon. F. W. SEWARD, *Assistant Secretary of State.*

SIR: I respectfully inform you that the period of my parole expires on the 1st proximo. I beg to submit myself to the pleasure of the honorable the Secretary of State.

Very respectfully, your obedient servant,

CH. H. WINDER.

—

DEPARTMENT OF STATE, *Washington, January 28, 1862.*

Brig. Gen. ANDREW PORTER, *Provost-Marshal.*

GENERAL: You may extend the parole of Mr. Charles H. Winder till the 1st day of March, A. D. 1862.

I am, general, your obedient servant,

WILLIAM H. SEWARD.

—

WASHINGTON, *January 28, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: The presence of my brother, William H. Winder (now confined in Fort Warren), in Washington is necessary to adjust various interests in certain real estate (in this city) the title of which is now in him. I respectfully ask that he may be permitted to come here for that purpose on parole of thirty days.

Very respectfully, your obedient servant,

CH. H. WINDER.

—

WASHINGTON, *February 1, 1862.*

Hon. F. W. SEWARD, *Assistant Secretary of State.*

SIR: My parole having expired I reported myself this morning to the provost-marshal who informed me that he had received no instructions as to my case. I respectfully request that the honorable the Secretary will be pleased to transmit them to-day. I beg also to avail myself of this occasion to solicit your attention to my application for a temporary parole for my brother now in confinement in Fort Warren. The object for which it is desired being the adjustment of various interests in certain real estate which cannot be settled without his presence I venture to hope that the honorable Secretary of State will find no difficulty in granting the application. May I ask you respectfully to do me the favor to inform me by note through the post-office of the determination of the honorable the Secretary as early as will suit your convenience?

I am, very respectfully, your obedient servant,

CH. H. WINDER.

P. S.—I beg to remind you that to-day is Saturday and that if the provost-marshal is not instructed in my case to-day he cannot receive them until Monday. In the meantime he will have no alternative I suppose than to hold me in custody.

WASHINGTON, *February 1, 1862.*

I, Charles H. Winder, of the city of Washington, D. C., do voluntarily agree and pledge myself in having this my parole extended to honorably fulfill the stipulations hereinafter set forth, to wit: That during the existence of the present rebellion I will not visit any insurrectionary State or Territory without permission from the Secretary of State and that I will not render to the enemies of the Federal Government any aid, comfort or information of any nature whatever. It is hereby understood that this parole extends until the 1st day of March, 1862, upon which day I will report myself at the office of the provost-marshal of this District.

C. H. WINDER.

In presence of—

GEO. H. BANGS.

PHILADELPHIA, *February 4, 1862.*

Hon. E. M. STANTON, *Secretary of War, Washington.*

DEAR SIR: I beg leave to address you upon a subject which probably had its origin in the Department under your charge and where the rights of a fellow-citizen have been very seriously compromised. It is as follows:

William H. Winder, a citizen of this Commonwealth, was arrested upon the 11th of September, 1861, at his residence in this city under a warrant issued by a U. S. commissioner upon a charge of conspiracy to overthrow the Federal Government, under the act of Congress of July 13, 1861. When arrested he applied to me as his counsel and at his request I pressed an immediate hearing of the case. Upon the alleged ground of other engagements of the district attorney the case was postponed to the afternoon of the 13th of September, Mr. Winder remaining in custody as he was unable to obtain bail in the amount required, $5,000. I appeared for him at the adjourned hearing and after some delay the U. S. attorney came forward and stated that he had no charge to prefer against Mr. Winder, adding that he had received an order for his delivery to the U. S. marshal. The commissioner discharged Mr. Winder as there was no charge pending against him. A telegraphic message purporting to be signed by the Secretary of War was then produced directing the marshal to take Mr. Winder to Fort Lafayette, and he was immediately taken into custody and carried to New York by that afternoon's train. He was subsequently removed to Fort Warren where he is now, having been thus in confinement for nearly five months. For many months, perhaps a year, prior to his arrest he had not quitted the city of Philadelphia, certainly not subsequently to the 4th of March, 1861. All his papers of every description were seized at the time of his arrest and his correspondence has been since intercepted and yet no specific charge has ever been preferred against him nor has he any notion of what his supposed offense is. In letters to me he has uniformly asserted his innocence of even a thought of disloyalty, and has affirmed his attachment to the Constitution. In these statements I place reliance and express my conviction of his entire blamelessness.

It is proper to add that on the 17th of January last I received a letter from Mr. Winder saying that he had been just offered his release upon condition that he would take an oath of allegiance to the Government (in what prescribed form he does not say), which he declines to do. His refusal he places upon the ground that while he has not the slightest objection to take an oath to support the Constitution on any proper

occasion (which in fact he did when he joined the Home Guard of this city in the spring) he will not take this oath of allegiance as a condition of his release as he may thus give color to the assertion that there was some cause for his arrest and imprisonment or that he was a man against whom suspicion might have been properly entertained. Mr. Winder is of course unable to have his case heard upon a habeas corpus and he has been now in confinement nearly five months, to the great detriment of his business, the damage of his health and the injury of his character without knowing for what he is imprisoned.

Is he not entitled either to have some specific charge brought against him which he can meet in the usual way or to be unconditionally discharged? Is anything gained by the Government in keeping imprisoned a man whose sentiments are strongly for the Union but who honestly differs from the Administration upon questions of policy and who prefers remaining in captivity to the violation of what he considers a principle? Is not the conduct of such a man the best proof of his integrity and can it be deserving of harsh or arbitrary treatment? He is of course as every other man is amenable to the law of the land for any infraction of it, and the inference is very strong of his innocence of criminality or criminal intention when the closest scrutiny into his conduct and affairs has failed to develop a single fact upon which to found a charge against him. I believe him to be a much injured man and feel bound to use every proper effort to procure his release and therefore write to you, for as he was arrested apparently by the order of the late Secretary of War it seems to me that his case is properly cognizable by you and that his discharge should come from your Department.

I remain, with much respect, yours, &c.,

GEO. W. BIDDLE.

DEPARTMENT OF STATE, *Washington, February 10, 1862.*

Col. JUSTIN DIMICK, *Fort Warren, Boston.*

COLONEL: Herewith I inclose* a form of an oath of allegiance so modified as to prevent any possibility of the misapprehension that it is an engagement to support in a partisan sense the persons composing the executive department of the Government of the United States. You may show it to Mr. William H. Winder and tell him that he will be released upon taking this oath and making the usual engagements not to enter any of the insurrectionary States nor hold correspondence with persons residing in those States during the present hostilities.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HOUSE OF REPRESENTATIVES, *February 10, 1862.*

Hon. WILLIAM H. SEWARD.

SIR: William H. Winder, a gentleman whose domicile is within my Congressional district, is at present confined at Fort Warren. I am not informed of the nature of the charges upon which he is so confined. His family are solicitous that he shall be released at least temporarily for the purpose of attending to important and urgent private business. I have the honor to submit this request to you and to beg your favorable consideration of it.

Very respectfully, your obedient servant,

CHAS. J. BIDDLE.

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*Not found.

FORT WARREN, *February 14, 1862.*

Col. J. DIMICK, U. S. Army, *Commanding Fort Warren.*

SIR: Yesterday in conformity with a letter of instructions received by you from Governor Seward you offered me my release on condition of my taking the oath then proposed. I had on a previous occasion when offered my release by you on taking the oath presented declined my release on those terms and I gave my reasons for so doing. I propose to restate here so much of them as may be necessary.

My objections were that the oath could not rightfully be required of me; that to take it as a condition of release would be to make an invidious distinction between me and all other citizens not required to take it; it would make me a target for the shafts of the maliciously disposed, and it would in fact be making me my own calumniator, acknowledging the necessity of an oath to restrain me from committing treason. I should be tongue-tied under the grossest imputations, countenanced alike by the action of the Department and my acquiescence in its propriety. It is easy for you to perceive how impassable are such obstacles to my taking the oath as a condition of release. The taking the oath would render my residence in Philadelphia an impossibility. I need not enlarge nor add that a release upon indefinite parole or general parole would equally render my stay in Philadelphia intolerable.

I have, however, desired a special parole to go to Washington to attend to an important and pressing matter of business, and I shall feel much disappointed if I do not receive it. I further stated incidentally that the oath seemed to require a blind support of the measures of the Administration. Governor Seward in his letter to you authorizing my release upon an oath inclosed in it explains that it does not require the support of the individual members of the executive, and seems to suppose that this explanation will suffice to remove the objections which caused me to decline a release when first offered with condition of an oath. The explanation which I have above given will I hope prove satisfactory, and when connected with the fact of my confinement of more than five months assure my free and unconditional release.

I am, sir, with respect, most truly, your obedient servant,

W. H. WINDER.

DEPARTMENT OF STATE, *Washington, February 17, 1862.*

Col. JUSTIN DIMICK, *Fort Warren, Boston.*

COLONEL: Your letter of the 14th instant and its inclosure, informing this Department that Mr. William H. Winder declined to comply with the terms upon which his release was granted has been duly received.

I am, colonel, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

FORT WARREN, *February 22, 1862.*

Hon. E. M. STANTON, *Secretary of War, Washington, D. C.*

SIR: I have been held in confinement now more than five months in Forts Lafayette, N. Y., and Warren, Mass., without process or form of law, having been arrested in Philadelphia, my residence, from whence by order of Simon Cameron, Secretary of War, by telegraphic dispatch I was transferred to those distant points. Immediately upon my arrest in my absence my office, desks, chests, &c., were broken open and all

my papers, a collection of more than thirty years, ransacked on pretense of hunting treasonable matter during the few months previous; the sanctity of private correspondence was violated and malignantly calumniated by the publication of pretended contents of letters thus seized upon. Other parties were also grievously slandered by statement of falsely alleged contents and by allegations of the discovery of correspondence which never existed, and I debarred of all opportunity to contradict such infamous publications. My letter books, writings and letters are still in the possession of public officials and my correspondence at Philadelphia since that time intercepted. Even pictures twenty years old found in my possession were misrepresented to slander me.

I am to this hour in ignorance of the causes of my arrest and detention. Governor Seward, Secretary of State, caused an order to be read to the prisoners in which he stated that the employment of paid counsel would only have the effect of prejudicing the case of such parties, would be deemed an offense and would occasion procrastination of imprisonment. His order required all applications to be addressed directly to him or through unpaid parties. In accordance with this order, never having employed counsel, on the 5th of December last I addressed a letter to the Secretary of State in which referring to his order as giving assurance that he would read and reply to our communications I proceeded to state my long confinement, my ignorance of the causes therefor and requesting permission to go to Washington for an investigation of my case or for a statement of the charges against me if any, the full testimony and the names of my accusers or else unconditional discharge. To this hour no reply has been received.

My release was tendered to me on condition of taking the oath of allegiance, &c. I declined to accept release upon conditions. A second time release was offered upon condition of taking the [modified] oath,* which offer was accompanied by a letter of explanation from Governor Seward intended to remove supposed objections in stating that a support of the Constitution did not include support of the individual members of the executive. My objection being radical applied to all tests or conditions which might be supposed to admit that I had done anything inconsistent with the character of a true American, and I of course declined this second offer of release. In common with my fellow members of the company to which I am attached I took an oath to support the Constitution and I am still under its full responsibility. I am ready in common with all others on every proper and lawful occasion to take it a thousand times, but as a discriminating test imputing past and future intended wrong it is not possible for me thus voluntarily to calumniate myself. The interior of Fort Warren with the *mens conscia recti* is preferable to a release purchased at the expense of character. So far from being willing thus to calumniate myself I have challenged and I do now challenge a comparison of record of fidelity to the Constitution and its Union with all concerned in my arrest and detention, confident that the result will furnish none of them with cause for self-gratulation.

In this state of the case the Secretary of War announces† that the President will grant amnesty for past offenses and take parole against future offense of all persons "except spies in the service of the insurgents or others whose release at the present moment may be deemed incompatible with the public safety." Thus I should be turned loose stained with an unnamed guilt of the past; supposed to be covered by

* See Seward to Dimick, February 10, 1862.

† See p. 221 for President's Executive No. 1.

the amnesty and the equally nameless guilt of the future averted by the parole, allowing a censorious world to impute any wrong it may please as being covered by the cloaks of amnesty and parole and to which imputation my acceptance of them would give quasi admission and certainly would leave upon me the color of guilt and without power or opportunity to vindicate myself against such imputation. The spies and they whose liberation is incompatible with public safety may probably have opportunity for perfect self-vindication while those favored with amnesty and parole will stand forever shaded by those clouds. It would seem to be an exquisite aggravation of the original wrong which the order of release admits and purports to repair or remedy. The wrong done was illegal incarceration without charge. The remedy now proposed is to confess that wrong was done, and to receive amnesty therefor to acknowledge intention of future wrong and then give a parole to forego such intention. The condition in a Northern State of a man accepting amnesty and giving parole would be a confession of guilt bearing in its train intolerable consequences.

For these reasons and many others which naturally present themselves and would be stated if necessary, the undersigned trusts that the Secretary of War will find it consistent with his duty to reinstate the undersigned at home to his original position before arrest. If there be any charge of crime against me I am ready to meet it. If there be none I trust the Secretary will see that to impose conditions on me as the price of my liberation is to aggravate the wrong which will then stand confessed. It might be simple justice alike to the Administration as to prisoners to have the informers who mislead the Departments exposed to view and to just punishment.

I have the honor to be, your obedient servant,

W. H. WINDER.

FORT WARREN, *March 15, 1862.*

Hon. SIMON CAMERON.

SIR: It was by order from you through a telegraphic dispatch that I was taken from Philadelphia to Fort Lafayette and placed in confinement there from whence I was transferred to this fort in which I am confined, still ignorant of the cause which induced you to issue that order.

The object of my writing this letter is to obtain from you information at whose instance and upon what representations you were influenced to the issue of the order for my confinement in Lafayette. I believe I do not err in supposing the order could not have been of your own motion but was upon statement of party or parties who ought not and whom you supposed would not willingly mislead you. And I trust that my reliance on your readiness to afford me the information will not prove delusive. I feel myself entitled to this consideration at your hands and I am unwilling to doubt your inclination to accord it to me.

I am, sir, very truly, your obedient servant,

W. H. WINDER.

WASHINGTON, *March 21, 1862.*

Maj. Gen. JOHN A. DIX, U. S. Army.

GENERAL: I beg very respectfully to submit to the Commission charged with the subject the inclosed statement* by my brother, William

*See Winder to Secretary of War, February 22, 1862.

H. Winder, now confined in Fort Warren. I do not think it possible for any fair-minded man to deny that it is unjust to impose conditions of release upon a man who avows his adherence to the Constitution and Union, against whom no charge has been made in a responsible form, much less proved. I say nothing of the gross injustice of his arrest in the first instance. That is past, and is a subject with which you have not to deal; but I do confidently submit it to your sense of justice whether the wrong should be longer continued. If there be any charge against him it is but fair that he should know it and his accuser, and have an opportunity to rebut it, and if not sustained he should and will doubtless receive your judgment that he be unconditionally released.

I have the honor to be, very respectfully, your obedient servant,

CH. H. WINDER.

—

LOCHIEL, *March 24, 1862.*

W. H. WINDER, Esq.

SIR: You surprise me by saying in your letter of 15th instant received to-day that it was by my order you were taken from Philadelphia to Fort Lafayette and placed in confinement, &c. I knew nothing of your arrest* until I saw the fact stated in the newspapers, and being at the time closely engaged in the discharge of my official duties neglected to inquire into the cause, presuming, however, that it was done by order of the State Department which had charge of such cases as I supposed yours to be.

Very respectfully,

SIMON CAMERON.

—

FORT WARREN, *March 27, 1862.*

Col. MARTIN BURKE, *Fort Hamilton, N. Y.*

SIR: I learn from my brother in Washington that in an interview with General Dix the general told him that he and Judge Pierrepont would come to Fort Warren personally to hear what each prisoner had to say. It is material to me to know upon whose order you received me at Lafayette. I was told at the time I was taken charge of to be carried to Fort Lafayette that it was upon an order from General Cameron, which I presumed to be so and did not look at it. In making the statement I should wish that no mistake be made and therefore apply to you for the information as to whose order it was upon which you received me. I suppose it is needless for me to say that it is not intended to base any offensive action toward you in the matter now or at any time but is desired to enable me intelligently and with absolute correctness to make my statements.

I am, very respectfully, yours,

W. H. WINDER.

[Indorsement.]

I beg you [will] furnish me with the information desired.

J. DIMICK,
Colonel First Artillery, Commanding.

* But see Cameron to Millward, September 11, and Coffey to Cameron, same date, p. 725; also Cameron to Coffey, September 18, p 726.

FORT WARREN, *March 31, 1862.*

Hon. SIMON CAMERON, *Lochiel, near Harrisburg.*

DEAR SIR: Since writing you to-day* I have received the following copy of dispatch from Philadelphia:

WASHINGTON, *September 11, 1861.*

GEORGE A. COFFEY, *District Attorney:*

I have telegraphed Marshal Millward to arrest William H. Winder and transfer him to Fort Lafayette.

SIMON CAMERON,
Secretary of War.

I have supposed this might call to your mind the communication of Mr. Coffey to which apparently it is a reply.

I am, respectfully, your obedient servant,

W. H. WINDER.

LOCHIEL, *April 2, 1862.*

[Hon. WILLIAM H. SEWARD.]

MY DEAR SIR: The letter inclosed you will see is in reply to my answer to his first one, dated ten or twelve days earlier. I do not think any orders for the arrest of Winder were signed by me. I have known him for many years, and while I knew he always sympathized with the South did not believe he would commit any act against the Government. I still have the same opinion of him, and if there is no evidence against him in your Department I trust he will not be held upon the belief that he was imprisoned on my order.

Very respectfully,

SIMON CAMERON.

[Inclosure.]

FORT WARREN, *March 31, 1862.*

Hon. SIMON CAMERON, *Lochiel, near Harrisburg.*

SIR: I have to thank you for your prompt reply to my request for information as to the causes which induced you to issue an order for my transfer to Fort Lafayette. Your reply of the 24th stating your surprise that I had been sent there by your order and that you knew nothing of my arrest until you saw it in the paper and presumed it had been done by the order of the State Department confirms me in my supposition that your name had been used either without your knowledge or inadvertently signed to a paper without heeding its contents. It was obtained somehow through the district attorney. I give you copy of the document on which Colonel Burke took charge of me and placed me in Fort Lafayette:

PHILADELPHIA, *September 13, 1861.*

Lieut. Col. MARTIN BURKE, *Commanding Fort Hamilton.*

DEAR SIR: Permit me to introduce to you my deputy, Mr. Sharkey, who carries with him Mr. Winder to be delivered to your custody per order of the Secretary of War.

Very respectfully, your obedient servant,

WM. MILLWARD,
U. S. Marshal.

I am, very respectfully, your obedient servant,

W. H. WINDER.

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* See Winder to Cameron following, inclosed by Cameron to Seward.

LOCHIEL, *April 2, 1862.*

W. H. WINDER, Esq.

SIR: I have inclosed your letter of 31st (received to-day) to the Secretary of State and disavowed all knowledge of your arrest with a request for your release if you have been held by my direction.

Very respectfully,

SIMON CAMERON.

—

FORT WARREN, *April 5, 1862.*

Hon. SIMON CAMERON, *Lochiel, near Harrisburg.*

SIR: I have been much gratified by the receipt of your letter of April 2, in which you advise me of your having sent my (first) letter of March 31 to the Secretary of State with a request for my release in case I have been held by your direction. This is satisfactory and is all the case requires at your hands, unless indeed a disregard of your request should render it proper for your own vindication against an act which you repudiate but the responsibility of which is placed on your name by the record.

I am, very respectfully, your obedient servant,

W. H. WINDER.

—

FORT WARREN, *Boston Harbor, November 27, 1862.*

General L. THOMAS, *Adjutant-General, Washington, D. C.*

SIR: I have the honor to report that I have this day released the following-named prisoners in obedience to telegram 26th instant,* viz: * * * William H. Winder. * * *

I am, sir, very respectfully, your obedient servant,

J. DIMICK,

Colonel First Artillery, Commanding Post.

—

DEPARTMENT OF STATE, *Washington, December 8, 1862.*

Hon. EDWARDS PIERREPONT, *New York.*

SIR: I inclose herewith a copy of a letter received by the Secretary of State from George A. Coffey, esq., U. S. district attorney for the eastern district of Pennsylvania, requesting that the letters and papers seized at the time of the arrest of William H. Winder be sent to him. It is believed that some of the papers relating to the case of Winder are in the possession of the commissioners appointed last spring by the War Department to examine the cases of political prisoners. Mr. Coffey has been informed of this and will probably communicate with you in relation to the papers required by him.

I am, &c.,

F. W. SEWARD.

[Inclosure.]

PHILADELPHIA, *December 1, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: You will recollect that about the time when William H. Winder, of this city, was sent to Fort Lafayette many private letters and papers

* See Vol. I, this series, p. 748, for Stanton's telegraphic order releasing all the Maryland political prisoners.

of his were transmitted to you at Washington by your order. Winder has been unconditionally released from summary arrest and confinement. I believe that upon his return to Philadelphia he will resume his efforts to embarrass the Government or to seek personal vengeance. The papers in your possession are sufficient to justify his legal prosecution in the ordinary form for misprision of treason. I believe that it would be proper so to prosecute him and therefore I desire that you will transmit to me all papers and documents in your possession which were sent to you at the time of his arrest. If he so acts as to compel or warrant a prosecution the papers which I am writing about will not only make a legal case and put him entirely on the defensive but will superabundantly explain and vindicate the whole action of the Government in this case.

I am, your most obedient servant,

GEO. A. COFFEY,
U. S. Attorney.

DEPARTMENT OF STATE, *Washington, December 8, 1862.*

GEORGE A. COFFEY, Esq.,
U. S. District Attorney, Philadelphia, Pa.

SIR: Your communication of the 1st instant relative to the papers seized and transmitted to this Department at the time of the arrest of William H. Winder has been duly received. In compliance with your request all the papers mentioned by you remaining in this Department have to-day been forwarded to you by express. Hon. Edwards Pierrepont, of New York, one of the commissioners appointed last spring by the War Department to examine the cases of political prisoners, may have some of the papers required by you in his possession. It is suggested that you communicate with him on the subject.

I am, &c.,

F. W. SEWARD.

Case of James L. Pruett.

FRANKFORT, KY., *September 10, 1861.*

The undersigned Union members of the Kentucky legislature respectfully recommend to the favorable consideration of the military authorities, commanding at Saint Louis and Cairo, the application of John W. Pruett for the release of his brother, James L. Pruett, who we learn is in custody at Cairo, and we do so the more readily on account of his (J. W. Pruett's) valuable services in the Union cause. He has been energetic and efficient in support of the Government, and labored with untiring vigilance to defeat treason and rebellion in Kentucky. Mr. Pruett is a loyal citizen, and a firm friend of the Union and the Government, and his services cannot be too highly valued. We hope the authorities may see proper to yield to his application on behalf of his only brother.

Respectfully,

JOHN F. FISK,
Speaker of the Senate.
RICHARD A. BUCKNER,
Speaker of the House.

[AND 100 OTHER MEMBERS AND OFFICERS.]

FRANKFORT, KY., *September 12, 1861.*

The gentlemen whose names are signed to the foregoing petition (except the doorkeepers of the two houses) are members of the senate and house of representatives of the general assembly of Kentucky. I am well acquainted with Mr. John W. Pruett, the bearer hereof. He is a very respectable gentleman and as loyal to the cause of the Union as any man within its limits. He has been very active in ferreting out the movements of the disunionists and communicating the information he has received to me. I hope the object of Mr. Pruett's visit to Cairo may be accomplished.

JAMES HARLAN,
U. S. Attorney, Kentucky District.

We concur in the foregoing.

J. H. JOHNSON,
Secretary of the Senate.
J. RUSSELL HAWKINS,
Assistant Secretary of the Senate.
AL. T. SAMUELS,
Clerk of the House of Representatives.
JAMES B. LYNE,
Assistant Clerk of the House of Representatives.

—

FRANKFORT, KY., *September 12, 1861.*

General FRÉMONT.

DEAR SIR: I have taken the liberty of addressing you a line in relation to the brother of Mr. Pruett, the sergeant-at-arms of the senate of Kentucky. Mr. Pruett is one of the most active, faithful Union men in Kentucky, and was a few days ago elected sergeant-at-arms of the senate by the unanimous vote of every Union senator. He has the sympathy of every Union member of the Kentucky legislature in the affliction brought upon him by the unfortunate condition in which his brother is placed in consequence of some imprudent violation of the law, and is suffering punishment, I understand, by being worked in the trenches surrounding the city of Saint Louis. I would respectfully recommend to your excellency for the sake of his brother, if consistent with propriety, his release and pardon.

In complying with this request you will confer a special favor upon your obedient servant,

J. L. SMEDLEY,
Sergeant-at-Arms of the House of Representatives of Kentucky.

—

FRANKFORT, *September 12, 1861.*

Maj. Gen. J. C. FRÉMONT.

DEAR SIR: This will introduce to you Mr. J. W. Pruett, of Frankfort. Mr. Pruett is the sergeant-at-arms of the senate of Kentucky. I have become well acquainted with him during four terms of the last and one of this legislature and know him to be a Union man of the most loyal and devoted stamp.

He visits Saint Louis on business of importance, and any service that you can render him will be gratefully received by yours, very truly,

RICHARD T. JACOB.

FRANKFORT, KY., *September 12, 1861.*

Major-General FRÉMONT, [*Saint Louis*].

DEAR SIR: This will introduce to you Mr. J. W. Pruett, of this city, one of our most reliable and devoted Union men and one who has rendered valuable services. He is a gentleman of reliability and standing. He visits Saint Louis on account of his brother, J. L. Pruett, who is now in military confinement. Such favors as can be shown him consistent to the laws and Constitution and loyalty to the Union will be highly appreciated by the Union men of Kentucky. I have not yet been home to Mayfield, Ky., since I saw you, but learn that the occupation of Paducah has had a most happy effect there.

With great regard,

R. K. WILLIAMS.

HEADQUARTERS DISTRICT OF SOUTHEAST MISSOURI,
Cairo, September 14, 1861.

Brig. Gen. JOHN A. MCCLERNAND, *Cairo and Bird's Point:*

You are directed to send the three prisoners, James L. Pruett, Charles Dolson and August McKinney, under a suitable escort to the prison from which they were taken this evening, and they will be kept in close custody until further orders.

By order of Brigadier-General Grant:

WM. S. HILLYER,
Captain and Aide-de-Camp.

SEPTEMBER 15, 1861.

Maj. Gen. J. C. FRÉMONT, *Saint Louis, Mo.:*

Mr. J. W. Pruett, sergeant-at-arms of the Kentucky senate, who is indorsed by the Union members of the legislature, General Leslie Coombs, Mr. Richard T. Jacob and other prominent Union men of Kentucky, is here praying for the release of his brother, James L. Pruett. The papers will be forwarded to you in the morning. I would earnestly recommend his release.

U. S. GRANT,
Brigadier-General.

HEADQUARTERS DISTRICT OF SOUTHEAST MISSOURI,
Cairo, Ill., September 18, 1861.

The officer of the day will in pursuance of instructions just received from headquarters Department of the West have Mr. James Pruett released from confinement. He will be brought to these headquarters.

U. S. GRANT,
Brigadier-General, Commanding.

Case of Messrs. Millner, Walker, Burton and Corlies.

J. K. Millner, of Danville, Va., was arrested by U. S. Marshal Murray in New York and by order of the Secretary of State dated September 10, 1861, was committed to Fort Lafayette. The charges against

Millner as appear by the affidavits of the U. S. marshal, Robert Murray, and John S. Young, of New York, are as follows, viz: One Bethel Burton, of Brooklyn, N. Y., was the inventor of a patent rifle. Millner was a speculator with means, and having made the acquaintance of Burton the two went to Richmond, Va., and contracted with the rebel authorities to supply them with 40,000 to 50,000 of the rifles. They returned to New York, purchased the machinery and hired men to manufacture the guns, and when arrested were nearly ready to ship the machinery and men to Virginia. At the time of the arrest Millner was in the act of paying $15,000 to Burton for an interest in the gun and contract. About the 1st of November, 1861, Millner was transferred to Fort Warren and remained in custody February 15, 1862.

Robert R. Walker was arrested by John A. Kennedy, superintendent of New York police, September 11, 1861, and by order of the Secretary of State committed to Fort Lafayette. He was charged with being engaged in a scheme to furnish Burton's rifle to the rebels in insurrection against the United States. An order was issued from the Department of State dated October 17, 1861, directing Col. Martin Burke, commanding at Fort Lafayette, to release Walker on his taking the oath stipulating that he will neither enter the insurrectionary States nor correspond with persons residing therein nor do any act hostile to the United States during the present insurrection. He was accordingly released October 19, 1861.

Bethel Burton, of Brooklyn, N. Y., was arrested by U. S. Marshal Murray, of New York, September 12, 1861, and by direction of the Secretary of State was committed to Fort Lafayette from whence he was transferred to Fort Warren about the 1st of November, 1861. The charges against Burton as appear by the affidavits of U. S. Marshal Murray and John S. Young, of New York, are as follows: That Burton was the inventor of a patent rifle and having made the acquaintance of one J. K. Millner, of Virginia, a speculator and a man of means, in pursuance of an arrangement made between them the two went to Richmond, Va., with a sample gun and contracted with the insurgent authorities there to supply them with from 40,000 to 50,000 of the rifles. They returned to New York, purchased machinery and hired men to manufacture the guns, and when arrested were nearly ready to ship the machinery and men to Virginia. The said Bethel Burton remained in custody at Fort Warren February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

The first information received at the Department of State in regard to this person [B. F. Corlies] was from U. S. Marshal Murray, of New York, September 12, 1861, stating that he had arrested Corlies on the charge of printing bank bills for the rebels, and that the evidence against him was conclusive. By order of the Secretary of State Corlies was committed to Fort Lafayette. September 17, 1861, an order was issued from the Department of State directing Lieutenant-Colonel Burke, commanding at Fort Lafayette, to release Corlies on his taking the oath of allegiance. The said B. F. Corlies was accordingly released September 18, 1861.—*From Record Book, State Department, "Arrests for Disloyalty."*

NEW YORK, *September 10, 1861.*

Hon. W. H. SEWARD:

I have arrested John K. Millner on the charge of purchasing a patent for rifling cannon for the rebels. The machine was to have been shipped South this evening. What shall I do?

ROBERT MURRAY,
U. S. Marshal.

—

DEPARTMENT OF STATE, *Washington, September 10, 1861.*

ROBERT MURRAY, *U. S. Marshal, New York:*

Send John K. Millner to Fort Lafayette.

WILLIAM H. SEWARD.

—

NEW YORK, *September 11, 1861.*

Hon. W. H. SEWARD:

Robert R. Walker, of Brooklyn, the partner of Millner in the rifle gun transaction, is in custody. What shall be [done] with him?

JOHN A. KENNEDY,
Superintendent.

—

DEPARTMENT OF STATE, *Washington, September 12, 1861.*

ROBERT MURRAY, *U. S. Marshal, New York:*

Arrest Bethel Burton and take him to Fort Lafayette.

W. H. SEWARD.

—

NEW YORK, *September 12, 1861.*

Hon. WILLIAM H. SEWARD:

I have arrested Bethel Burton, the person that sold the patent to Millner to make the rifle gun. What shall I do?

ROBERT MURRAY,
U. S. Marshal.

—

NEW YORK, *September 12, 1861.*

Hon. WILLIAM H. SEWARD:

I have arrested B. F. Corlies on the charge of printing bank bills for the rebels. The evidence against him is conclusive. What shall I do?

ROBT. MURRAY,
U. S. Marshal.

—

U. S. MARSHAL'S OFFICE, *New York, September 12, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: In obedience to your orders I have arrested John K. Millner and Marcus Cicero Stanley,* who are now at Fort Lafayette. I have also made every effort to arrest the president of the Bank of the Republic but am afraid the bird has flown. Inclosed you will please

* See p. 766 for case of Stanley.

find a sheet of shinplasters, printed for the said Millner by Corlies, of this city, who I have also arrested and await your directions in regard to him.

Yours, respectfully,

ROBERT MURRAY,
U. S. Marshal.

—

DEPARTMENT OF STATE, *Washington, September 13, 1861.*

ROBERT MURRAY, *U. S. Marshal, New York:*

Send Corlies mentioned in your letter of yesterday to Fort Lafayette.

WILLIAM H. SEWARD.

—

NEW YORK, *September 14, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State:*

On the 2d instant J. K. Millner gave our firm an order for 1,000 sheets of bills for the Bank of Pittsylvania, Chatham, Va., to be lithographed. The order was executed and the bills delivered on the 9th instant, for doing which B. F. Corlies, my partner, has been arrested and sent to Fort Lafayette. This order was received in the regular course of our business (amounting to $135) and executed without any intention or supposition on the part of our firm that we were violating the laws of the United States. We have never felt that our loyalty should be for a moment questioned, having rendered all the aid in our power since the rebellion first commenced to sustain the Government, I as a member of the Seventh Regiment New York State Militia going with the regiment to Washington when ordered there, and during my absence Mr. Corlies sent our porter, Theodore Craft, with the Eighth Regiment New York State Militia, our firm (with moderate means, having recently commenced business) paying his salary during the term of his enlistment for three months and hiring a person to fill his place while away.

Respectfully,

CHARLES A. MACY, JR.

The undersigned have long and intimately known the parties constituting the above firm and know the above statement to be true in every particular.

CHAS. A. MEIGS.
CHARLES A. MACY.
JACOB CAMPBELL, JR.

—

FORT LAFAYETTE, *September 15, 1861.*

CHARLES O'CONOR, Esq., *New York.*

DEAR SIR: I perceive by the newspapers that the Government of the United States has taken steps to confiscate what funds I have in the hands of Messrs. Peters, Campbell & Co., of New York, and I wish you to undertake to defend the case for me and also to get me my personal liberty; and if you will be allowed to see me I would be glad for you to visit me at once and have a conversation with me and I will satisfy you about my responsibility to pay you for your services.

Your early attention to my request will very much oblige, yours, respectfully,

J. K. MILLNER.

P. S.—You are requested not to publish the above letter or any part of the same.

J. K. M.

DEPARTMENT OF STATE, *Washington, September 17, 1861.*

Col. MARTIN BURKE, *Fort Hamilton, N. Y.*

COLONEL: I will thank you to direct B. F. Corlies, now confined as a political prisoner at Fort Lafayette, to be discharged upon his taking the oath of allegiance.

I am, your obedient servant,

WILLIAM H. SEWARD.

STATE OF NEW YORK, *County of Kings, ss:*

I, Benjamin F. Corlies, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States against all enemies whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any State convention or legislature to the contrary notwithstanding; and further that I do this with a full determination, pledge and purpose without any mental reservation or evasion whatsoever. So help me God.

BENJ. F. CORLIES.

Sworn to and subscribed before me this 18th day of September, 1861.

CHARLES W. CHURCH,
Justice of the Peace.

FORT LAFAYETTE, *September 21, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington.*

DEAR SIR: I wish for you to give me written permission to send to Virginia for my wife as I am confined here and do not know when I will be able to get out, and in case that I get my release (which I am sure that I would get if I could see you) I would prefer remaining in New York until the war is over. I can employ a man to go to Virginia for my wife if you will give the permission and give me a chance to see the parties.

In regard to my money that the Government has libeled here in the city of New York it has been there ever since before the proclamation of the 15th of April issued by the President, and I have not taken it home for the reason that I believed it was safer here than at home and never had any idea of moving it until I got afraid of having it confiscated. And so far as the rebellion is concerned I have never taken any hand in it in any way, as I voted for Union men for my State convention, and when the ordinance of secession was voted on by the people I left home for the reason that I could not vote for it and was afraid to vote against it.

I have been here in this fort for some ten days, and if you would give me a chance I could prove to your entire satisfaction that I have neither committed treason nor intended any. If you will order a deputy marshal to convey me to Washington I will pay all of his expenses and my own and also his salary during the time, and I will guarantee if you will see me that you will order my release.

Hoping that you will comply with some of my request, I remain, yours, respectfully,

J. K. MILLNER,
Formerly of Danville, Va.

P. S.—You will please not publish anything in this letter.

J. K. M.

DEPARTMENT OF STATE, *Washington, September 24, 1861.*

SETH C. HAWLEY, Esq., *New York.*

SIR: I inclose herewith a letter from J. K. Millner, a prisoner now confined at Fort Lafayette, for you to examine and report upon the case. There are no papers here relating to it, and you will please apply to John A. Kennedy, the officer at whose instance the arrest was made.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, September 25, 1861.*

SETH C. HAWLEY, Esq., *New York.*

SIR: I inclose herewith the telegraphic dispatch from Robert Murray, esq., U. S. marshal, which is all we have relative to the case of Bethel Burton, confined at Fort Lafayette. Will you please take such additional testimony as may be offered in regard to the case and return the inclosure with your report thereon?

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, September 25, 1861.*

Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

SIR: You will please permit the wife and children of Bethel Burton to visit him in the presence of a proper officer.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

—

FORT LAFAYETTE, *September 25, 1861.*

J. KERNAN.

DEAR SIR: * * * Go see Mr. Develin, son-in-law of Stetson who keeps the Astor House, and say to him if he will get permission to visit me I want to see him, and that if he will get me out from here that if he wants one or two thousand to help him in the election coming he cannot only do me an act of justice but aid the party in the coming struggle. I suppose you are posted and as I can say nothing more in this I will intrust you with this little errand for me, believing you will favor me with your services. * * * We have all the papers and discuss the affairs of the nation the same as though I was in the Canadas. Of course we can not write anything of a private nature, which is the only thing deprived of. I would wish you to say to Mr. Develin that I will take the oath given to others, for as you know I was always a Union man and can take it with a good grace. Whether in or out I feel a man's spirit buoying me up to meet any fate that may befall me. Come down often as I will like to see you even through a glass. Our numbers are increasing very fast, twenty being added since Sunday as you will see by the papers.

Farewell, old friend, until next we meet.

BETHEL BURTON.

P. S.—It is my desire that nothing in this shall be made public.*

B. B.

* Omitted portions refer to unimportant matters.

DEPARTMENT OF STATE, *Washington, September 27, 1861.*

SETH C. HAWLEY, Esq., *New York.*

SIR: Herewith I transmit to you all the papers on file* in this Department relative to Robert R. Walker, a prisoner now confined at Fort Lafayette, and will thank you to take such additional testimony as may be offered and return them to me with your opinion as to the case.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

NEW YORK, *September 28, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: As requested by your letters of the 24th and 25th instant I have examined the cases of J. K. Millner and Bethel Burton and beg leave to submit the following report: On applying to John A. Kennedy, superintendent of police, as directed by you, I was referred to Robert Murray, marshal of the southern district, and John S. Young, sergeant of the New York detectives. I inclose herewith the affidavits of both.

The testimony shows that Millner and Bethel are *particeps criminis*, engaged in the same transaction; the testimony relates to both. I therefore make one report for both cases. The testimony is not taken in a manner nor is it of such a character as to be admissible in the case of Burton on a trial in a court of law. Nevertheless it is sufficient to establish to a moral certainty certain important leading facts and to satisfy any mind that testimony admissible by technical rules can be adduced sufficient to inculpate both the men.

I think it is shown that Burton was the inventor of a new implement of war in the character of a rifle; that Millner was a speculator with means; that they put their heads together, went to Richmond and contracted with the military authorities in command of the armies now making war against the Government to supply them with 40,000 or 50,000 of the rifles; and that they were arrested here in New York while making preparations for performing their contract. They had not only intended and agreed to do this thing but had taken steps and done overt acts, such as engaging machinery and hiring men to manufacture the guns. All this can be amply and clearly proved I do not doubt. I therefore do not doubt that J. K. Millner and Bethel Burton have committed an offense against the United States for which they can be legally held and punished.

I will add that in this case as in many others the mercenary and not the political motive preponderated in inducing the acts of the parties, and also that the men are men of talents, enterprise and courage, well calculated and very likely to pursue money-making schemes regardless of law and patriotism.

I do not notice the matter of the paper money because one good reason for holding the men prisoners is enough; and further because I think that the uttering of the money was probably to have occurred at the South as a private speculation, in no way calculated to injure the United States Government or to aid the States or people who are engaged in rebellion. Punishment for that crime ought probably to proceed from the States where the money should be put in circulation.

All of which is submitted.

Respectfully,

S. C. HAWLEY.

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* Statements of Walker's friends establishing his loyalty, which are omitted.

I inclose herewith the papers transmitted in the case of Bethel Burton and J. K. Millner and also affidavits of Robert Murray and John S. Young; specimen of Mr. Millner's currency.

[Inclosure No. 1.]

METROPOLITAN POLICE DISTRICT, *ss:*

Robert Murray being duly sworn doth depose and say as follows: I am the marshal of the southern district of New York. I arrested J. K. Millner who is now in Fort Lafayette; he stated to me that he was a Virginian; that he came on here some three weeks previous; that he was introduced to Bethel Burton by a Mr. Walker (these men are now in Fort Lafayette). Walker stated to him (Millner) that Burton was the inventor of a patent rifle or gun which was a very effective weapon; that if they could introduce it into Virginia they would make a large sum of money. After negotiation Burton went down to Virginia with Millner to see what arrangements could be made with the leaders of the rebellion. They took one of the guns with them—taken apart and packed in their baggage. They saw at Richmond the Confederate Government with which they made a contract to make 40,000 of the rifles at a stated price.

Burton and Millner then returned to New York to get the machinery and workmen to manufacture the guns and ship them to Virginia by the way of Hatteras Inlet, the capture of which disconcerted their plans. So far this is the statement of Millner. When I arrested Millner he was in the act of paying $15,000 to Burton for an interest in the gun and contract. I arrested Millner on a warrant issued by a U. S. commissioner, a copy of which is appended. After the arrest of Millner on inquiry I found quite a number of men who had been hired by Millner and Burton to go on to Virginia. They were mechanics such as would be employed on such work.

With one of these men was found the paper money, a sample of which is annexed. Millner admitted that he had ordered this paper money made. Until this communication from Millner I had no knowledge of Bethel Burton. I placed two men to watch his house. He absented himself until the second night, when he was found at about 2 o'clock in the morning coming to his house and was arrested.

I caused Walker's place of business to be watched for some three weeks previous to the arrest, believing that he was shipping goods to the rebels. I am informed and believe that he shipped large quantities of goods ostensibly to Nassau, New Providence, Bermuda and Matamoras, Mexico, clearing the vessels for those ports, but really to North Carolina by way of Hatteras Inlet. I am informed and believe that a number of vessels were found inside of Hatteras Inlet when it was taken that he had cleared for the above ports; that his place of business was a rendezvous for Virginia and North Carolina men who were here on business. The vessels which he cleared as above were cleared under the British flag, but all of them were in fact American vessels.

To Mr. Walker's place of business I traced George Miles and J. G. Guthrey,* and they were coming from there when they were arrested. We found here $30,000 of Mr. Millner's money which he offered to the officers if they would let him go and take his paper money with him. He also offered it to me on same conditions.

ROBERT MURRAY.

Sworn before me this 28th day of September, 1861.

[S. C. HAWLEY,
Chief Clerk.]

* See case of John Garnett Guthrey, p. 509 *et seq.*, and case of George Miles, p. 531 *et seq.*

[Inclosure No. 2.]

METROPOLITAN POLICE DISTRICT, *City of New York, ss:*

John S. Young being duly sworn doth depose and say as follows: J. K. Millner was arrested and brought to the detective office and remained there and at the marshal's office some two or three days before being sent to Fort Lafayette. I had repeated and detailed conversations with him. I had been long on his track and watching for the development of his schemes to arrest him, when he was arrested by the marshal.

Millner said that he had made an arrangement with Bethel Burton [and] Walker, now at Fort Lafayette, and a man by the name of Rooney, who fled the day Millner was arrested, by which he, Millner, Walker and Rooney were to buy a patent rifle of Bethel Burton and manufacture and sell it to the leaders of the rebellion or to the Confederate Government; that a written contract was made between them; that he (Millner) and Burton had been to Richmond by way of Fortress Monroe and Norfolk, where he and Burton had exhibited the rifle to the military authorities there, and made a contract to manufacture them in Richmond—40,000 [or] 50,000 of the rifles; that they had returned to New York to procure a part of the machinery and secure thirty mechanics to send to Richmond for the manufacture of the rifles. These were to be forwarded through Hatteras Inlet. They had made these arrangements and were about to send forward the machinery and men when the capture of Hatteras Inlet closed the communication of that route.

When he was arrested he was about paying Burton $15,000 on the purchase of the patent. He said we need not get affidavits and proofs against him; that his own statement would be sufficient to hold him. He said he was to be the medium of verbal communication between parties here and leaders at the South; that it would not do to write, and that was worth a plum in these times.

JOHN S. YOUNG.

[Sworn and] subscribed before me this 28th of September, 1861.

S. C. HAWLEY,
Chief Clerk.

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413 BROOME STREET, NEW YORK, *October 3, 1861.*

Hon. W. H. SEWARD, *Secretary of State.*

SIR: Yours containing inclosures relating to the case of Robert R. Walker, of Brooklyn, now confined at Fort Lafayette [received]. I have taken some pains to inquire for evidence calculated to establish the guilt of Mr. Walker. I inclose all there is to be found I think, and beg leave to make the following report:

Robert R. Walker was arrested for being engaged in a scheme to furnish Burton's rifle to the rebels in insurrection against the United States Government. The proof against him consisted in the statement (not under oath) of J. K. Millner, of Virginia, now a prisoner in Fort Lafayette. His statement was to the effect that Walker was a partner with himself and Burton. The particulars of the scheme as related by Millner are contained in the testimony which I had the honor to transmit in Millner's case. All other circumstances tend to establish the

loyalty and innocence of Mr. Walker. I am satisfied that no proof exists sufficient to convict Mr. Walker, and I must add that I am of opinion that he is innocent.

All of which is respectfully submitted.

S. C. HAWLEY.

Inclosed herewith find the documents transmitted; also the affidavit of John S. Young.

[Inclosure.]

METROPOLITAN POLICE DISTRICT, *ss:*

John S. Young being duly sworn doth depose and say as follows: am sergeant in the Metropolitan police of New York and have command of the detective police force. James P. Barnett arrested Robert R. Walker, now confined in Fort Lafayette, and I had interviews with him on several occasions after he was arrested and before he was sent to Fort Lafayette. The evidence against him consisted in the statement of Millner, who is a prisoner in Fort Lafayette, and his statement alone. I examined the papers of Mr. Walker and his correspondence and found nothing to implicate him. On the contrary letters received by him from other parties indicated that his letters to them were sound and devoted to the cause of the Union. These letters were from persons in Kentucky, Ohio and Missouri and from Philadelphia. He has a son in the U. S. Army and another who is about to enter the army. I used a man who represented himself as a secessionist and on his way to Fort Lafayette to sound Mr. Walker. He had conversation with him to find out what were his real views. Mr. Walker's conversation was entirely faithful to the Government and against secession. Millner's statement was in effect that he was a partner in the purchase of the rifle of Burton. Mr. Walker stated freely that he had taken an interest in the purchase of the rifle and had tried to get the United States Government to adopt [it]; had offered it to Governor Morgan and the State Military Board and the Union Defense Committee, but failing to succeed in that he had dropped the matter and utterly denied having any connection with any scheme to dispose of it to the rebel authorities. He had been induced to take an interest in the rifle by one Rooney. When the arrest of Millner was published Rooney, who was living in style in Brooklyn, fled, but Mr. Walker remained at home and did not seek to evade the officers. Mr. Walker said it was hard for him to be shut up and have his business ruined but that it was so just and necessary that persons really guilty should be imprisoned that he would try and bear his arrest as well as he could. Mr. Burton in his statement entirely exculpates Mr. Walker from any part in any design to furnish the rifle to the rebels.

JOHN S. YOUNG.

Sworn before me this 3d of October, 1861.

S. C. HAWLEY,
Chief Clerk.

FORT LAFAYETTE, *October 7, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have been in confinement here for nearly a month upon orders from your Department. I am a native of Virginia who brought some money to New York in the latter part of last March solely for the pur-

pose of speculating in stocks. I have not used one dollar for any other purpose than speculating in public stocks except the small amount necessary for my personal expenses. I know that charges to the contrary are made but they are not true and will not be sustained by any proof that will satisfy you upon full investigation. I desire of course my release in order that I may look after my property and be in condition to look after my family. May I not ask upon what conditions I can obtain my release? I am sure that my purposes and plans are and were altogether innocent in respect to the charges made against me. I have no friends of influence here to attend to my case and hence I trust you will allow me to [trouble] you by addressing you in person.

Yours, respectfully,

J. K. MILLNER.

—

76 WALL STREET, NEW YORK, *October 7, 1861.*

Hon. W. H. SEWARD.

SIR: Bethel Burton, esq., now confined at Fort Lafayette, has retained us as counsel with the view if a proper case is presented to obtain his discharge from the fort. In order that we may properly understand the grounds upon which he asks a discharge it is absolutely necessary that we should have a personal interview with him, and our own position is such that you would need no guaranty that the interview could not injure the Government. If upon investigation we are not fully satisfied that we can present a sufficient case to warrant us clearly to ask the Government for his discharge we shall not trouble it.

Will you oblige us by giving the required permission and believe us, truly, your obedient servants,

BEEBE, DEANE & DONOHUE.

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DEPARTMENT OF STATE, *Washington, October 17, 1861.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

SIR: Let R. R. Walker, a prisoner confined at Fort Lafayette, be released on taking the oath of allegiance to the Government of the United States, stipulating that he will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State; and also that he will not do anything hostile to the United States during the present insurrection. You will please make the stipulations a part of the oath. I transmit this order to Robert Murray, esq., U. S. marshal, who has been instructed by this Department to cause a police examination to be made in some cases of the persons and baggage of prisoners discharged from custody to the end that no correspondence or other improper papers be conveyed by them to persons outside the fort.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

—

I, Robert R. Walker, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States against all enemies whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same any ordinance, resolution or law of any State convention or legislature to the contrary notwith-

standing; and further that I do this with a full determination, pledge and purpose without any mental reservation or evasion whatsoever; and further that I will well and faithfully perform all the duties which may be required of me by law; and also that I will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State; and also that I will not do anything hostile to the United States during the present insurrection.

ROBERT R. WALKER.

Sworn to and subscribed before me this 19th day of October, 1861.

J. C. LAY,
First Lieutenant, Twelfth Infantry.

OFFICE OF THE SUPT. OF THE METROPOLITAN POLICE,
New York, October 20, 1861.

F. W. SEWARD, Esq., *Assistant Secretary of State, Washington.*

SIR: * * * I see that Mr. R. R. Walker has been discharged from Fort Lafayette. Had I supposed that his detention was a matter of consideration I would have referred you to a competent witness to show the position he had taken before the discovery of his complicity in the transaction between Millner and the inventor of the breech-loading gun. I have in my possession a letter found among Walker's papers addressed to him by a loyal man in Cincinnati, evidently in reply to a disloyal letter from Walker. That man can be found and possibly the letter he replied to which would enable you to judge of his sincerity.

Truly, yours,

JOHN A. KENNEDY,
Superintendent.

FORT LAFAYETTE, *October 24, 1861.*

Hon. WILLIAM H. SEWARD.

SIR: I respectfully ask for my release from confinement under which I have for six weeks suffered. I am a citizen of Danville, Va., and have been interested in banks and stocks. I am a Union man and voted in Virginia against my own uncle who was a secession candidate. I have never been engaged in intentional treasonable acts against the United States Government, and have never conveyed any political or military intelligence or intelligence of any other kind detrimental to the Government of the United States. I am willing to give the same parole as that given by Mr. Guthrey, of Virginia, who has been released.

Yours, respectfully,

J. K. MILLNER.

NEW YORK, *October 28, 1861.*

Hon. W. H. SEWARD:

I earnestly recommend the immediate release from Fort Lafayette of J. K. Millner and Charles Kopperl* upon the same parole† as Chapin, before their removal to Fort Warren to-morrow. I will be personally responsible for them.

W. H. LUDLOW.

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* For case of Kopperl see p. 485 *et seq.*

† Not found.

CONFIDENTIAL.] U. S. MARSHAL'S OFFICE,
New York, November 1, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: I deem it my duty to inform you that I have been importuned by a great many lawyers and others representing themselves to be friends of Mr. Millner, who was confined in Fort Lafayette for his secession proclivities and subsequently removed to Boston, to assist in procuring his release. On my visiting the fort on Sunday I learned from him that he had offered a fee of $2,000 to any party or parties who could effect his liberation. Hence the anxiety and importunity evinced by certain parties to aid him in his endeavors. As I have no doubt that you will be similarly importuned I deem it only right and proper that I should put you in possession of the object the parties have in view to procure his release. He is undoubtedly one of the shrewdest and cleverest men that has been arrested, and will leave no stone unturned to procure his liberation by any means he can resort to.

I am, sir, your very obedient servant,

ROBERT MURRAY,
U. S. Marshal.

FORT WARREN, *Boston, November 12, 1861.*

His Excellency PRESIDENT LINCOLN, *Washington, D. C.*

SIR: I was arrested in Brooklyn on the 12th day of September last. I have never had any charge made against me up to the present time. I am therefore at a loss to know what the charge is, and respectfully ask that my case be brought to a trial—if guilty convicted; if not allow me to go to the support of my helpless family, who are now suffering for the necessaries of life in consequence of me their only support [being] taken from them. My wife in all probability is just now in her confinement, without funds and surrounded by a small family.

As to my case I would refer you to Reverend Doctor Buddington, of the Clinton Avenue Congregational Church, Brooklyn; that is my social position and standing in the community amongst whom I dwell. Now as to cause of my imprisonment; so far as I can learn from the papers of New York and the two individuals imprisoned with me in Fort Lafayette they are true in part as follows: I employed Mr. Walker as agent on commission to sell for me a patent right for a gun in the United States, France, England and Belgium. He introduced me to several persons, amongst whom was Mr. Millner, the individual now imprisoned with me. Each and all including the latter utterly refused to purchase the right in said gun or any part, parcel or interest in said gun, which is all the cause I can assign for my arrest and imprisonment and Mr. Walker being allowed to go clear, the only one with whom I had any transactions in the case.

I am I think entitled to a hearing or a trial, but give me a fair chance for my life. I might with the same propriety be held responsible for being introduced to others for the purpose of disposing of my patent. I am not disposed to find fault with the Administration for being stringent in the discharge of their official duties, but I do feel as though there is done me a grievous wrong, and trust in you, sir, for the sake of my wife and children. That alone, sir, even though I was guilty will I trust for their sake induce you to show me an act of kindness never to be forgotten, as my wife and children are to me the only

comfort on earth, for whom I live and exist. I pray you, sir, that you will restore me once more to them. Anything you require of me in my power I will comply with, and shall consider myself under everlasting obligations to you.

I have the honor to be, Your Excellency's most obedient, humble servant,

BETHEL BURTON.

—

413 BROOME STREET, NEW YORK, *November 25, 1861.*

F. W. SEWARD, *Assistant Secretary of State.*

SIR: * * * A reconsideration of Mr. Millner's case does not change my conclusion. If you will refer to the papers on file in your Department relating to him you will find grounds I think for allowing him to remain where he is. * * *

I am, very respectfully, yours,

S. C. HAWLEY.

—

U. S. MARSHAL'S OFFICE, *Boston, November 28, 1861.*

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States.

SIR: * * * I learn from one of those discharged to-day that Bethel Burton, of Brooklyn, N. Y., boasted that he had sold a new gun to the rebels at Richmond and had men employed there manufacturing the gun, and that he would take the oath and regard it of no sort of force or obligation whenever by so doing he could get liberated, and I mention it to you in order to prevent the imposition he would delight to practice on the Government. * * *

I have the honor to be, very truly, your obedient servant,

JOHN S. KEYES,
U. S. Marshal.

—

FORT WARREN, *November 28, 1861.*

WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: The U. S. marshal of Boston came down here to-day and read your order* in regard to employing counsel to obtain releases, and if the prisoners have any requests to make to direct them to you in person. All I have to say in my case is that I am willing to take the oath of allegiance to the Government of the United States on condition of obtaining my release and also not to return to Virginia or any of the seceding States without permission from you. Having written to you some time ago and never hearing from you in regard to my case I thought that in the crowd of business necessarily upon you that you had overlooked my case, and I requested my friends outside to make an effort to obtain my release, which of course they have not done nor could not do until I made my request directly to you which is much the best plan.

Hoping you will give my case your early attention I remain, yours, respectfully,

J. K. MILLNER.

* See p. 151 for Seward to Keyes, November 26.

FORT LAFAYETTE, *December 1, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: Thinking that it was best to have my case presented to you by some person with whom you were acquainted I requested Mr. W. H. Ludlow* to see you in my behalf but from your letter the other day I think it best to apply to you in person in my own behalf. As I have been confined some three months now and Mr. Walker who was arrested under the same charge has been released I am compelled to think if you would investigate my case you would set me at liberty.

Hoping and believing that you will do me the justice to once more give me my liberty, I remain, yours, respectfully,

J. K. MILLNER.

P. S.—I have not paid Mr. Ludlow any money, nor neither will do so so long as it is against your orders.

J. K. M.

—

FORT WARREN, *Boston, December 2, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: I was arrested in Brooklyn September 12. Since that time I have been closely confined. I have a family of three children. My wife has just been confined of a still-born baby caused from her troubles and anxiety of mind. I had some means when arrested which is now exhausted, and my further confinement here is the more harassing to me because productive of misery to them.

A few days ago an order† was read by the U. S. marshal of this place directing that application be made direct to the Department of State for an examination of their case. Being perfectly conscious of never having been engaged either directly or indirectly in any act inimical to the Federal Government I believe that an investigation of my case must result in my immediate discharge, and therefore respectfully request the Department to take action on the case, which I again respectfully insist must result in my relief from this distressing condition in which I and my family are now placed. Did I know the charge against me I might be able to defend myself from the odium thrown on my character. Until I hear from the Department I refrain from any further communication on the subject.

The early attention of the Department will much oblige, your obedient servant,

BETHEL BURTON.

P. S.—I am and always was a Union man. I am ready to comply with the requirements of the oath administered to other prisoners on condition of my release. I can prove my sincerity to the Union by the highest authority when called upon to do so.

B. B.

—

FORT WARREN, *Boston Harbor, December 30, 1861.*

His Excellency ABRAHAM LINCOLN,
President of the United States, Washington.

SIR: I was arrested in New York on September 10, 1861, by Marshal Murray acting under orders received from the Department of State

*Concerning Ludlow see Hawley to Seward, November 25, p. 149; Seward to Colonels Dimick, Burke and Loomis, November 26, p. 151, and same to Burke and Dimick, November 27, p. 153; Murray to Seward, December 7, with its inclosures, p. 174.

†See p. 151 for Seward to Keyes, November 26.

and have been confined since that time in Forts Lafayette and Warren, the latter being my present place of confinement. Since my arrest suits have been instituted in the courts of New York against me amounting to over $30,000, which amount I have on deposit there and has been there since April 1, 1861. The object of the suits is the confiscation of my property. My object in writing to Your Excellency is that I may be allowed my liberty to attend the said suits upon such terms as you may designate. Although a native of Virginia my property is in New York. I have therefore no desire to go South. I only ask to be permitted to defend my property in suit. Evil-disposed persons, my enemies, are endeavoring to have my property confiscated whilst I am here, well knowing were I at liberty they could not accomplish their designs. I am willing to enter into any obligation the Government may require of me.

Hoping this matter will receive your speedy attention I am, with great respect, your obedient servant,

J. K. MILLNER.

—

FORT WARREN, *January 8, 1862.*

Hon. W. H. SEWARD, *Secretary of State.*

DEAR SIR: Having been in confinement now for four months I make a request of you to release me on parole to visit New York on business and I will report myself here at the expiration of my parole or to the U. S. marshal in the city of New York as you may direct.

Hoping you will see proper to comply with my request I remain, your obedient servant,

J. K. MILLNER.

—

FORT WARREN, *January 23, 1862.*

Hon. W. H. SEWARD, *Secretary of State, Washington, D. C.*

SIR: I am now nearly five months in prison. I have during that time made several appeals to you to the end that I might procure my release. I am confident that I have not violated any law at any time, and it is with this feeling that I now persist in urging upon you a speedy trial or a release from prison. Pecuniary circumstances press heavily on me; the toil of years is about to be torn from my grasp, and those whom I thought were my friends would now prefer keeping me here for selfish purposes.

I am willing to accept any terms to procure my release, an oath or a parole, although I think either uncalled for in my case.

Hoping you will consider this in a spirit of conciliation I am, respectfully, your obedient servant,

BETHEL BURTON.

—

FORT WARREN, *January 23, 1862.*

Hon. W. H. SEWARD, *Secretary of State, Washington, D. C.*

DEAR SIR: Will you release me on parole for thirty days to visit New York City upon some private business that needs my personal attention?

Yours, respectfully,

J. K. MILLNER.

NEW YORK, *February 15, 1862.*

F. W. SEWARD, *Assistant Secretary of State.*

SIR: Bethel Burton, a citizen of Brooklyn, was a prisoner in Fort Warren. I have seen no notice of his release. If he is not released I think he should be. I have no doubt of his loyalty. His offense was the same as Senator Bright's, only the Senator acted from an impulse of political infidelity and Mr. Burton from the attractions of commercial speculation. He offered a patent rifle to the Confederate authorities. He has been well punished and I am satisfied that he may be released with safety. He has always been desirous to take the oath of allegiance. I have no means of knowing (except through casual reports in the papers) what prisoners are discharged and therefore this may be in behalf of one already discharged.

I think the time is approaching if it has not already come when numbers of political prisoners might with safety be released. I am so impressed that future trouble may grow out of these arrests and detentions that I intend to write you on the subject when I get time.

Yours, respectfully,

S. C. HAWLEY.

WAR DEPARTMENT, *Washington, February 17, 1862.*

Col. JUSTIN DIMICK, *Fort Warren, Boston.*

COLONEL: You may release Mr. Bethel Burton on his giving his written parole of honor that he will render no aid or comfort to the enemies in hostility to the Government of the United States.

I am, colonel, &c.,

E. M. STANTON,
Secretary of War.

FORT WARREN, *February 24, 1862.*

Hon. E. M. STANTON, *Secretary of War.*

DEAR SIR: I ask the favor of you to be released from this place upon the same terms you have given to other prisoners.

Hoping you will comply with my request I remain, your obedient servant,

J. K. MILLNER,
Of Danville, Va.

FORT WARREN, *Boston Harbor, March 17, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War, Washington.*

SIR: In reply to yours of the 15th I have the honor to report that * * * Bethel Burton ordered to be released on 21st ultimo had already been released by the Secretary's order of the 17th ultimo.

I am, sir, with highest respect, your obedient servant,

J. DIMICK,
Colonel First Artillery and Brevet Colonel, Commanding Post.

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76 WATER STREET, NEW YORK, *March 28, 1862.*

Hon. Secretary SEWARD, *Washington, D. C.*

DEAR SIR: At the time of your ordering my arrest and confinement in Fort Lafayette last September, 10th, by the U. S. marshal or

authorities here all my books and papers were carried away from my place of business in this city and my residence in Brooklyn during my confinement of nearly two months, and subsequently most of my papers and books have been returned, but there is still retained from me my letter copying book and other papers for which I have made application both in person and by letter and orders by others to I believe all the authorities of the city in whose hands they would likely be, but without any success further than promising they would look them up. You will pardon my intrusion upon your valuable time in this my case, but the delay and inconvenience to me by being kept out of papers are of a serious character in my efforts to recover my business from the shock it got in by my absence last fall. Again pardon me in asking your attention and direction to the proper parties here requesting their immediate attention.

I am, most respectfully, your obedient servant,

R. R. WALKER.

COMMISSION RELATING TO STATE PRISONERS,

Boston, May 7, 1862.

Col. JUSTIN DIMICK, *Fort Warren, Boston.*

COLONEL: The following persons having complied with the conditions required by the Commission you will please discharge them, viz: * * * J. K. Millner. * * * You will at the same time return to each of them any property in your possession belonging to them.

Very respectfully, yours,

E. D. WEBSTER.

MAY 7, 1862.

I, J. K. Millner, of Danville, Va., do hereby give my parole of honor that I will render no aid or comfort to the enemies in hostility to the Government of the United States and that I will not go into any of the States in armed insurrection against the authority of the Government of the United States nor correspond with persons residing therein without permission from the Secretary of War.

J. K. MILLNER.

Signed in the presence of—

E. D. WEBSTER,
Secretary.

Case of Marcus Cicero Stanley.

Marcus C. Stanley was arrested in New York September 11, 1861, and committed to Fort Lafayette by order of the Secretary of State. He was charged with inducing many [men] to desert from the Empire City Regiment, thereby breaking up that regiment; also with interfering with and preventing enlistments into the U. S. service. An order was issued from the Department of State dated September 21, 1861, directing Colonel Burke, commanding at Fort Lafayette, to release Stanley on his taking the oath of allegiance. He was accordingly released September 21, 1861.—*From Record Book, State Department, "Arrests for Disloyalty."*

U. S. MARSHAL'S OFFICE, *New York, September 10, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: Inclosed you will please find affidavits of Andrew Sheehan and Charles Diamond in reference to Marcus Cicero Stanley. They speak for themselves. I await your reply in regard to what action to take in the matter.

Yours, respectfully,

ROBERT MURRAY,
U. S. Marshal.

[Inclosure No. 1.]

UNITED STATES OF AMERICA,
City and County of New York, ss:

Andrew Sheehan, of the city of New York, being duly sworn says that in April and May last deponent raised a regiment of troops for the Federal Government consisting of between 800 and 900 men which were inspected by the Military Board, and that such regiment was known by the name of the Empire City Regiment; that this deponent was elected colonel of the regiment; that after said regiment was raised and inspected by order of the State Military Board and ready to be mustered into the service one Marcus Cicero Stanley, a native of North Carolina, who was well and intimately acquainted with many of the men whom deponent had enlisted, commenced a series of acts for the purpose of breaking up said regiment; that said Stanley met deponent in the city of New York on or about the 25th day of May last and told deponent that he should not take his men South to fight against the Confederate troops; that he (Stanley) had the power to break up the regiment, and that he would do so if it cost him all the money he had or could raise; that soon after this said Stanley commenced tampering with deponent's men, and deponent's men commenced leaving the regiment; that said Stanley distributed money amongst the men to induce them to desert and that by his acts he effectually broke up the regiment and prevented deponent from continuing the organization. And this deponent further says that but for the acts of the said Stanley deponent verily believes the said regiment would at this day be in the service of the United States. And this deponent verily believes that said Stanley sympathizes with the Southern Confederacy; that deponent's belief is founded on the acts of said Stanley and his repeated declarations as to the ultimate success of the war. Wherefore the deponent prays that said Stanley may be arrested and held to answer.

ANDREW SHEEHAN.

Sworn to before me this 3d day of September, 1861.

R. E. STILWELL,
U. S. Commissioner.

[Inclosure No. 2.]

UNITED STATES OF AMERICA,
City and County of New York, ss:

Charles Diamond being duly sworn says that he is now a lieutenant in the Thirty-second Regiment, Company K, of the U. S. Volunteers, which company is now stationed at Alexandria, Va.; that deponent is now detailed to the city of New York for the purpose of recruiting for the said regiment; that deponent's recruiting station is at No. 454 Broadway; that since deponent has been trying to obtain recruits he has been interfered with by one Marcus Cicero Stanley; that said Stanley has been frequently hanging around deponent's recruiting

station and when men have applied he has as deponent has reason to believe and does believe prevented them from enlisting; that said Stanley has had men constantly around deponent's station, and that these men take off the men who make application and prevent by some means their enlisting; that deponent has frequently seen said Stanley in company and in communication with the men who deponent knows interfere with his enlisting recruits; that the acts of said Stanley deponent verily believes have prevented his enlistments; that deponent believes but for said Stanley's acts he could have enlisted 100 men, whereas he has enlisted but five men in the city of New York; that in some instances the men would sign their names and immediately on going out would be taken up by the men employed by said Stanley and that they would never return; that deponent verily believes said Stanley is engaged in preventing men from enlisting.

CHARLES DIAMOND,
Lieutenant.

Sworn to before me this 3d day of September, 1861.

R. E. STILWELL,
U. S. Commissioner.

DEPARTMENT OF STATE, *Washington, September 11, 1861.*

ROBERT MURRAY, *U. S. Marshal, New York:*

Your letter and telegram* received. Arrest Marcus C. Stanley * * * and send [him] to Fort Lafayette.

WILLIAM H. SEWARD.

U. S. MARSHAL'S OFFICE, *New York, September 12, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: In obedience to your orders I have arrested * * * Marcus Cicero Stanley who is now at Fort Lafayette. * * *

Yours, respectfully,

ROBERT MURRAY,
U. S. Marshal.

SEPTEMBER 14, 1861.

[Hon. WILLIAM H. SEWARD.]

DEAR SIR: Allow me to say privately that I think the arrest of M. C. Stanley is a mistake unless you have put him there to obtain information from the inmates. If he is there for that purpose all right; he is just the man for the business. I know of none who could exceed him in tact and general capacity. What he did in breaking up the Empire Regiment he deserves the thanks of the community for, and so far as I have been able to discover his course has been eminently patriotic.

J. A. KENNEDY.

NEW YORK, *September 14, 1861.*

M. G. FLANAGAN, *Kirkwood's:*

The affidavit against Stanley is made by Andrew Sheehan, professional gambler and pugilist. Don't fail to see Judge Welsh. He is now with [John] McLeod Murphy's regiment.

G. W[ILKES].

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* Telegram not found.

DEPARTMENT OF STATE, *Washington, September 16, 1861.*

SETH C. HAWLEY, Esq., *New York.*

MY DEAR SIR: I inclose herewith the papers relating to the case of Marcus Cicero Stanley, a prisoner now confined in Fort Lafayette. Will you please give these papers an early examination and return them to this Department with your opinion on the case?

Yours, very truly,

F. W. SEWARD,
Assistant Secretary.

—

U. S. MARSHAL'S OFFICE, *New York, September 16, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: Having received several communications* in regard to the arrest of Marcus C. Stanley I deem it my duty to inclose them to you without expressing any opinion of my own in relation to them.

Yours, very respectfully,

ROBERT MURRAY,
U. S. Marshal.

—

DEPARTMENT OF STATE, *Washington, September 17, 1861.*

JOHN A. KENNEDY, Esq.,
Superintendent of Police, New York.

DEAR SIR: * * * Mr. Hawley, of the police, has been employed to investigate the case of Stanley, respecting which nothing further can be done until a report shall have been received. You are probably aware that he was arrested upon a charge of dissuading persons from enlisting.

I am, yours, truly,

WILLIAM H. SEWARD.

—

CENTRAL DEPARTMENT OF THE METROPOLITAN POLICE,
New York, September 18, 1861.

F. W. SEWARD,
Assistant Secretary of State of the United States.

DEAR SIR: Yours of the 16th instant with inclosures relating to the case of M. C. Stanley is received. The papers inclosed that relate to Stanley's case are an affidavit of Charles Diamond and one of Andrew Sheehan. I notice other papers among the inclosures which relate to the case of John K. Millner.† They do not seem to be connected with the question of Stanley's guilt or innocence.

If it should be proved that Stanley had succeeded in breaking up the regiment which was to have been commanded by Andrew Sheehan, as is charged in his affidavit, he might nevertheless be loyal to the United States Government. Large numbers of the best citizens of New York were indisposed to have a regiment go forward organized, composed and commanded as that was. I believe the State Military Board were of the same way of thinking. The affidavit of Charles Diamond is

* Omitted; they were affidavits and statements of prominent citizens of New York establishing the loyalty of Stanley.

† See case of Millner, p. 749 *et seq.*

more to the point, but the facts alleged therein when separated from the inferences and opinions are not inconsistent with the innocence of Mr. Stanley. Large numbers of recruiting stations have been opened in this city. Great competition has existed between them. Numbers of most earnest patriots have been busy in securing enlistments into the particular corps in the success of which they have felt interested, nor have they hesitated to get men away from each other when opportunity offered. But such acts are not treasonable; they result from a possible excess of loyal zeal.

Upon the testimony submitted by you the arrest of Stanley would be justified although it would not be clearly sufficient to convict him of any crime, and looking upon that testimony alone I should be of opinion that he should be held for the present. Considering, however, that your object is simply to arrive at a just conclusion as to the guilt or innocence of Mr. Stanley I venture to transmit a mass of testimony on behalf of Mr. Stanley which has been volunteered by the several persons whose affidavits are inclosed. These affidavits show that Mr. Stanley has openly carried the American flag, talked strongly for the Government and against rebellion, been active in securing enlistments for the Federal Army, paid numerous and considerable sums of money to aid the raising of loyal troops, been at the cost of a stand of colors to be presented to a regiment of volunteers, expressed the opinion that the United States would put down the rebellion in a short time and advised investments in the Federal loan. These facts are quite inconsistent with treasonable practices or even sympathy with rebellion; they are earmarks of loyalty. They could not have been pretenses to cover up such trifling practices as are charged in the affidavits against him.

If therefore you will allow me to consider all the testimony contained in all the affidavits against and on behalf of Mr. Stanley I should decide without hesitation that Marcus C. Stanley is a loyal man, earnestly devoted to and desiring the success of the United States Government in its contest with rebellion and not guilty of the charges contained in the affidavits of Andrew Sheehan and Charles Diamond.

I remain, very respectfully, yours, &c.,

SETH C. HAWLEY.

I herewith inclose the documents forwarded* me and also affidavits on behalf of Mr. Stanley made by J. H. Godwin, Alexander Ward, William Ryan, Francis Clark, John Clancy, Jacob L. Dodge, Henry L. Jewell and John A. Duff.†

S. C. H.

CENTRAL DEPARTMENT OF THE METROPOLITAN POLICE,
New York, September 19, 1861.

F. W. SEWARD,
Assistant Secretary of State of the United States.

DEAR SIR: Yours of the 17th‡ covering further documents relating to the case of M. C. Stanley is received. They contain cumulative evidence of the loyalty of Mr. Stanley. You will have received my communication on this subject forwarded last evening. These papers strengthen my conclusion and I have nothing to add to it. Whatever

* Affidavits of Sheehan and Diamond.
† Omitted; substance stated in Hawley's report.
‡ Not found.

may have been the antecedents of Mr. Stanley I do not think that treason to the Government is justly imputed to him, and hope that the Department of State may come to the same conclusion.

Yours, respectfully,

S. C. HAWLEY.

I inclose herewith the documents transmitted.

WASHINGTON, *September 21, 1861.*

Col. MARTIN BURKE, *Fort Hamilton:*

You will discharge M. C. Stanley upon his taking the oath of allegiance to the United States.

WILLIAM H. SEWARD.

FORT HAMILTON, *New York Harbor, September 21, 1861.*

Hon. WILLIAM H. SEWARD, *Washington City, D. C.*

SIR: Inclosed you will receive the oath of allegiance taken by Mr. Stanley, and in obedience to your dispatch of this day he is discharged.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, U. S. Army.

[Inclosure.]

STATE OF NEW YORK, *County of Kings, ss:*

I, Marcus C. Stanley, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States against all enemies whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same any ordinance, resolution or law of any State convention or legislature to the contrary notwithstanding; and further that I do this with a full determination, pledge and purpose without any mental reservation or evasion whatsoever. So help me God.

M. C. STANLEY.

Sworn to and subscribed before me this 21st day of September, 1861.

CHARLES W. CHURCH,
Justice of the Peace.

OFFICE OF THE SUPT. OF THE METROPOLITAN POLICE,
New York, September 23, 1861.

Hon. W. H. SEWARD.

SIR: The bearer of this is Mr. Marcus Cicero Stanley, late from Fort Lafayette. He is capable of imparting information to you that may be useful in regard to that institution.

Very truly, yours,

JOHN A. KENNEDY,
Superintendent.

Case of James W. Wall.

Wall was arrested by order of the Secretary of War at Burlington, N. J., by the U. S. marshal of that State and committed to Fort Lafayette September 11, 1861. From the papers on file in the Department of State it appears that Wall was a contributor to the columns of the

New York News, and an active supporter of the obnoxious and dangerous principles disseminated by that sheet previous to the withdrawal from it by the Government of the privilege of mail facilities and its subsequent suppression. He was also represented to have been a brawling, noisy secessionist and as having exulted over the defeat of the U. S. troops at the battle of Bull Run. September 21, 1861, an order was issued from the Department of State directing Lieutenant-Colonel Burke, commanding at Fort Lafayette, to release Wall on his taking the oath of allegiance to the Government of the United States. He was accordingly released September 24, 1861.—*From Record Book, State Department, "Arrests for Disloyalty."*

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WAR DEPARTMENT, *September 4, 1861.*

U. S. MARSHAL, *District of New Jersey.*

SIR: You will please forthwith arrest James W. Wall, of Burlington, N. J., and convey him to Fort Lafayette, New York Harbor, and deliver him to the commanding officer at that place.

Respectfully, your obedient servant,

SIMON CAMERON,
Secretary of War.

—

STEAM-BOAT, *Wednesday, September 11, 1861.*

Hon. SIMON CAMERON, *Secretary of War:*

Suddenly this afternoon I was torn from my home, from a sick wife and frantic children by an order signed by yourself. What is my offense? I have been in favor of peace and have written in its favor, but I defy the world to lay their finger upon a single act that can by the most violent construction be tortured into treason. I have never by act, word or deed held communication with the enemy south of the Potomac. I come of Revolutionary blood on both sides and would scorn to do an act that would compromise or cast dishonor on such a birthright. I long for peace and a cessation of this terrible strife. If such be a crime then am I a criminal. In the present condition of my health, laboring under an internal disorder, confinement for but a few weeks will aggravate it and may be fatal in its results. I have left my wife in a frantic condition and my business arrangements are such that in my absence I shall be subjected to serious loss. Some malicious informer has evidently got your ear. You are welcome to make search among my papers. I never wrote a letter south of the Potomac and during the troubles of the country have never had any communication with those in arms against the Government. I did accidentally see a letter in the hands of a friend from an old college mate who was an officer at Manassas, giving an account of the strength of the fortifications and of which information I availed myself by dropping a line to General Scott anonymously warning him of an advance of the army before he was able to cope with such strength. I also used that information in an article in the Daily News warning the Government. I am more loyal to-day to the Government than many a loud-mouthed pretender whose loyalty can only be measured by his interests. I know that you do not desire to do a flagrant act of injustice. You do not desire to persecute an innocent man and destroy the happiness of the most loving family on earth. I shall await your reply.

Yours, respectfully,

JAMES W. WALL.

PRINCETON, N. J., *September 12, 1861.*

Hon. WILLIAM H. SEWARD.

DEAR SIR: For information we would ask by what authority under the laws and Constitution of the United States the numerous arrests have been made throughout the North, especially the arrest of Col. James W. Wall, of Burlington, N. J., a man whose only offense appears to the public to be a letter addressed to Secretary Blair on the freedom of the press.

Yours, with respect,

SAML. R. COMFORT.
HENRY L. R. VANDYKE.
M. MACDONALD.
A. MACDONALD.

FORT LAFAYETTE, *September 18, 1861.*

Hon. SIMON CAMERON.

SIR: I have just received a letter from my wife informing me that Captain Burling had charged me with attempting to prevent his men from enlisting and that this was the cause of my arrest. I pronounce the whole charge an infamous fabrication. I never interfered with the system of recruiting and never had a conversation with any of his company. In fact I do not think I am acquainted with a single private in his company. I aided some of the three months' volunteers with money and conveniences such as India-rubber blankets, pistols and bowie-knives. I have inclosed a letter to Captain Burling which I desire you to read and then forward to him.

I have the honor to be, your obedient servant,

JAMES W. WALL.

[Inclosure.]

FORT LAFAYETTE, *Wednesday, September 18, 1861.*

Captain BURLING, *New Jersey Regiment.*

SIR: I am informed by my wife that I have been arrested by reason of your having complained that I interfered with some of your men, endeavoring to prevent their recruiting. If this is so I pronounce it an infamous fabrication. I do not remember ever having spoken to one of your privates in my life. If this information be correct I shall hold you personally responsible for the act. I will follow you like a sleuthhound, and your blood or mine shall expiate this offense. I pronounce the whole charge a base, contemptible lie, invented for malicious purposes and utterly unworthy your character as an officer or a gentleman. You have never received anything save in the way of kindness from me. I trust this information will prove incorrect. A letter will reach me directed Fort Lafayette, care of Colonel Burke.

Respectfully, yours,

JAMES W. WALL.

WAR DEPARTMENT, *September 19, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: The Secretary of War has directed me to refer to you the inclosed letter relative to Col. James W. Wall, a prisoner of state now

detained by authority of the Government. You will please to take such prompt action upon the case as shall seem best in your own judgment.

I have the honor to be, with high regard, your obedient servant,

JAMES LESLEY, JR.,
Chief Clerk, War Department.

[Indorsement.]

Let him be released on taking the oath of allegiance.

[W. H. SEWARD.]

[Inclosure.]

TRENTON, N. J., *September 13, 1861.*

Hon. SIMON CAMERON, *Secretary of War.*

SIR: On Wednesday last Col. James W. Wall, of Burlington (who is my brother-in-law), was arrested in his own house by the marshal of this State in virtue of an order from the War Department, and after being carried into the State of New York was imprisoned in Fort Lafayette where he now remains. I am informed by Colonel Wall that he has not been made acquainted in any way with the cause of his arrest, and at his instance and in his behalf I would respectfully request to be informed by the Department what accusations have been made against him and upon what grounds such unusual proceedings have been instituted. If Mr. Wall can be apprised of the charges which have been preferred he may be able at once to satisfy the Government that they are without foundation and that he has committed no offense against the laws of his country. It is the privilege of every citizen "to be informed of the nature and cause of the accusation against him," and placing myself and the request I make upon this high constitutional right I feel satisfied that the application will be promptly granted.

Very respectfully, your obedient servant,

P. D. VROOM.

BURLINGTON, *September 20, 1861.*

Hon. SIMON CAMERON:

You have done the loyal Union people of this [city] a great service by sending away that brawling, noisy secessionist James W. Wall. He was a perfect pest to the Union men, and they hope you will confine him until after the war is over. He would read his secession paper at all the corners. He would rush to New York train, get 100 of New York News, commence reading and commenting. He made several converts, and there are four or five almost as bad as he is and ought to be arrested. He exulted in our defeat at Bull Run. The marshal knows the four or five alluded to. He was advised to keep quiet. He said the d—d Black Republicans dare not arrest him. His wife is just as bad as he is. She boasts that she will get him home soon. Inquire about Dr. Franklin Gerant. He is worse than Jim Wall if possible. Do look after these folks. They talk of Mr. Lincoln and his Cabinet as if they were robbers. Jersey is infested with a nest of these vile traitors. They prevent our young men from entering the service of the United States. We rely on you and the Cabinet. There is a report that Mrs. Wall has gone to the fort to bring her husband home. Can it be possible?

UNION NOW AND FOREVER.

DEPARTMENT OF STATE, *Washington, September 21, 1861.*

Col. MARTIN BURKE, *Fort Hamilton, N. Y.*

COLONEL: James W. Wall, a prisoner at Fort Lafayette, may be released upon taking the oath of allegiance to the United States.

I am, your obedient servant,

WILLIAM H. SEWARD.

—

FORT LAFAYETTE, *Sunday Evening,* [*September 22, 1861*].

His Excellency the GOVERNOR OF NEW JERSEY.

SIR: I have now been a close prisoner in this fort for nearly two weeks. I was arrested without cause being shown and without any constitutional warrant. I was carried a prisoner out of the State of New Jersey and through a portion of the State of New York by the U. S. marshal for the district of New Jersey. I have endeavored in vain to learn from Washington the cause of my arrest. I am denied my rights as a citizen of the United States. I now ask if I have any rights as a citizen of the State of New Jersey under her constitution, or if not at what time my rights ceased and by virtue of what provision in that constitution? You as the executive of the State of New Jersey are bound by the solemn oath taken at your inauguration to see that the rights of no citizen of New Jersey shall be trampled on guaranteed by that State's constitution. My poor family have been tortured, my business interfered with and myself subjected to grosser indignities than the meanest and lowest criminal. I ask for no favor. I simply demand my rights as an American citizen and a citizen of the State of New Jersey. My demand for the first has been treated with silent contempt. I now appeal to you and shall await your answer.

I have the honor to remain, your obedient servant,

JAMES W. WALL.

—

DEPARTMENT OF STATE, *Washington, September 23, 1861.*

His Excellency CHARLES S. OLDEN,
Governor of New Jersey, Trenton, N. J.

SIR: Your letter of the 21st instant is as follows:

I beg to present the following to your serious consideration. Some persons have already been arrested in this State by the U. S. marshals on warrants from the Departments at Washington and imprisoned in some of the forts in New York Harbor. It is reported that a similar warrant is now in the hands of a deputy marshal for the arrest of another person. In one case I have been assured by persons of entire credibility that the individual against whom a warrant has been issued has been quite active in support of the military operations of the Government and has aided very considerably the raising of volunteers. They do not believe he has been guilty of any treasonable conduct. They declare that he is a friend of the Government and opposed to the rebellion and a man of considerable respectability and influence. They allege that his arrest will be ascribed to the misrepresentations of personal political enemies and that it will alarm the community and prejudice the Government. In other cases the friends of the prisoners assert positively that they have been guilty of no act against the Government and that if they were permitted to know only why they have been arrested they could satisfy the Government of their innocence.

I wish to represent to you and the Government the very great importance of enabling those who desire to sustain the public authorities to refute these allegations. To that end I suggest that the charges upon which persons are arrested and imprisoned should be communicated to them and made public so that it may be known that they are arrested for good cause, for some actual wrong-doing, and thus the Government may be justified. If it is deemed incompatible with the public interests at this time to state particularly the specific act for which the prisoner has been arrested it may be stated in general terms so that the public may know that it is for actual crime and not on vague suspicion or mere rumor. The statements so

positively made by the friends of the prisoners that they are entirely innocent will and do have their effect on the community. Thinking men among us feel uneasy lest the confidence of the people in the Government should be impaired and will be glad to have it in their power to justify these arrests. For every arrest made for good cause you may be assured the people of New Jersey will justify and approve of the action of the Government.

It is to be regretted that you have not given me more precise information in regard to the cases of arrest in New Jersey which are represented to have been made upon insufficient grounds so that corrections might be applied in those cases if injustice should be found to have been done.

I appreciate the motive which prompts the suggestions which you have thus made with a view that the Government may justify itself for any arrests that it may find itself obliged to direct in counteracting and defeating treason which is already in arms in one-third of the States and which finds aiders and abettors and sympathizers I regret to say in every State in the Union.

The suggestions themselves will be submitted to the President and I have no doubt that they will receive from him the consideration due to their intrinsic importance and to the high respect which I am sure he entertains for your character as the enlightened and patriotic chief magistrate of one of the most loyal States in the Federal Union.

I am, your excellency's most obedient servant,

WILLIAM H. SEWARD.

—

FORT HAMILTON, *New York Harbor, September 23, 1861.*

Col. E. D. TOWNSEND,

Asst. Adjt. Gen., Hdqrs. of the Army, Washington City, D. C.

SIR: I thought it best to send through you inclosed communication from Mr. Wall, prisoner at Fort Lafayette.

Very respectfully, your obedient servant,

MARTIN BURKE,

Lieutenant-Colonel, U. S. Army, Commanding.

[Inclosure.]

FORT LAFAYETTE, *Sunday Morning.*

MY DEAR WARDROP: Permit me to thank you for your many kindnesses to my wife who, poor thing, is exceedingly grateful for it when so many pretended friends are turning their backs upon her. But the wheel will turn. I caught a glimpse of you I thought as the barge landed and waved my handkerchief at you, but the sentry ordered me in and I had to obey. I cannot learn why I am here as the Departments are sealed books to the poor prisoners here. No communications are answered. No consultations with counsel. You cannot meet your accusers face to face. In fact not a single constitutional right is permitted. A little humpbacked newsboy was brought in here yesterday whose alleged offense was selling the Daily News. We are expecting Governor Morehead from Kentucky in a day or two. There is a rumor prevailing here that we are to be removed to Fort Independence in Boston Harbor, but I do not know how it is nor do I care. I am fully prepared for any event.

I cannot write to you as I would wish, and must postpone what I have to say until we meet again which may be never; but remember that living or dying I am, yours, truly,

JAMES W. WALL.

P. S.—This letter, I am instructed to say, must not be published in any newspaper. Remember me kindly to Mrs. Hall.

STATE OF NEW YORK, *County of Kings, ss:*

I, James W. Wall, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States against all enemies whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same any ordinance, resolution or law of any State convention or legislature to the contrary notwithstanding; and further that I do this with a full determination, pledge and purpose without any mental reservation or evasion whatsoever. So help me God.

JAMES W. WALL.

Sworn to and subscribed before me this 24th day of September, 1861.

CHARLES W. CHURCH,
Justice of the Peace.

—

BURLINGTON, *October 5, 1861.*

Hon. SECRETARY OF WAR.

SIR: I was arrested by virtue of a warrant or rather an order issued from your Department and signed by yourself. I have not yet been able to learn the cause of my arrest. Will you be kind enough to state what the charges were if any and by whom preferred?

Yours, respectfully,

JAMES W. WALL.

—

BURLINGTON, *October 21, 1861.*

Hon. SIMON CAMERON.

SIR: How long will I be required to demand of your Department the charges preferred against me and by reason of which I was seized and taken to Fort Lafayette? I have a reputation as dear to me as your own and I can never rest under the imputation of being a disloyal citizen. The record if there be any in your Department has got to be wiped out or it shall be in the blood of those who maliciously placed it there. I will follow those scoundrels to the death when I have got upon their tracks. I take it the Government must have been satisfied of the emptiness of the charges or else I should not have been released. Why therefore hesitate to give them to me and the names of the authors?

Yours, respectfully,

JAMES W. WALL.

—

BURLINGTON, *October 30, 1861.*

Hon. SECRETARY OF STATE.

MY DEAR SIR: I have been informed that the charges by reason of which the Government conceived they owed it to the country to lock me up for two weeks in a Government fortress are on file in your office. If so will you please inform me of their nature and character? I have reason to believe that they originated with two or three unprincipled perjured villains in this vicinity who had no other object to gratify than their own devilish malice.

Yours, &c.,

JAMES W. WALL.

BURLINGTON, *October 30, 1861.*

Hon. SIMON CAMERON, *Secretary of War.*

SIR: Will you permit me to call your attention once again to my oft-repeated requests to be informed of the character and nature of the charges against me in your office, and by virtue of which the Department over which you preside felt itself bound to incarcerate me in a Government fortress for two weeks?

Respectfully, your obedient servant,

JAMES W. WALL.

[No date.]

The inclosed is an exact copy of a letter (intercepted) from James W. Wall to the Hon. William B. Reed, of Philadelphia.

L. C. BAKER.

[Inclosure.]

BURLINGTON, *Wednesday.*

[Hon. WILLIAM B. REED.]

MY DEAR SIR: I have understood from a reliable source that it is the intention of a number of prominent Democrats to start a Democratic journal shortly in Philadelphia. If so I should like very much to be attached to the editorial corps. If you can aid me in this matter you will confer a favor. During the last three months of the existence of The Daily News, of New York, I was the principal contributor to its editorial columns. I think the dawn of the coming day is discernible, and the cry of "Watchman, what of the night," will soon cease. Permit me to congratulate you on the result in Pennsylvania. We shall show you the virtue of a good example in New Jersey in November.

Yours, very truly,

JAMES W. WALL.

BURLINGTON, *November 27, 1861.*

Hon. SIMON CAMERON, *Secretary of War.*

SIR: By your order I was torn ruthlessly from my family and confined in Fort Lafayette for two weeks, being subjected to the grossest indignities by the insolent foreign soldiery who are kept there to tyrannize over free-born Americans. I desire once more to know the nature of the charges against me and by virtue of which you presumed to issue such an order.

Respectfully,

JAMES W. WALL.

Case of Howard and Glenn, of the Baltimore Exchange Newspaper.

F. Key Howard,* editor of The Exchange newspaper at Baltimore, was arrested at that city on or about the 12th day of September, 1861, by order of the Secretary of War. Howard was publicly known

* Howard was arrested with the Baltimore members of the Maryland legislature by order of General McClellan. See Vol. I, this series, p. 688, for report of these arrests by Allan Pinkerton; also, p. 590 for Dix to Blair, and Blair's indorsement thereon to McClellan recommending the suppression of the Exchange and other Baltimore newspapers.—COMPILER.

to be in deep sympathy with the rebels and his paper zealously advocated their cause. He was one of a family which had furnished several soldiers to the rebel cause. His arrest was a measure of military precaution to remove the incitement of his presence from the disorderly material which there was reason to apprehend might at any time burst into a flame of discord and insurrection. There was found in Howard's possession a large quantity of manuscripts—articles for his paper, correspondence, lists of names pledged to favor the recognition of the independence of the Confederate States* and drafts of proceedings for the legislature—mostly of decided secession character. Said Howard after his arrest was confined successively in Forts McHenry, Monroe, Lafayette and Warren, in which last he remained in custody February 15, 1862.

W. W. Glenn was arrested in Baltimore September 14, 1861, by order of Major-General Dix and committed to Fort McHenry. He was one of the editors and proprietors of The Baltimore Exchange, a paper bitterly opposed to the suppression of the rebellion by the United States Government. By an order from the Secretary of State dated September 30, 1861, General Dix was ordered to release Glenn on his taking the oath of allegiance. Glenn declined to take the oath but was willing to give his parole of honor not in any way to oppose the Government or assist its enemies. There are no papers in the Department of State showing when or on what terms Glenn was released.—*From Record Book, State Department, "Arrests for Disloyalty."*

—

FORT MCHENRY, *September 14, 1861.*

Hon. W. H. SEWARD:

I have arrested W. Wilkins Glenn, proprietor of Exchange, and have him in custody at Fort McHenry.†

J. A. DIX.

—

HEADQUARTERS ARMY OF THE POTOMAC,
Washington, September 18, 1861.

Maj. Gen. JOHN A. DIX, U. S. Army, *Baltimore, Md.:*

I am directed by Major-General McClellan to acknowledge the receipt of your letter of the 14th instant‡ and to say in reply that he highly approves of your action in arresting Glenn. He is also glad to learn that you have not ordered the discontinuance of the paper if there is any chance of its changing hands. He desires me further to say that he wishes you to make any arrest that you may consider necessary even if you have not direct authority from the Government. The general has entire confidence in your judgment and discretion and desires that you pursue such a course as you deem advisable for the public good.

I am, very respectfully, &c.,

A. V. COLBURN,
Assistant Adjutant-General.

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* See Vol. I, this series, p. 676, for declaration with signatures.

† See Vol. I, this series, for Dix to Blair, August 31, 1861, p. 590.

‡ No letter found, but see preceding telegram of Dix to Seward announcing the arrest.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., September 28, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: On the 19th instant you referred* to me the case of W. Wilkins Glenn, proprietor of the late Exchange newspaper in this city, with the letters* of Hon. M. Blair, Hon. Reverdy Johnson and H. W. Davis in favor of his release. Mr. Glenn's connection with the paper was purely financial. But after the arrest of Messrs. Wallis and Howard, the principal writers for its editorial columns, two very bad articles appeared—one misrepresenting the arrests made by the Government and the other setting it at defiance—and I directed Mr. Glenn to be taken into custody as the only responsible person who could be reached. The Exchange has been discontinued and Mr. Glenn who is at Fort McHenry is sincere in his desire that it should not be revived as long as Messrs. Wallis and Howard are under arrest. A newspaper has taken its place without editorials but Mr. Glenn has no responsibility in regard to it. He has given repeated evidences of his earnest wish not to embarrass the Government in any way, and if released will I have no doubt occupy himself exclusively with the business of the large estate which is in his charge.

Under all the circumstances I answer the query in your note indorsed on the papers referred to me: That it is expedient to release him on condition of his taking the oath of allegiance excluding all reservations and conditions.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General, Commanding.

—

DEPARTMENT OF STATE, *Washington, September 30, 1861.*

Maj. Gen. JOHN A. DIX, *Baltimore, Md.*

SIR: You will please discharge W. Wilkins Glenn on taking the oath of allegiance to the Government of the United States.

I am, general, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

—

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., October 7, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Mr. Glenn declines taking any oath but is willing to give his parole of honor not to do any act against the authority of the Government, the supremacy of the Constitution or the execution of the laws of the United States; and he is willing to pledge himself further not to connect himself with any anti-Administration press until he is in a position to publish his opinions freely and unreservedly. The inclosed letter explains his views fully and I inclose it for your consideration not perceiving that it needs any suggestion from me.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General, Commanding.

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*Not found.

[Inclosure.]

FORT MCHENRY, *October 3, 1861.*

Maj. Gen. JOHN A. DIX.

DEAR SIR: Mrs. Glenn has this morning showed me a note addressed her by you in reference to some communication had by yourself with the authorities at Washington in reference to the terms upon which I would be released from confinement. Having already more than once taken an oath to bear allegiance to my State and to support the Constitution of the United States and never having violated this oath in the slightest particular I know of no ground upon which any other could be demanded of me. In no case do I hope I will ever be so wanting in that self-respect which I owe to myself as an American citizen as to take any oath whatever under compulsion. Much less would I consent to take any oath the strict and honest observance of which would oblige me to be false to myself by ignoring the one I had already sworn to. I have always been a conservative citizen.

I have never until lately mingled in the slightest degree in politics. I advocated a policy upon the election of Mr. Lincoln which if pursued would I believe have preserved the Union. I purchased a large interest in The Exchange for the purpose of advocating that policy. Even now I look upon separation as an evil and that the benefits to be derived from it can in no event compensate for the loss of the manifold advantages enjoyed under the Union. I never have hesitated to say this. At the same time I look upon the preservation of our constitutional rights, the only safeguard of liberty, either civil or religious, as the duty of every good citizen, in the performance of which even greater evils than separation should be cheerfully submitted to. In any action that I have ever taken I have never forgotten that Maryland was a State in the Union. I have never had the slightest communication with any of the seceded States or committed any overt act in opposition to the Government. Under these circumstances I cannot see why any oath should be asked of me.

The Daily Exchange has been stopped by force. Though disputing the right to commit the act I still submit to the superior power of the Government. I shall not edit The Exchange nor republish it nor contribute to any paper so long as the censorship of the press is exercised in Baltimore. Denying the right of the Government to hold me under arrest without trial I still acknowledge the fact which is patent that I am a prisoner. As such I should be glad to accept my release under conditional parole, pledging myself also not to connect myself with any anti-Administration newspaper until I am in a position to express my views freely and unrestrictedly.

Your obedient servant,

W. W. GLENN.

DEPARTMENT OF STATE, *Washington, October 9, 1861.*

Maj. Gen. JOHN A. DIX, *Baltimore, Md.*

GENERAL: Your letter of the 7th instant inclosing the one addressed to you by Mr. Glenn has been duly received.

I have the honor to be, your obedient servant,

WILLIAM H. SEWARD.

FORT LAFAYETTE, *October 14, 1861.*

DEAR LYDIA: * * * I fear I am destined to undergo confinement some time longer for I will make no substantial compromise with the

despotic power which has trampled my rights and the laws and constitution of my State under foot; neither will I accept the intervention in my behalf of any man in Maryland who can regard the tyranny to which I am subjected as other than a brutal, unjustifiable and infamous exercise of arbitrary power. Let it be your consolation as it is mine to know that I am suffering in behalf of constitutional liberty, and this country will yet regret the day when it undertook to intimidate or punish without the form of law the Southern men who have dared to vindicate Southern rights. There are those whom a banded world cannot coerce into submission, and some such spirits are in Fort Lafayette. * * *

Affectionately, yours,

F. K. HOWARD.

FORT LAFAYETTE, *New York Harbor, October 22, 1861.*

Lieut. Col. M. BURKE,
Commanding Forts Hamilton and Lafayette.

COLONEL: On looking over the letters written by the prisoners confined at this post I found one from F. Key Howard, of Baltimore, in which speaking of the President of the United States he made use of the expression "vulgar dictator." I returned the letter to him with notice that if he was not more respectful in his letters it would be my duty to stop his correspondence.

Hoping you will approve my action, I remain, with respect, your obedient servant,

CHAS. O. WOOD,
Second Lieutenant, Ninth Infantry, Commanding Post.

FORT HAMILTON, *New York Harbor, October 23, 1861.*

Lieut. CHARLES O. WOOD, *Commanding Fort Lafayette.*

SIR: I have received yours of the 22d instant. You have devoted your entire time to the comfort of the prisoners at Fort Lafayette, and the Government under the circumstances has not been remiss in making them comfortable as far as practicable. I wish you again to call the attention of the prisoners to the rules made by me to regulate their correspondence which prohibit any invidious or personal remarks against the Government or its agents either civil or military. I may add that I am surprised that a member of the Howard family, which from the time of the Revolution to the commencement of our present troubles were gentlemanly and patriotic, should now by infringing these rules endeavor to embarrass his custodians from whom he has received every kindness consistent with public duty, and I wish to call Mr. Howard's attention to the indelicacy (to use the mildest term) of his course in applying unbecoming epithets to our Commander-in Chief and attempting to make yourself and me the instruments through which he would forward the letters containing them.

You will please inform the prisoners that a copy of this communication* and of your letter to which it is a reply will be forwarded to the Adjutant-General.

I am, very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

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* See Vol. I, this series, pp. 654-656, for Charles Howard to Secretary Cameron, October 23, filing charges against Burke and Wood "derogatory to their official positions as officers of the Army."

FORT LAFAYETTE, *October 23, 1861.**

Lieutenant-Colonel BURKE.

SIR: Lieutenant Wood has communicated to me the contents of your note to him of this date. Permit me to say in reply to your allusions to the course I have thought proper to pursue that you mistake me much if you suppose as you seem to do that a mere desire to embarrass or annoy you or the officers under you has prompted me to write the letters which have been returned to me. The fact that little or nothing has been done to make me or my fellow-prisoners decently comfortable is self-evident to any one who chooses to inspect our quarters, and it was on that account that I chose to speak in terms of indignant denunciation of those who are responsible for the privations I suffer. If I made or sought to make the officers of the garrison the instruments to convey my complaints it was because I am denied any other alternative. The invidious allusions which you have deemed it necessary to make in regard to me I need not and do not propose now to discuss but you will permit me to remind you that if you have duties to discharge I have rights to vindicate. The only one of these which has not been absolutely destroyed is the right of free speech within the narrow bounds of my prison and this it is my duty and purpose to defend to the last. In the exercise of this poor privilege I wrote the letters which I knew would pass through your hands. As you have forwarded to the Adjutant-General the correspondence between Lieutenant Wood and yourself I beg that you will do me the justice to forward also this note.

I remain, your obedient servant.

F. K. HOWARD.

—

HEADQUARTERS, *Baltimore, Md., November 29, 1861.*

Col. W. W. MORRIS, *Commanding Fort McHenry.*

COLONEL: Please have all the state prisoners in your custody ready to go to Fort Lafayette on Monday afternoon. I include * * * Mr. Glenn. Please say to the latter that I shall be happy to discharge him from arrest on the conditions he himself proposed to me.

I am, very respectfully, yours,

JOHN A. DIX,
Major-General.

—

MEMORANDUM.

William W. Glenn.—Released December 2, 1861, by General Dix.

W. W. MORRIS,
Colonel Second Artillery, Commanding Post.

—

FORT WARREN, MASS., *March 3, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: For six months past I have been detained in close custody in one or other of the forts of the United States. I am I believe termed

* This letter will be found in Vol. I, this series, at p. 653, where it was inserted before access was obtained in the Department of State to the additional correspondence found herein relating to Howard's case.—COMPILER.

in the novel language of the day a "political prisoner" or a "prisoner of state." Until recently I have been held subject to the order of the Secretary of State but I now understand that I am specially in charge of the War Department. You therefore are responsible for my further detention. Under these circumstances it is proper I should place upon record in your office a statement of the wrongs done me and a demand for an instant and unconditional release.

On the night of the 12th of September, 1861, between 12 and 1 o'clock, I was made prisoner in my own house in Baltimore by a band of armed men, who although they showed no warrant or authority for their proceedings professed and I have no doubt truly to be acting under the orders of Mr. Seward, the Secretary of State. My house was searched from garret to cellar, my private papers ransacked and most of them as far as I can learn were carried off. I was kept for an hour or more a prisoner in my own parlor; armed men were stationed throughout my house and even at the door of my children's chamber while this search was proceeding. I will not comment further upon the indignities there put upon me. I was finally carried off to Fort McHenry, leaving my house in possession of the myrmidons who had invaded it and who refused to allow me to send for my wife's father or brother who were in the immediate neighborhood and to whom alone my family at such a moment could look for protection. I was detained at Fort McHenry during the following day and then transferred to Fortress Monroe. At this latter post I was confined a close prisoner with fourteen other gentlemen for over ten days, none of us having been suffered to leave for an instant the two casemates which were there assigned us. So rigid was our imprisonment that the very windows and doors through which we could look out on the parade ground were closed and padlocked. I was then carried with my companions to Fort Lafayette. At this latter post no provision whatever had been made for our reception and no decent accommodations were at any time provided. I slept in the dark, cold gun battery in which I was quartered upon a bag of straw until I procured bedding from New York, and during my whole stay I was compelled to pay for my meals as I could not have eaten the wretched rations offered me by the commanding officer. On the 1st of November last I was brought to this place on an overcrowded and filthy steamer which was insufficiently supplied even with the miserable pork and bread provided for our subsistence. But for the fact that I had brought my bedding with me I should have been forced like many of my companions to sleep for more than two weeks after my arrival here upon the floor and without a single blanket to cover me.

Such is a brief statement of the treatment to which I have been subjected. From the moment of my arrest down to this hour no charge of any sort has been preferred against me and none can be alleged or established, for I have violated no law whatever, State or Federal. I was as you may perhaps be aware one of the editors of The Daily Exchange, a morning journal published in Baltimore. In that paper I had expressed my political opinions without reserve. I had a year ago advocated the adoption of some compromise by Congress which should stay the then threatened rupture between the North and South. I had subsequently deprecated any attempt to coerce the South on the ground that it would only render the separation of the two sections inevitable and final. I asserted that war would leave the country in a worse condition than it found it, and as it would moreover entail upon us an

enormous debt I felt it to be [illegible]
initiation. I was unable to s
large majority of the Souther
I said so. I was unable to c
the injunction which comman
fully executed derive authority
mental laws of the land, and I said
how upon the theory of upholding the
obligation to support those who were daily
all its provisions nor could I conceive how this
existence whatever outside of the charter which estab
these political opinions I had the absolute right to enter[illegible]
mulgate.

I choose to refer to them here because they constitute the offenses for which I am undergoing punishment. Notwithstanding the fact that many thousands of persons in the Northern States entertained and expressed these views within a twelvemonth the Administration determined that it was criminal in me to continue to hold and utter them and has therefore arbitrarily inflicted upon me the indignities and wrongs which I have mentioned. Although no direct offer has been made to me to release me upon any terms whatsoever I nevertheless presume that mine was one of the cases which either your proclamation of February 14 or your order of February 27 was intended to cover.

Now as I cannot accept a conditional discharge coupled with a gracious amnesty for offenses which it is assumed I have committed, and as I must equally refuse to appear at the bar of an irresponsible tribunal to justify my right to the ordinary privileges of a citizen of Maryland, it is due to myself at least that I should state the reasons which impel me to the course I shall pursue. To the principles which govern my action now I shall appeal when in the future I seek redress and enter upon my own vindication. It must be obvious to you, sir, that I cannot consistently with my own self-respect accept any such conditional release as is referred to in your proclamation or avail myself of such an amnesty. As I was despotically deprived of my freedom I can make no compromise to regain it. As I am punished merely for venturing to dissent from the theories and policy of the Administration I need and will ask no pardon. Nor even if I should accept the terms mentioned would I have any security that I would not immediately after my release be again subjected to precisely similar outrages to those which have already been inflicted on me. As the Administration has once determined that I by expressing my political sentiments was giving "aid and comfort to the enemies in hostility to the United States" I could only escape a rearrest by consenting to forego or conceal my opinions. This I will never for one instant do. I deem it to be my bounden duty to defend to the last every privilege and right to which as an American citizen I was born, and I shall do so until I am deprived of these by some known and fair process of law.

Nor can you fail readily to comprehend why I decline to submit myself to the jurisdiction of the strange tribunal which is organized under your order of February 27. I recognize no such judges of my guilt or innocence, of my loyalty or disloyalty under the Constitution or laws of this land. The courts, both State and Federal, are in the unobstructed exercise of their several functions in Maryland and they could long since have examined and disposed of any charge which might have been preferred against me. In them and in them only will

I meet any accusation, and while they are closed to my demand for justice I shall decline to defend myself before any star chamber commissioners whomsoever.

Such, sir, are the motives of my present action, and as the rights which I seek to uphold are not dependent upon the alleged necessities of the Administration or upon the fate of battles my convictions cannot be affected by the supposed urgencies of the one or the results of the other. I shall continue then to vindicate them as I best may, with the consciousness that after the delusions, the falsehoods and the passions of the hour shall have passed away my course will be approved by every honest man who has been educated in the knowledge of the privileges and duties of an American freeman. I have only now to demand at your hands a prompt release from the imprisonment to which I am so unjustly and arbitrarily subjected.

I remain, your obedient servant,

F. K. HOWARD.

—

WAR DEPARTMENT, *Washington, D. C., March 10, 1862.*

Col. JUSTIN DIMICK, *Fort Warren, Boston Harbor.*

COLONEL: I will thank you to inform Mr. Frank Key Howard that his letter of the 3d instant has been duly received and that his case has been referred to the commissioners named in the within order.*

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

—

ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., November 26, 1862.

Col. J. DIMICK, U. S. Army, *Fort Warren, Boston, Mass.:*

The Secretary of War directs that you release all the Maryland state prisoners; also any other state prisoners that may be in your custody and report names to this office.

E. D. TOWNSEND,
Assistant Adjutant-General.

—

FORT WARREN, *Boston Harbor, November 27, 1862.*

Brig. Gen. L. THOMAS, *Adjutant-General, Washington, D. C.*

SIR: I have the honor to report that I have this day released the following-named prisoners in obedience to telegram of 26th instant:

* * * Frank K. Howard. * * *

I am, sir, very respectfully, your obedient servant,

J. DIMICK,
Colonel First Artillery, Commanding Post.

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[NOTE.—Schedules of letters, documents and newspaper correspondence found at the residence, in the office and on the person of F. Key Howard at the time of his arrest, with a brief of their contents, omitted.]

* Not inclosed, but refers to the Dix-Pierrepont Commission.

Case of Thomas W. Hall, jr., and S. S. Mills, of The South Newspaper.

Thomas W. Hall, jr.,* of Baltimore, editor of The South, a disloyal newspaper of that city, was arrested by order of the Secretary of War on the night of the 12th or morning of the 13th of September, 1861, and immediately placed in confinement at Fort McHenry. He was afterward transferred successively to Fort Monroe, Fort Lafayette and Fort Warren. The arrest of this person was a military precautionary measure of great necessity for the preservation of the peace and maintenance of order in Maryland. His paper was openly and zealously advocating the cause of the insurrection and largely contributing to unsettle and excite the public mind. A mass of correspondence and manuscripts were found in Hall's possession in prose and poetry, much of it intended for The South newspaper and all of intensely disloyal character. The said Hall was detained in custody at Fort Warren February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

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BALTIMORE, *January 19, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: I am a resident of Pennsylvania; here only for a few hours. I find the newsboys selling the inclosed pamphlet. Is it not time that The South where this thing is printed should be suppressed and its publishers imprisoned? Can anything be better calculated to stir up trouble in Maryland than this publication?

With respect, yours, &c.,

B. RUSH PETRIKIN,
Lock Haven, Pa.

[First indorsement.]

DEPARTMENT OF STATE, *January 20, 1862.*

Respectfully referred by the Secretary of State to Major-General Dix. Please return.

E. D. WEBSTER.

[Second indorsement.]

FEBRUARY 10, 1862.

Major-General Dix will see the Department of State in person on this subject

[Inclosed pamphlet.]

Captain Maury's letter on American affairs; also the address of Hon. John C. Breckinridge to the people of Kentucky.

[NOTE.—This pamphlet is omitted, except its title. The letter signed "M. F. Maury, Confederate Navy," dated "Richmond, Va., August —, 1861," and addressed "Admiral Robert Fitz Roy, Royal Navy, London," is a long explanation of the relations of the States, their constitutional rights, the causes of secession and cognate subjects, and his reasons for

*Hall was arrested with the Baltimore members of the Maryland legislature by order of General McClellan. See Vol. I, this series, p. 688, for report of these arrests by Allan Pinkerton; also p. 590 for Dix to Blair, and Blair's indorsement thereon to McClellan recommending the suppression of The South and other Baltimore newspapers.—COMPILER.

joining the movement. John C. Breckinridge's address is directed "To the People of Kentucky." It is an argument in favor of the right of secession and a vindication of his withdrawal from the Senate of the United States and adhesion to the secession movement. The pamphlet bears this imprint: "Published at The South office, 122 Baltimore street."]

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HEADQUARTERS, *Baltimore, February 14, 1862.*

Maj. Gen. G. B. MCCLELLAN, *Commanding the Army.*

GENERAL: I inclose a copy of The South, published in this city. The leading editorial is a fair sample of its original articles. It is not allowed to be circulated by the mails but is sold by newsboys in the street and distributed by carriers to private subscribers. There is a strong desire among the Union men of the city to have this print suppressed. I do not think proper to adopt a measure of so much significance without the previous sanction of the Government, and the matter is respectfully referred for such action as you may deem proper.

I have the honor to be, very respectfully, you obedient servant,

JOHN A. DIX,
Major-General.

—

ADJUTANT-GENERAL'S OFFICE,
Washington, February 17, 1862.

Maj. Gen. JOHN A. DIX, U. S. Army,
Commanding, &c., Baltimore, Md.:

Arrest immediately and hold in close custody the editor or editors and publishers of the paper called The South for treasonable practices. Seize and take possession of the paper and of all the materials. Acknowledge by telegram.

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

—

HEADQUARTERS, *Baltimore, February 17, 1862.*

Col. W. W. MORRIS, *Commanding Fort McHenry.*

COLONEL: You will receive and hold in close custody Samuel S. Mills and Thomas H. Piggott, arrested under the order of the War Department, and suffer them to hold communication with no one until further orders.

By command of Major-General Dix:

WM. H. LUDLOW,
Major and Aide-de-Camp.

—

BALTIMORE, *February 18, 1862.*

Hon. EDWIN M. STANTON:

Samuel Sands Mills, publisher and proprietor, and Thomas H. Piggott, editor, of The South, were arrested last evening, kept in the station house during the night and sent to Fort McHenry this morning. The office of The South was seized last evening and is in possession of the police. John M. Mills, a partner in the concern, has also been arrested and will be sent to Fort McHenry immediately.

JOHN A. DIX,
Major-General.

HDQRS. OF THE ARMY, ADJUTANT-GENE
Washington,

Maj. Gen. JOHN A. DIX, U. S. Army,
Commanding, &c., Baltimore, Md.

SIR: Your letter of the 14th of February inclosing a number newspaper called The South was submitted to the Secretary of I now inclose an official copy of his order in the case sent by teleg the receipt of which you have already acknowledged. I am dir by the Secretary of War to say that he was not a little surprise should have waited for specific orders under the circumstances s in your letter. There is a strong desire among the Union men o city to have the print suppressed, which desire is certainly most sistent with a proper view of the public safety if the leading editorial of the number forwarded by you is a fair sample of its original articles. You are not likely to err by any vigorous effort to suppress treason of so malignant a nature as is manifested by that paper.

I am, sir, &c.,

L. THOMAS.
Adjutant-General.

HEADQUARTERS, *Baltimore, Md., February 26, 1862.*

Col. W. W. MORRIS:

Colonel Morris will allow Mrs. S. S. Mills and Mrs. John Mills to see their husbands, prisoners at the fort, in the presence of an officer.

By command of Major-General Dix:

JOHN A. BOLLES,
Aide-de-Camp.

WAR DEPARTMENT, *Washington, March 8, 1862.*

Maj. Gen. JOHN A. DIX and
Hon. EDWARDS PIERREPONT, Esq., &c.

GENTLEMEN: I inclose herewith a letter* from Mr. Samuel Sands relative to Mr. Mills, who is a prisoner at Fort McHenry. Will you have the kindness to examine the case in accordance with Executive Order, No. 1, in relation to state prisoners and report to this Department what proceedings ought to be adopted? Please return these inclosures.

I am, gentlemen, &c.,

EDWIN M. STANTON,
Secretary of War.

COMMISSION RELATING TO STATE PRISONERS,
New York, April 30, 1862.

Col. W. W. MORRIS, &c., *Baltimore.*

COLONEL: You will please release Thomas S. Piggott and Samuel S. Mills upon their giving their written parole of honor not to render aid or comfort to enemies in hostility to the Government of the United States.

Very respectfully, yours,

JOHN A. DIX,
EDWARDS PIERREPONT,
Commissioners.

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*Not found.

FORT WARREN, *Boston Harbor, November 27, 1862.*

General L. THOMAS, *Adjutant-General, Washington, D. C.*

SIR: I have the honor to report that I have this day released the following-named prisoners in obedience to telegram of 26th instant,* viz: * * * Thomas W. Hall. * * *

I am, sir, very respectfully, your obedient servant,

J. DIMICK,
Colonel First Artillery, Commanding Post.

Case of Henry May, a Member of Congress.

Henry May,† of Baltimore, was arrested by order of the Secretary of War at Baltimore September 13, 1861, and committed to Fort McHenry and from thence transferred successively to Forts Monroe and Lafayette. An order was issued from the Department of State dated October 11, 1861, directing Col. Martin Burke, commanding at Fort Lafayette, to release May for the purpose of attending his brother's funeral on his giving his parole of honor to return to Fort Lafayette if required by the Secretary of State. A subsequent order was issued from the Department of State directing General Dix to release Mr. May from his parole dated December 2, 1861.—*From Record Book, State Department, "Arrests for Disloyalty."*

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WASHINGTON, *June 29, 1861.*

Hon. EDWARD BATES.

DEAR SIR: I take leave to introduce to your acquaintance the Hon. Henry May, of Baltimore, whose public character is well known to you. He desires to make some communications to you which he deems to be important to the country. His character as a gentleman of chivalrous honor and enlightened patriotism entitles him to your confidence, and his representations will I feel certain receive due consideration from you.

I am, dear sir, yours, very truly and respectfully,

P. R. FENDALL.

—

HEADQUARTERS OF THE ARMY,
Washington, June 29, 1861.

Hon. H. May, of Baltimore and a Member of Congress elect, wishing on business of his own to visit Virginia and to return to take his seat in the Capitol next week, will be freely allowed to pass and repass our guards and sentinels, receiving from them and all our officers and men due respect and consideration.

By command of General Winfield Scott:

E. D. TOWNSEND,
Assistant Adjutant-General.

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*See p. 786 for Stanton's telegraphic order releasing all the Maryland political prisoners.

†May's arrest was contemporaneous with that of the mayor of Baltimore and several disloyal Baltimore members of the Maryland legislature. For "Union policy of repression in Maryland," see Vol. I, of this series, particularly at p. 667 *et seq.*, wherein will be found minor references to May in the general correspondence and orders relating to the arrests and subsequent disposition of the prisoners.—COMPILER.

HOUSE OF REPRESENTATIVES, *July 16, 1861.*

Hon. HENRY MAY.

SIR: Inclosed you will find a copy of a resolution* referred to the Judiciary Committee by the House of Representatives, and which I am instructed to transmit to you. It will be the pleasure of the committee to take up the resolution for consideration as soon as the state of your health may allow.

I have the honor to be, very respectfully, yours,

JNO. A. BINGHAM,
Acting Chairman of Judiciary Committee.

[Inclosure.]

Resolved, That the Committee on the Judiciary be directed to inquire whether Hon. Henry May, a Representative in Congress from the Fourth district of the State of Maryland, has not been found holding criminal intercourse and correspondence with persons in armed rebellion against the Government of the United States and to make report to the House as to what action should be taken in the premises; and that said committee have power to send for persons and papers and to examine witnesses on oath or affirmation; and that said Hon. Henry May be notified of the passage of this resolution if practicable before action thereupon by the committee.

—

Extract from proceedings of the U. S. House of Representatives July 18, 1861.†

Mr. HICKMAN. I am directed by the Committee on the Judiciary to make the following report:

The Committee on the Judiciary to whom was referred the resolution of the House of July 15, 1861, directing them to inquire whether the Hon. Henry May, a Representative in Congress from the Fourth district of Maryland, has not been found holding criminal intercourse and correspondence with persons in armed rebellion against the Government of the United States, reports:

That the gentleman moving the resolution of inquiry was called before the committee but declared himself ignorant of and unable to produce any evidence tending to prove any of the matters referred to in the resolution, but that they were grounded upon newspaper articles only. The committee having nothing before them to implicate Mr. May in holding criminal intercourse and correspondence with persons in armed rebellion against the Government therefore recommend no action in the case as necessary on the part of the House.

The committee further report that the investigation before them entirely relieves the President of the United States and Lieutenant-General Scott of any suspicion of a correspondence or attempted correspondence through Mr. May.

* * * * * * *

* The resolution was adopted by the House July 15, 1861.

† For the full proceedings of the House on July 18, 1861, concerning the charges against May, the attack by a Baltimore mob on the Federal troops, and Chief of Police Kane's connection therewith, see Congressional Globe for July 20, 1861, p. 196 *et seq.*

Mr. THOMAS, of Maryland. I ask my colleague [Mr. May] to let the Clerk read the residue of that newspaper article. [Cries of "That is right."]

* * * * * * *

Several MEMBERS. Read the whole article.

The Clerk read the article [from The Baltimore Sun] as follows:

HENRY MAY'S MISSION INTO DIXIE.—WHAT HE IS TELLING THE CONFEDERATES.

The following interesting and important account of affairs in Baltimore is from a letter written at Richmond on the 4th of July, published in The Charleston Courier:

"The principal bubble upon the wave of Richmond life to-day or rather yesterday was the arrival of Hon. Henry May, of Baltimore, the successful competitor in the recent contest for Member of Congress there against Henry Winter Davis, the Black Republican candidate. The object of his visit has not transpired, but it is loudly whispered that it looks toward certain events in Maryland which may have an influence in determining the continuance of the war. The intelligence he brings from there is gloomy enough to make an American weep.

"According to his statements Baltimore is as effectually under the heel of the tyrant as if the head of every man was in iron fetters. Federal troops are encamped in its squares and patrol its streets, cannon are planted at corners, citizens are arrested for even breathing secession, women are insulted with impunity, outrages are perpetrated that make humanity blush, and in a word a reign of terror has been inaugurated which if not as cruel in results is as bad in principle as that of Robespierre when he enshrined a harlot as a goddess of liberty and bade the people fall down and worship.

"While this is the sad side of the picture there are other features about it which inspire the strongest hopes that the day of retaliation is not far distant. Thirty thousand men are said to be under arms waiting concerted action. Silently and stealthily they have been preparing for the event which they know must come. The mercenaries have sought to deprive them of their weapons but where one has been made a prize a hundred have taken its place. I learn this fact from a well-informed Baltimorean now in Richmond and from another source I have ascertained that not less than 8,000 muskets are at this moment concealed and vigilantly guarded night and day.

"I think I telegraphed to you that in the Eighth ward—an Irish district by the way—a Confederate flag was flying over a house in which loaded swivels were mounted at the windows and that the inmates would die before they would allow the flag to be struck.

"My informant believes that a battle there is imminent. Affrays between the citizens and soldiers take place frequently. Already several on both sides have been killed and wounded. Should a fight result we shall hear of scenes that only find a parallel in the bloody records of the French Revolution when the people fought and conquered the trained soldiers of their king behind barricades. The blow may be precipitated in less than a week. Everything depends upon the success and movements of General Johnston. If he has orders from the President to march into Maryland and toward Baltimore the game commences at once. Lincoln will find himself encompassed by forces in front and rear. Cut off from the North and West Washington will be destroyed and the footsteps of the retreating army though tracked in blood across the soil of Maryland—as they assuredly will be in such an event—may possibly pave the way to an honorable peace.

"The movements of Johnston within the last few hours are watched with intense interest. It is known that Cadwalader is on the march toward Virginia and that a small battle had taken place between his advance guard and the forces of Colonel Jackson, but beyond the arrival of forty cavalry taken prisoners and brought to Winchester the details of the affair have not transpired. Colonel Jackson retired to draw the enemy into our line of operations and General Johnston with the entire force under his command advanced. Here the record stops but I hope the telegraph to-day will bring such news of a great battle as will make the 4th of July doubly dear to every Southern heart.

"The best of feeling—newspaper croaking to the contrary—prevails everywhere among our troops. They are anxious to be 'up and at 'em;' are in prime condition physically and patriotically and have only one paramount want in the world—and that is an opportunity 'to clean the Yankees out and go home to their business.' I observe extensively quoted and commented upon in the Northern papers an extract from a letter published in some Southern journal purporting to come from a private gentleman at Manassas and expressing the conviction that Beauregard is destined to be defeated.

"The result has been an evident encouragement to the people of the
increased enlistment in the army, a proportionate diminution of vim in the S
for even a shadow will sometimes cause a chill—and worse than all an orde
Secretary Walker that we indefatigable newspaper correspondents shall not visit
any of the great camps without pledging our honor that we will not divulge the
secrets that we may discover; all this train of effects proceeding from a few poorly
advised lines written with an incautious pen by one who must be neither a good
soldier nor a good judge."

—

HEADQUARTERS ARMY OF THE POTOMAC,
Washington, September 11, 1861.

Hon. SIMON CAMERON, *Secretary of War.*

SIR: I have the honor to inclose a letter to General Dix which, if it meets your approval, I would be glad to have you sign and allow me to send it to General Dix by Allen. From the best information I can obtain it would seem necessary to arrest at once the parties named. I have indicated Fort Monroe as their first destination in order to get them away from Baltimore as quietly as possible, and would suggest that they ultimately be sent North.

Very respectfully, yours,

GEO. B. McCLELLAN,
Major-General, U. S. Army.

P. S.—I am informed that the legislature meets the 14th.

[Inclosure.]

WAR DEPARTMENT, *September 11, 1861.*

Maj. Gen. JOHN A. DIX, U. S. Army, *Baltimore, Md.*

GENERAL: You are directed to arrest forthwith the following-named persons, viz: T. Parkin Scott, S. Teackle Wallis, Henry M. Warfield, F. Key Howard, Thomas W. Hall, jr., and Henry May, and to keep them in close custody, suffering no one to communicate with them, and to convey them at once to Fortress Monroe there to remain in close custody until they shall be forwarded to their ultimate destination. You will also seize their papers and cause them to be carefully examined. The exigencies of the Government demand a prompt and successful execution of this order. You will please report your proceedings at once to this Department. Mr. E. J. Allen is sent to take the immediate charge of the arrests and examination of papers under your general control, and you will please furnish him the necessary military force.

I am, sir, very, &c.,

SIMON CAMERON,
Secretary of War.

—

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., September 11, 1861—11 p. m.

Hon. SIMON CAMERON, *Secretary of War.*

SIR: Your letter was handed to me half an hour ago by Mr. Allen, who is of the opinion that in consideration of the lateness of the hour and the uncertainty of finding all of the parties the arrests should be deferred till to-morrow night. I will detain the steamer so that they can be taken directly on board. No effort or precaution will be spared to carry your order into execution promptly and effectually.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., September 13, 1861.

Maj. Gen. JOHN E. WOOL,
Commanding Department of Virginia.

GENERAL: Lieut. W. M. Wilson, of the Fourth Cavalry, will leave these headquarters this evening with the following gentlemen who have been taken in custody by order of the Government: * * * Henry May, Member of Congress. * * * The direction of the Secretary of War is to keep them in close custody, suffering no one to communicate with them and to convey them at once to Fort Monroe, there to remain in close custody until they shall be forwarded to their ultimate destination. * * *

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
*Fort Monroe, September 15, 1861.**

Hon. SIMON CAMERON, *Secretary of War.*

SIR: I received yesterday from Major-General Dix a letter accompanying fifteen prisoners arrested in Baltimore. * * * The prisoners Brown, May, Winans and others were landed at this port yesterday afternoon and have been placed in the casemates where they are strongly guarded. * * * I would suggest that this fortress from its position and the sympathies that surround it is neither so secure nor commodious a place for the safe-keeping of these prisoners as points farther north. * * *

JOHN E. WOOL,
Major-General.

[Indorsement.]

I advise that these prisoners be sent to Fort Lafayette or Fort Hamilton as General Scott may designate; that they be allowed to receive no visitors nor to communicate on any other than purely personal or domestic matters by letters to be inspected.

W. H. S[EWARD].

HEADQUARTERS OF THE ARMY,
Washington, September 18, 1861.

Maj. Gen. JOHN E. WOOL, U. S. Army,
Commanding, &c., Fort Monroe, Va.

SIR: The General-in-Chief directs that you send by the first suitable conveyance to Fort Lafayette, N. Y., the political prisoners mentioned in your letter to the Secretary of War of the 15th instant.

I am, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

HEADQUARTERS OF THE ARMY,
Washington, September 18, 1861.

Lieut. Col. MARTIN BURKE, U. S. Army,
Commanding, &c., Fort Hamilton, N. Y.

SIR: The General-in-Chief directs me to say that orders have been sent to Major-General Wool to transfer from Fort Monroe by the first

* For full text of this letter see Vol. I, this series, p. 596.

suitable conveyance Hon. Henry May, Messrs. Winans, Brown and twelve other political prisoners arrested in Baltimore to Fort Lafayette. You will please receive and hold them in custody. They will be allowed to receive no visitors and only to communicate on purely personal or domestic matters by letters to be inspected.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

WASHINGTON, D. C., *September 23, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: On the 11th instant in pursuance of the orders of the Hon. Simon Cameron, Secretary of War, and Major-General McClellan I went to Baltimore accompanied by a sufficient number of my detective force and Lieut. W. M. Wilson, of the Fourth U. S. Cavalry. On arriving at Baltimore I proceeded to Fort McHenry and delivered to Major-General Dix an order from the War Department for the arrest of * * * Henry May.* The said order mentioned to General Dix that I was directed to conduct the arrests, also to search for and seize the correspondence of the above-named parties.

On consultation with General Dix it was deemed advisable as it was now about midnight to postpone the attempt to arrest until the following night. * * * At about midnight [of the 13th] the several divisions moved simultaneously upon the places where we had discovered Scott, Wallis, F. Key Howard, Hall, May and Warfield, and at that time all the above named were arrested within fifteen minutes, their clothing thoroughly searched and immediately thereafter they were forwarded to Fort McHenry in separate carriages. My force made diligent search for all correspondence on the premises of each of the parties, all of which was seized. * * *

Very respectfully, your obedient servant,

ALLAN PINKERTON.

Letters found among May's papers seized by Allan Pinkerton.

[No. 1.]

BALTIMORE, *Friday, May 3, 1861.*

His Excellency GOVERNOR HICKS, *Frederick, Md.*

SIR: Cherishing a love of constitutional liberty and believing that a firm support of authority is both the duty and safety of the citizen in this unhappy crisis of our country when a vile spirit of radicalism is hurrying us into a state of anarchy I have wished to forget the past and to offer to you as the Chief Magistrate of our State my cordial and firm support as a citizen. Some of your friends who know what are my views have to-day informed me that this offer would not be unacceptable to you, and now that the very foundations upon which our State government and indeed the vital principles of civil liberty rest are threatened by a reckless legislative usurpation, I cannot hesitate to offer you all the aid and support to your authority that I can in any way render.

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*For names omitted and full text of this report see Vol. I, this series, p. 688.

I do this under the conviction that you will resist to the last extremity all invasions of our constitution and especially the abominable scheme of electing an irresponsible and despotic tribunal, and with full power to provide for the protection, safety, peace and defense of the State. I can assure your excellency that every good and resolute citizen without respect of party who is not engaged in this mad crusade against the principles of republicanism will stand by you and resist with their lives the plot of a revolutionary cohort.

I am, very respectfully, your fellow-citizen,

HENRY MAY.

[No. 2.]

WAR DEPARTMENT, C. S. A., *Richmond, July 5, 1861.*

Col. EPPA HUNTON, *Commanding, Leesburg:*

Henry May has permission to visit Harper's Ferry or any other point in the Confederacy upon his honor as a man that he will not communicate in writing or verbally for publication any fact ascertained by him.

L. P. WALKER,
Secretary of War.
By A. T. BLEDSOE,
Chief Bureau of War.

[No. 3.]

FORT MCHENRY, *near Baltimore, July 6, 1861.*

Hon. HENRY MAY, *Representative of Fourth Maryland District.*

SIR: I take the liberty of forwarding to you in accordance with the advice which has been given to me certain documents* which are supposed to have a bearing upon the case connected with my arrest and incarceration in this fortress. I take the liberty of informing you that I am not advised of the causes of my arrest and challenge my accusers if any there be to bring me into a court of justice or to substantiate any charge against me affecting my character as an officer or gentleman. As soon as I can have another interview with my counsel, George W. Dobbin, esq., it is my purpose to memorialize Congress for an investigation into the circumstances of my arrest. I repeat that I challenge the world for any evidence impeaching my integrity in any act of my life, and shall very probably unless otherwise directed by my counsel ask by memorial that the conduct of those by whom I am held a prisoner be investigated. I send you the accompanying papers in order that you may be informed of the circumstances of the *emeute* of 19th of April last, which has been made the occasion or cause of a constant, systematic and willful abuse of me in the Northern press ever since.

In haste, I am, very respectfully, sir, your obedient servant,

GEO. P. KANE,
Marshal of Baltimore.

[No. 4.]

BALTIMORE, *July 19, 1861.*

Hon. HENRY MAY, *Washington.*

MY DEAR SIR: I can not feel satisfied without thanking you as a Marylander for the noble stand you have taken amongst a powerful

* See Vol. I, this series, p. 619 *et seq.*, for report of board of police of Baltimore and Mayor Brown's letter to the legislature, correspondence, etc., relating to the "Arrest of the mayor, marshal and police commissioners of Baltimore."

opposition which has trampled under foot the glorious heritage once vouchsafed to the humblest of American citizens. May God protect you and give you health and strength together with every blessing.

Truly, yours,

HENRY M. WARFIELD.

[No. 5.]

BALTIMORE, *July 19, 1861.*

Hon. HENRY MAY, *Washington.*

MY DEAR SIR: I returned on Wednesday from Frederick County perfectly restored to health, but of course anxious to know the news. One of the most gratifying things I have read is the newspaper account of your bold and manly speech in the House yesterday* of which I will thank you for a copy. It is I know always gratifying to a gentleman holding such a position as yours to find that his course meets with the approbation of his constituents and I therefore feel I am not intruding when I tell you that the manner in which you denounced the insolent and contemptible attempt to injure you and the tyrannical usurpation which has trampled upon our rights here receives the sanction of all those whose opinions are worth anything. I am myself particularly glad that you have stood up so manfully, because I can point to your position as proof of my repeated declarations before the election to some who were not disposed to give you their votes that you would if elected do everything that could be done to vindicate the rights and protect the interests of Baltimore. The temper manifested by the dominant party leaves small room for hope that they will pause before any constitutional barrier, but it is a consolation to know that our Representative will under all circumstances remain true to us and to himself. I was sorry to see by the papers that you were unwell, but hope you have now recovered.

Sincerely, yours,

J. P. POE.

[No. 6.]

[WASHINGTON, *July —, 1861.*]

[Hon. HENRY MAY.]

MY DEAR SIR: Mrs. Bayard Smith has not received your speech. She wishes to have several of yours and of Mr. Breckinridge's if you can get them for her. (Women govern men, and are not to be neglected by you politicians.) I told Mrs. Smith I should write to you to remind you to send your speech. She said, "And give him my love, if he keeps on as he has begun." The excellent little lady is very much in earnest. Old Hodge, condemning her zeal, told Corcoran, "The little woman is crazy." "Crazy?" retorted C.; "it's of such women that heroes are born." Carlisle thinks it a capital card—a great occasion for you and Charles O'Conor—the habeas corpus before Judge Nelson. You will have as fine an opportunity as ever Erskine had. I had the honor of an interview yesterday with Old Abe to procure the execution of a sentence of a court-martial cashiering a volunteer colonel for spoil and pillage. My zeal was somewhat too apparent so he took time to consider of it.

Yours, faithfully,

J. F. LEE,

[*Judge-Advocate, U. S. Army.*]

*For May's speech referred to in this and the following letter see proceedings of the House of Representatives on July 18, 1861, in the Congressional Globe of July 20, 1861, at p. 196 *et seq.*

[No. 7.]

* * * * * * *

Permit me in conclusion to confess a conviction that arms in the hands of the North alone employed by an Administration elected on a principle of hostility of an irrepressible conflict against the most vital interests of the South, in which are also involved the safety if not the very existence of its people, and which Administration has hitherto manifested an uncompromising policy against those very interests since its accession to power, will not be able to preserve or restore our Union of States. But if it be otherwise and the mere declaration of a purpose to subdue their opposition has so generally united the people of the South in an attitude of hostility the clash of arms upon their soil and the terrible bloodshed that must ensue will leave but few indeed if any during our generation to feel or testify a sentiment of loyalty, or the undying hatred of a free people against their conquerors will descend to their children. And the bitter and sanguinary spirit too of the North presages a miserable future of domination, producing only discord and not union. These sad contemplations force upon me the most painful apprehensions that the tendency of events is now hurrying us into a form of consolidated government if not a military despotism, since a war of sections can only conquer peace at the expense of liberty and union. We must all therefore upon the most impressive responsibilities that rest upon men at once invoke the benign influences of peace, conciliation, compromise and preserve together and perpetuate our liberties and glorious Union one and inseparable.

[Indorsement made by Department of State.]

A detached manuscript with figure 8 on one margin, writing having every semblance of May's, wherein he declares arms in the hands of the North is evidence of hostility against the vital interests of the South, and charges the spirit of the North as bitter and sanguinary and conducive of discord and not union and obviously leading to a consolidated or military government.

—

FORT HAMILTON, *New York Harbor, September 27, 1861.*

Col. E. D. TOWNSEND,
Asst. Adjt. Gen., Hdqrs. of the Army, Washington City.

SIR: Yesterday evening I received the following prisoners from General Wool. They are now confined at Fort Lafayette. They were receipted for to Captain Coster, U. S. Army: * * * Henry May.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, U. S. Army, Commanding.

—

WASHINGTON, *October 9, 1861.*

Hon. W. H. SEWARD, *Secretary of State.*

SIR: As an intimate personal friend of Hon. Henry May I would earnestly ask the favor of you for permission to visit him at Fort Lafayette upon my own and private business in which he is deeply interested.

Awaiting your reply, I am, with great respect, your obedient servant,

T. POULTNEY.

Would the release of Hon. Henry May be granted upon his parole of honor to remain out of the State of Maryland and not to speak or write one word upon our national trouble?

—

DEPARTMENT OF STATE, *Washington, October 10, 1861.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

SIR: Herewith I inclose to you a copy of a communication addressed to the President by John F. May relative to his brother, Henry May, a prisoner confined at Fort Lafayette. You will please allow Mr. Henry May such privileges of air and exercise as may be consistent with his safe-keeping.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

[Inclosure.]

WASHINGTON, *October 10, 1861.*

The PRESIDENT OF THE UNITED STATES.

SIR: I feel it to be my duty to address you in regard to the privations and cruel treatment of my brother, the Hon. Henry May, now a prisoner in Fort Lafayette. From the interview I had with you some weeks since I was led to hope that my brother would soon be released for you then told me such was your belief, and especially did I indulge this hope from the certainty I felt that no direct charge of disloyalty against the Government of the United States either by word or deed or thought had been brought or could be sustained against him.

If no such charge has been brought against him has he not the right to ask that one should be preferred or that he should be released? Or is he to be held in hopeless confinement and subjected to the sufferings he is now enduring both from disease and the place in which he is imprisoned? That place, sir, is a casemate in Fort Lafayette and in that one apartment are now confined thirty-three persons so crowded together that their narrow beds are actually in contact, and when the condition of the weather requires that the port-holes should be closed you may imagine the atmosphere which is inhaled by a man whose lungs are diseased as will be seen by the inclosed certificate of Dr. N. R. Smith, his physician in Baltimore. The prisoners who are confined in this casemate and all the others who are in this fort (some 100 in number) are locked up at 6 o'clock in the evening and a few minutes after 9 o'clock the few tallow lights allowed them are by order extinguished and then in this crowded apartment in darkness and a foul atmosphere my brother with his companions linger night after night subjected to a treatment more suitable to a felon than to a gentleman whose honor is as pure as any man's in this land, and whose only crime is that while endeavoring to keep the peace in his own State at all times and on all occasions he has been opposed to the policy of your Administration in regard to the unhappy difficulties in which our country is now involved.

I state these facts which I have obtained from a person who has recently been released from Fort Lafayette and who was confined in the same room with my brother. He tells me that his health is giving way and expressed to me the belief that he will sink under this cruel treatment if it is continued. One of my brothers, an officer of the U. S. Navy, is now dying of consumption. I have lost two others in less than two years and a fourth will in all human probability be added to the list if it is deemed proper to continue the treatment he is now receiving.

I am ignorant of the proper authority to address in relation to the treatment and sufferings of prisoners arrested by order of the Government of the United States and I therefore address you directly as the head of that Government and respectfully request that this statement of facts may be recorded or filed in the proper Department with a hope that it may lead to their redress.

I am, sir, very respectfully, your obedient servant,

JNO. FRED'K MAY.

[Sub-inclosure.]

BALTIMORE, *September 18, 1861.*

This is to certify that I have attended professionally the Hon. Henry May for some six years past on account of an affection of his lungs which has rendered it impossible for him to continue his professional avocations and which at times has most seriously affected his respiration and voice. Confinement in a close apartment will in my opinion seriously affect his health. I think it of the utmost importance that he should enjoy the open air and exercise.

N. R. SMITH, *M. D.*

—

DEPARTMENT OF STATE, *Washington, October 11, 1861.*

Col. MARTIN BURKE, *Fort Hamilton, N. Y.*

SIR: You are authorized to release the Hon. Henry May, of Baltimore, now confined at Fort Lafayette, to attend his brother's funeral and under an engagement to return to the fort if required by the Secretary of State.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

—

FORT HAMILTON, *New York Harbor, October 11, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Inclosed please find engagement of Hon. Henry May to return to Fort Lafayette if required by the Secretary of State. Mr. May has been released and started for Baltimore immediately.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

[Inclosure.]

FORT HAMILTON, N. Y., *October 11, 1861.*

I, Henry May, do hereby give my word of honor that I will return to Fort Lafayette if required by the Secretary of State.

HENRY MAY.

Witnesses:

HENRY E. SMITH.
JAS. C. LAY.

—

CUMBERLAND, MD., *October 12, 1861.*

Hon. WILLIAM H. SEWARD, *Washington.*

MY DEAR SIR: The inclosed tells a story that I am sure will affect you. I send it as the best mode I can think of to accomplish the pur-

pose of the writer. I sincerely trust you will find no imperative reasons of state to prevent your granting a relief that humanity pleads for.

Truly, yours,

REVERDY JOHNSON.

[Inclosure.]

BONNIE BRAE, *October 9, 1861.*

DEAR MR. JOHNSON: Your kindness induces me to ask you another favor. Very unfavorable symptoms have in the last few days manifested themselves in William May's case. His physician writes: "It is now only a question of days or weeks." I beg of you to try and procure Mr. May's release on parole that he may be enabled to watch the last sad hours of his brother's life. I will pledge myself that he will abstain from all political conversation or correspondence till Congress meets. I understand Mr. Pierce Butler was released by signing a paper pledging himself to abstain from aiding the South, &c. Now as Mr. May never had any such intention I can answer for his cheerfully signing such a contract. His brother is at present on his farm on the Eastern Shore. I think it will be necessary for him to be moved to Baltimore in a few days if he is able. If he remains on the Eastern Shore Henry would give his parole to remain there with him. Mr. May does not know how much worse William is. I fear to tell him unless I can at the same time carry him the news of his release. His heart has in times of affliction shown dangerous symptoms, and you may judge how distracted I feel at the idea of William's death occurring while he is under arrest and I not able to be with him. I beg you not to remember me as the greatest bore of your acquaintance.

Aid me in this and render me still more your sincerely obliged,

H. DE C. MAY.

DEPARTMENT OF STATE, *Washington, December 2, 1861.*

Maj. Gen. JOHN A. DIX, *Baltimore, Md.*

GENERAL: You will please release the Hon. Henry May, of Baltimore, from his parole.*

I have the honor to be, general, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

Case of Daniel Cory.

Daniel Cory, of Somerset County, N. J., was arrested by order of the Secretary of State dated September 14, 1861, and committed to Fort Lafayette. He was charged with disloyalty, with denouncing the Government and fomenting disloyalty. It is shown by affidavits that he denounced President Lincoln as a tory and traitor who ought to be hung; he would like to put a bullet through him and said that the yellow-bellied Yankees who were going to fight the South ought to be shot and have their necks stretched. An order was issued from the Department of State dated October 15, 1861, directing Lieut. Col. Martin Burke, commanding at Fort Lafayette, to release Cory on his taking the oath of allegiance stipulating that he will neither enter nor correspond

* No record further than this order of May's release can be found.

with the States in insurrection without permission from the Secretary of State, nor do any act hostile to the United States during the present insurrection. He was accordingly released October 21, 1861.—*From Record Book, State Department, "Arrests for Disloyalty."*

Case of Benjamin F. Longley.

The first information received at the Department of State concerning this man [B. F. Longley] was a letter dated Portland, September 5, 1861, directed to the Secretary of State from Jedediah Jewett, collector of that port, in which he says:

> Mr. Benjamin, alias Benjamin F. Longley, formerly engaged in the express business in this city but of late connected with an express or forwarding company between Saint Louis and New Orleans has lately visited Lancaster, N. H., where he openly avowed his sympathy with those in rebellion against the Government of the United States. From incidental remarks made by him at Lancaster and the fact that he left there to meet a steamer at Quebec I infer that he is still engaged in forwarding goods or letters to the South.

He was arrested by order of the Secretary of State September 14, 1861, at Niagara Falls and committed to Fort Lafayette and from thence transferred to Fort Warren, Boston Harbor. An order was issued from the Department of State dated November 25, 1861, directing Colonel Dimick, commanding at Fort Warren, to release Longley on his taking the oath of allegiance stipulating not to do certain acts. He was accordingly released November 28, 1861.—*From Record Book, State Department, "Arrests for Disloyalty."*

Case of James A. McMaster.

James A. McMaster, editor of The New York Freeman's Appeal, was arrested by order of the Secretary of State dated September 14, 1861, and committed to Fort Lafayette. He was charged with disloyalty and with editing a disloyal newspaper in New York City. An order was issued from the Department of State dated October 21, 1861, directing Colonel Burke, commanding at Fort Lafayette, to release McMaster on his taking the oath of allegiance. He was accordingly released October 23, 1861.—*From Record Book, State Department, "Arrests for Disloyalty."*

U. S. MARSHAL'S OFFICE, *New York, September 13, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: Inclosed you will please find a copy* of The Freeman's Appeal, published in this city by James A. McMaster. What is your opinion in regard to the arrest and confinement at Fort Lafayette of the said editor?

Yours, respectfully,

ROBERT MURRAY,
U. S. Marshal.

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*Not found.

DEPARTMENT OF STATE, *Washington, September 14, 1861.*

ROBERT MURRAY, Esq.,
U. S. Marshal, Southern District of New York.

SIR: Your letter of yesterday respecting James A. McMaster has been received. You will arrest and send him to Fort Lafayette.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

NEW YORK, *September 29, 1861.*

His Excellency the PRESIDENT OF THE UNITED STATES:

It may be known to Your Excellency that on the 16th instant James A. McMaster, esq., editor and proprietor of The New York Freeman's Appeal, was arrested by a State warrant and was conveyed to Fort Lafayette where he is now a prisoner. I am the wife of that gentleman and am residing in this city, having our two young children under my charge. On the supposition that the arrest of Mr. McMaster was caused by articles that appeared in his paper that journal has by his direction been suspended ever since his withdrawal from his post. Most of his worldly means and the fruit of many years of arduous and unremitting labor are deposited in his paper and his whole future career as a journalist may depend upon the preservation of his interests in it. The character of the paper has been such that its circulation was a wide though not a very large one and few could have suffered proportionately more than it did by the interruption of communications between the North and the South. I am now advised by friends that the continued suspension of The Appeal will be followed by the complete loss of its subscription list, its advertising patronage and by such pecuniary damage as will require the discharge of its employés.

Under these circumstances and under favor of a permit given me by the Secretary of State I have sought Mr. McMaster at Fort Lafayette and with his consent I have arranged to purchase his interest in the journal as a bona fide transaction and with the assistance of a few friends to carry it on in my own name. This seems to be the best if not the only way to save his business from destruction.

I promise and am willing to guarantee that the paper will not be in any way obnoxious to the charge of hostility to the administration of the Government; and I respectfully ask that it may be allowed to pass through the mails. I request this of the President because there is positive reason to doubt that the postmaster of New York will feel himself authorized to permit it on his own sole authority. At the same time I regret extremely to be obliged to propose consuming any part of the time of Your Excellency with this memorial when one is sure that there are so constant and pressing demands upon it.

I have the honor to be, Mr. President, your obedient servant,

GERTRUDE G. McMASTER.

NEW YORK, *October 9, 1861.*

His Excellency the PRESIDENT OF THE UNITED STATES:

The undersigned had the honor to address Your Excellency on the 29th ultimo a communication relating to the paper lately edited by James A. McMaster, esq. The subject is one of great importance to his private interest and to his family and delay in deciding what course

to adopt is causing injury to the property. If my proposition cannot be admitted by the Administration it may be that some modification of it might meet their views and at the same time save the property in the paper.

I should be assisted and gratified by being instructed in the wishes of the President in this matter, and am, Your Excellency's obedient servant,

GERTRUDE G. McMASTER.

—

DEPARTMENT OF STATE, *Washington, October 21, 1861.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

SIR: You will please release James A. McMaster on the terms proposed by himself. To aid you in determining what those terms are I forward his letter* addressed to William H. Ludlow, esq., together with that in which it was inclosed* to this Department. You will please return them to me with your report in the case.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

—

FORT HAMILTON, *October 23, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Inclosed please find oath of allegiance with protest annexed of James A. McMaster, whom I have this day released by your order.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

[Inclosure.]

FORT HAMILTON, N. Y., *October 23, 1861.*

I, James A. McMaster, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States against all enemies whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same any ordinance, resolution or law of any State convention or legislature to the contrary notwithstanding; and further that I do this with a full determination, pledge and purpose without any mental reservation or evasion whatsoever; and further that I will well and faithfully perform all the duties which may be required of me by law. So help me God.

JAMES A. McMASTER.

Sworn to and subscribed before me this 23d day of October, 1861.

J. C. LAY,
First Lieutenant, Twelfth Infantry.

I protest against the demand made on me to take the above oath to all the requirements of which I hold myself already bound as being a citizen of the United States. I protest against it because there is no warrant of law or of justice in requiring the oath of me. I insist moreover on adding this protest to the record of my oath.

JAMES A. McMASTER.

* Not found.

Case of Mrs. Elizabeth K. Baldwin.

Elizabeth K., wife of Commander A. S. Baldwin, of the U. S. Navy, became known to the Department of State as a correspondent of W. H. Winder,* a disloyal citizen of Philadelphia, in her correspondence with whom she had habitually expressed sentiments and opinions in sympathy with the rebels. On the 18th of September, 1861, Mrs. Baldwin was directed to be placed under surveillance by the Secretary of State and her correspondence to be taken possession of and examined. She stated to the officer who called upon her in pursuance of this direction that she had destroyed all her letters from Winder; also that she had held correspondence with persons in the rebel States, but had destroyed all their letters. On the 25th of September, 1861, Mrs. Baldwin having on the 23d of the same month taken the oath of allegiance to the United States an order was issued from the Department of State directing the U. S. district attorney for New Jersey, who had charge of the surveillance over Mrs. Baldwin, to discontinue the same.—*From Record Book, State Department, "Arrests for Disloyalty."*

Case of Charles S. Morehead, Reuben T. Durrett and M. W. Barr.

Charles S. Morehead, of Kentucky, was arrested on the 19th day of September, 1861, accused of being actively engaged in stirring up and promoting rebellion, and directly charged with treason on the oath of A. H. Sneed, marshal of the United States for Kentucky district. Morehead was arrested by said marshal by virtue of a warrant founded upon the oath aforesaid issued by Joseph Clement, a justice of the peace of Jefferson County, Ky. It appears by the return of the said marshal to a writ of habeas corpus issued by order of Judge Catron, holding a circuit court at Louisville, directing him to bring into court the said Morehead, that he the said marshal had caused the said Morehead to be taken to Indianapolis for the safety of his person, and while there that he had been taken by military force by order of the Secretary of War and conveyed to Fort Lafayette. No further proceedings appear to have been taken in the courts on the original complaint against Morehead. The said Morehead was transferred from Fort Lafayette to Fort Warren where he remained in custody till January 6, 1862, when he was released on his parole not to enter the State of Kentucky or any insurrectionary State nor to do any act or enter into any correspondence adverse to the authority of the United States, and to hold himself at the disposition of the Secretary of State until otherwise directed. The said Morehead refused to take the oath of allegiance to the United States.

Reuben T. Durrett was arrested by order of the military authorities in Kentucky about the 19th of September, 1861, and conveyed to Fort Lafayette and from thence transferred to Fort Warren October 30, 1861. Durrett was charged with disloyalty to the United States Government while acting editor of The Louisville Courier, and with having written and had published in that paper editorials of most treasonable character, from one of which the following extracts are taken. In an article denouncing what the editor styles the "neutrality of the last legisla-

* See case of Winder, p 721 *et seq.*

ture" he says.* Applications having been made by petitions and letters for the release of Durrett, an order was issued from the Department of State December 5, 1861, directing Colonel Dimick to discharge him upon his taking the oath of allegiance, &c. Reuben T. Durrett was accordingly released on the 9th day of December, 1861.

Martin W. Barr was arrested at his residence in Louisville, Ky., September 19, 1861, by the military authorities of that department and was conveyed to Fort Lafayette. November 1, 1861, Barr with others was transferred to Fort Warren. The charges against Barr were that he sympathized with the rebels and used his position as telegraph agent of the Associated Press to advance the insurrectionary cause. December 30, 1861, an order was issued from the Department of State for the release of Barr on his taking the oath of allegiance, &c. January 7, 1862, Colonel Dimick wrote to the Department that Barr declined to take the oath and that he requested to be exchanged January 9, 1862. Colonel Dimick was directed to retain Barr in custody to await the further pleasure of the Secretary of State. Barr was again tendered his release on taking the oath January 31, 1862, and refused to accept it. The said M. W. Barr remained in custody at Fort Warren February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

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INDIANAPOLIS, *September 9, 1861.*

Hon. W. H. SEWARD.

SIR: I send you the inclosed Kentucky paper† with several articles marked merely to inquire if it is not about time the editor were an occupant of Fort Lafayette or some other suitable place for traitors? The people are getting tired of sending their sons to fight rebels while such as this editor, more mischievous by far than if armed with muskets, are allowed to furnish aid and comfort to the enemy unmolested.

Respectfully, &c.,

CHARLES FISHBACK.

—

JEFFERSONVILLE, IND., *September 19, 1861.*

U. S. MARSHAL OF THE DISTRICT OF INDIANA.

SIR: You will take charge of Governor Morehead, M. W. Barr and Mr. Durrett and keep them until further orders. Confer with Governor Morton.

A. H. SNEED,
U. S. Marshal of the District of Kentucky.

—

WAR DEPARTMENT, *Washington, September 20, 1861.*

Governor O. P. MORTON, *Indianapolis, Ind.:*

Send Governor Morehead, of Kentucky, immediately to Fort Lafayette under proper guard.

SIMON CAMERON,
Secretary of War.

*Extract here omitted. It will be found at p. 808. †Not found.

LOUISVILLE, *September 24, 1861.*

PRESIDENT OF THE UNITED STATES.

MY DEAR SIR: On Friday night last ex-Governor Charles S. Morehead, Reuben T. Durrett and M. W. Barr were arrested in and near this city, and I understand they have been taken to Fort Lafayette. I telegraphed you this morning in conjunction with two or three other gentlemen in relation to Mr. Durrett. Mr. Durrett has been and I presume still is a bitter personal enemy of mine but I am extremely anxious for his release. He is a secessionist, but he has never done any harm in our community. He couldn't do any harm if he would. He is not without talent, but he has no influence, and his discharge could not be productive of the least possible injury to the Union cause. But the strongest reason why I wish his release is that his wife, a most estimable woman, is on the very verge of delirium on his account. I do believe in my heart that if he be kept from her many days she will go utterly and hopelessly mad.

Governor Morehead has been one of the dearest of my personal friends for nearly thirty years. I do not believe that his arrest was necessary or expedient. His feelings lately have been with the South, but I have heard him say twenty times and with great vehemence that he would give all he has in the world, life included, to restore the Union to what it was before the Southern States seceded. He has uniformly condemned secession, but has contended warmly for peace on the ground that war could never restore the Union, and unquestionably his feelings have become a good deal excited against the Government. He has strongly condemned in two or three speeches, and probably in a pamphlet he is said to have been preparing, the suspension of the writ of habeas corpus and one or two other acts of the Government, but I have no idea that he had a thought of transcending the legitimate privileges of a citizen. I am sure that his detention in prison can do no good; I think his release may do some. I am assured by his family and friends that if released he would go immediately to the South, and certainly he would not take up arms, and he is very far from being in a condition to aid the rebels with money. I pray you release him unless you have proofs before you of his treason. I beseech you to release him if you can without the violation of a great duty. His imprisonment for any length of time in the present embarrassed condition of his affairs would be the ruin of his amiable and excellent family. Strongly as I am opposed to his recent course, I would rather give a portion of the brief remnant of my life than have his confinement protracted.

And I cannot think it worth while to detain Mr. Barr in prison. He has a very lovely wife dependent upon him. He is a poor man, long a telegraphic operator here and during the last three or four months he has been employed by the company in New Orleans as their telegraphic agent in this city. He has of course telegraphed what he thought would be most agreeable to his employers. It would have been very easy to make him desist from that work without confining him as a state prisoner. If discharged he will be sure to do no such work again.

Asking your indulgence for troubling you with this long letter and most earnestly hoping I have not written it in vain, I remain, most respectfully, yours,

GEO. D. PRENTICE.

[Indorsement.]

Were sent to Fort Lafayette by the military authorities of Kentucky and it would be improper for me to intervene without further knowledge of the facts than I now possess.

A. LINCOLN.

—

LOUISVILLE, *September 24, 1861.*

J. A. KASSON, *Assistant Postmaster-General:*

Intercede with the President for the release of R. T. Durrett from Fort Lafayette on his poor wife's account, who is in a very bad way. Answer.

J. T. D. OSBORNE.

[Indorsement.]

Respectfully referred to the President.

JOHN A. KASSON,
First Assistant Postmaster-General.

—

WASHINGTON, *September 25, 1861.*

His Excellency ABRAHAM LINCOLN,
President of the United States.

DEAR SIR: I deem it my duty to place in your hands the inclosed paragraph from the pen of Reuben T. Durrett, now confined as a traitor at Fort Lafayette, and whose release was asked for by a dispatch* from Louisville which reached you on yesterday. I would especially invite your attention to the closing sentence of this treasonable declaration. The Courier under this man's editorial management has done everything to incite the people of Kentucky to take up arms against the General Government. His arrest has rejoiced the hearts of the Union men, and his discharge under the circumstances in which the State is placed would in my judgment be a fatal mistake. He will no doubt offer to take the oath of allegiance, but I express only the convictions of those who know him best when I say that he would take the oath if necessary on his knees, and would stab the Government the moment he rose to his feet.

Very respectfully, your obedient servant,

J. HOLT.

[Inclosure.]

Reuben Durrett, editor of The Louisville Courier and now in Fort Lafayette, is the author of the following paragraphs which appeared in the paper a few days before his arrest.

Denouncing what it styles the "neutrality of the last legislature" The Courier says:

> It has subjected the State justly to insult and invasion, and now leaves her on the verge of civil war. We know of but one way to avert this dire calamity now, if it be not now too late, and that is to adopt an honest and manly neutrality without any more sneaking and shuffling and contradictory conditions and reservations. But this can only be done by separating from the Northern Union. By this alone can Kentucky be exempted from contributions of men and money, from implication in embargoes, and all other belligerent measures. And we say she is under no obligation to remain in the Union, but under many to leave it. * * * The truth is that

* Osborne to Kasson preceding.

the United States of America no longer exists in law or in fact, and that the constitutional compact can be no longer executed. Kentucky does not and can not belong to the Union according to the cant of the Lincoln men. She may by express compact unite herself to the Northern States, but we beg leave to assure messieurs the members of the present legislature that they cannot do it by any acts of commission or omission. It can be done only by the people of Kentucky in their primary capacity or by delegates in sovereign convention assembled. We therefore deliberately pronounce the assumption of any authority over Kentucky by the Lincoln Government or by the present legislature under it as a usurpation and revolutionary and which no citizen of Kentucky is bound to obey.

—

DEPARTMENT OF STATE, *Washington, October 2, 1861.*

GEORGE D. PRENTICE, Esq., *Louisville, Ky.*

SIR: Your letter of the 24th ultimo relative to the cases of Messrs. Durrett, Morehead and Barr and requesting their discharge from custody has been received. In reply I have to inform you that as they were arrested and sent to Fort Lafayette by order of the military authorities of Kentucky it would be improper for me to intervene, especially without further knowledge of their cases than I now possess.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

—

EXECUTIVE MANSION, *October 4, 1861.*

Hon. SECRETARY OF STATE.

MY DEAR SIR: Please see Mr. Walker, well vouched as a Union man and son-in-law of Governor Morehead, and pleading for his release. I understand the Kentucky arrests were not made by special direction from here, and I am willing if you are that any of the parties may be released when James Guthrie and James Speed think they should be.

Yours, truly,

A. LINCOLN.

—

DEPARTMENT OF STATE, *Washington, October 4, 1861.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

SIR: You will please permit Mr. Samuel J. Walker to make a single visit in the presence of a proper officer to Governor Morehead, a prisoner confined at Fort Lafayette.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

—

LOUISVILLE, *October 5, 1861.*

DEAR CRAIG: Yours of the 28th ultimo containing the inclosed* from Barr was duly received.

I have just succeeded in getting an interview with A. H. Sneed, the U. S. marshal here, in reference to the charges against Barr and the chance of procuring his release. Sneed says that there was no charge against Barr in reference to any of his telegraph operations; that he was arrested among other things for giving counsel and advice by letter and otherwise to Governor Harris and other Confederates whereby they came into possession of facts which it was treasonable for a citizen of the United States under the circumstances to divulge to their adversaries.

*Not found.

Sneed has none of the documentary evidence upon which Barr's arrest was predicated, but he tells me that on the 21st instant at Frankfort the U. S. court will examine this and other similar cases, and then that the accused will have a copy of the charges. As to Barr's family it is undoubtedly true that they are dependent upon Barr's exertions for their support. They are now at Humboldt, Tenn., and Barr's friends are making exertions to get them either to La Grange, Ky., or to New Albany, Ind., at each of which places his family have friends who are anxious that Mrs. Barr and her children should come and stay with them for the present. They will undoubtedly be brought here as soon as arrangements can be completed to insure their safe conduct hither. Mr. Casseday who is attending to these matters tells me that it is probable that The South will continue to Mrs. Barr that portion of the salary which they agreed to pay, and if so Mrs. Barr may get along comfortably so far as pecuniary considerations are concerned for a while.

Mr. Sneed thinks from what was represented to him at Barr's arrest that the chance of Barr's release is entirely hopeless. He says the evidence of his giving aid and comfort to the enemies of the United States is overwhelming, but that for particulars we must await the action of the grand jury of the U. S. court at Frankfort on the 21st instant. I am sorry that Barr seems to be thus involved, but from Sneed's representations he may disabuse himself of the idea that he was arrested on account of any of his general telegraphic news operations, however perverted or colored his dispatches may have been. I allude of course to the dispatches condensed from our Eastern reports. It is just possible something sent from here may have been offensive to our Government. But Sneed thinks not and we cannot learn till the 21st.

Truly, yours,

GEORGE W. TYLER.

LOUISVILLE, *October 10, 1861.*

Hon. S. P. CHASE.

DEAR SIR: The inclosed appeal to the President in behalf of R. T. Durrett, now a political prisoner at Fort Lafayette, has been sent me to sign and forward. The latter request I obey with pleasure, inclosing it to you. Since Mr. Durrett's arrest I have visited his wife and mother-in-law twice. Mrs. Durrett (Lizzie Bates) is in a truly pitiable condition; and her mother's (Mrs. Caleb J. Bates) state is not much better. What is said in the appeal as to their patriotism is I believe entirely true. They are not only loyal in act and sentiment but deeply deplore the writing of the editorials in The Courier which caused Mr. Durrett's arrest. As to Durrett himself I believe that in the few days he was acting as one of the editors of The Courier he was more imprudent than wicked, and acted worse than he thought. I am of this opinion from a conversation I had with him a few days before he undertook temporarily to assist in the editorship of the paper. He then expressed much regret at the condition of the country; said he hardly knew which side he was on, and declared that so far as fighting was concerned he didn't intend to fight for either. I agree with the statement in the appeal to the President that "he is what would generally be called a harmless man," and I believe that his release on taking the oath would do good rather than harm to the Union cause in this part of the country.

Still I deem it proper as the appeal calls the President's attention to you individually that you should understand the nature and extent of Mr. Durrett's offense. Hence I inclose to you a copy of the affidavit referred to, and in a separate envelope papers containing the articles which Mr. Randal swears were the production of Mr. Durrett. These articles I mark. I also mark the article headed "Once more," which Mr. Randal swears Mr. Durrett did not write. The writer of this is at large. If anything of the sort is treasonable this certainly is. Mr. Randal knows who wrote it.

Respectfully,

W. D. GALLAGHER.

[Inclosure No. 1.]

To the PRESIDENT OF THE UNITED STATES:

The undersigned respectfully ask that the Executive clemency may be extended to Reuben T. Durrett, of Louisville, Ky., who is now imprisoned in Fort Lafayette. Mr. Durrett was arrested as we understand because he was thought to be the editor of The Louisville Courier, a very offensive newspaper. But we are assured that he had not been the editor of the paper for about two years. He wrote some articles at the request of the editor who was absent which are certainly not such as we could justify in any manner; but the most objectionable and which were thought to be written by him we are assured by the affidavit of W. H. W. Randal, an employé in the printing office, were not written by him, and we are satisfied that this is true. This newspaper was suppressed on the 19th of last month and it is not now in existence.

Mr. Durrett, as far as has come to our knowledge, behaved himself well and rather modestly during the excited time of the spring and summer. He is not a man who is calculated to do such harm to the State as could require in any sense a military imprisonment. Indeed we look upon him as what would be generally called a harmless man. We are very sure his release can do no harm to the United States. His wife is a Union woman, her mother is a Union woman (Mrs. Bates, of Cincinnati), who has been working since the war commenced with her own fingers for the soldiers of the U. S. Army as a matter of patriotism. Her son, Mrs. Durrett's only brother, is in the volunteer service of the United States from Ohio. The worth of this family is well known to Mr. Secretary Chase.

GEO. D. PRENTICE.
HENRY PIRTLE.
HAMILTON POPE.
BLAND BALLARD.
C. B. MUIR.
W. F. BULLOCK.
JOS. DOLPH.
J. LEVIS.
JAMES GUTHRIE.

In consideration of Mrs. Durrett's position and Mrs. Bates' patriotism if Mr. Durrett will take the oath of allegiance I would most heartily beg the clemency of the President of the United States.

J. D. OSBORNE.

[Inclosure No. 2.]

I, W. H. W. Randal, of the city of Louisville, Ky., at the earnest request of the wife and mother-in-law of R. T. Durrett, now understood

to be a political prisoner at Fort Lafayette in New York Harbor, made through a mutual friend, and also at the request of friends of the family in this city, depose and say that at the time of the suppression of the publication of The Louisville Courier newspaper on the morning of the 19th of September, 1861, and for some time previous I was employed in the news room; that the said R. T. Durrett for a few days before the suppression of the said paper was acting as editor *ad interim* in the absence of the principal editor, Colonel McKee; that during those few days the said Durrett wrote several of the political leaders, but not as is generally supposed the exceedingly offensive article headed "Once more" and published in the issue of the 18th of September, the last number printed, which article was represented and is by me believed to have been written by another editorial assistant; that at the request of Mrs. Durrett made through a friend I have examined with some care the manuscripts of leading editorials published during the time that Mr. Durrett was acting as editor *ad interim* or assistant and that I can and do from recollection as well as from long and familiar acquaintance with his handwriting to the best of my knowledge and belief designate as articles written by the said Durrett one headed, "What we are coming to," published in the issue of the 18th of September; also one headed "Considerable excitement," in the same issue; one headed "A great outrage," in the issue for September 17, and one headed "Kentucky neutrality," in the issue for 16th of September; that so far as I remember or can determine from an examination of manuscripts these are the principal articles written for the paper by the said Durrett during the time that he was acting as *ad interim* or assistant editor, in September, 1861. I make the three issues of The Daily Courier above referred to and cited a part of this deposition. And further this deponent saith not.

W. H. W. RANDAL.

Subscribed and sworn to before me this 1st day of October, 1861.

J. M. STEPHENS,
Justice of the Peace, Jefferson County.

FORT LAFAYETTE, *October 15, 1861.*

MY DEAR HETTIE: I received your letter yesterday. Hallie and my babies are provided for, and I am content. I may need your assistance before the winter closes, and should I do so I will apply to you as freely as I would offer assistance to Frank did they carry him to the West. I have been prudent and conservative. I have violated no law. I have attended quietly but faithfully to my business—an honorable and legitimate business. I have been snatched from my house in the night. A writ of habeas corpus has followed me. I am here beyond the reach of law or liberty or juries. There remains but one outrage—to cut my head off. I inclose you a letter which I wish you to preserve for me. I may have need of it. Mr. Craig, of New York, writes that under the circumstances the New Orleans and other Southern editors will do what is necessary for the support of my family. "If not, you can draw on me." God bless Mr. Craig. Write me about Fannie. Write me whenever you have leisure. I am lonesome.

Yours,

M. W. BARR.

LOUISVILLE, KY., *October 25, 1861.*

The PRESIDENT.

DEAR SIR: In my judgment the arrest of Governor Morehead has not been beneficial or prejudicial to the Union cause, although it has been made the pretense for many to leave the State. At the time the arrest was made the influential men of the State had taken their positions and I have discovered no change of sentiment because of the arrest. The legislature since the arrest has passed the inclosed resolution and Generals Anderson and Sherman have issued the inclosed proclamation. If the governor had remained in the State and acquiesced in its decision he would not have been subject to arrest or molestation. Many who after having returned and taken the oath remain undisturbed, notwithstanding some of them had joined the Confederate Army. The governor's arrest and detention it seems to me should not deprive him of the benefit of the position taken by Kentucky.

You are aware that Governor Morehead enjoyed the confidence of the Whig party of the State in a very high degree, and that he had many warm personal friends not only in its ranks but in the ranks of the Democracy, and that his property being situated in the South he was sensitive upon the question of hostility between the sections. His great personal popularity would have done the Union cause much damage in the State but for the fact that his party and his personal friends had taken their position. I am not aware of the charges against Governor Morehead, and write this on the predication that he was arrested and has been detained because of his sympathy with the South and his personal exertions to influence the State of Kentucky upon the subject. If this should be the case I submit that his release would be just and proper on his pledging his honor to abide by the position taken by Kentucky and not seek in any way to change it. The governor, if he should give the pledge, would keep it, and his discharge would do the cause of the Union in my opinion no harm.

Very respectfully, yours, &c.,

JAMES GUTHRIE.

[Inclosure.]

The policy of the State toward citizens who merely entertain disloyal opinions is prescribed distinctly and authoritatively and has been repeatedly set forth in full in our columns; yet in view of certain representations that have been made to us and considering the importance we ascribe to the subject we think it proper to set forth the policy anew. In doing this we shall reproduce without comment only the more explicit and emphatic of the authoritative declarations on the subject. The policy is defined and ordained by the legislature of the State as follows:

Resolved, That in using the means which duty and honor require shall be used to expel the invaders from the soil of Kentucky no citizen shall be molested on account of his political opinions; that no citizen's property shall be taken or confiscated because of such opinions nor shall any slave be set free by any military commander, and that all peaceable citizens who remain at home and attend to their private business until legally called into the public service as well as their families are entitled to and shall receive the fullest protection of the Government in the enjoyment of their lives, their liberties and their property.

This resolution is the law of the land and has been so proclaimed by the proper authority. General Anderson on the eve of resigning his command of this military department issued the following order:

GENERAL ORDERS, No. 5. } HEADQUARTERS DEPARTMENT OF THE CUMBERLAND, *Louisville, Ky., October 7, 1861.*

The commanding general learns with deep regret that arrests are being made in some parts of the State upon the slightest and most trivial grounds. He desires the

civil authorities and orders the military not to make any arrests except when the parties are attempting to join the rebels or are engaged in giving aid or information to them, and in all cases the evidence must be such as will convict them before a court of justice. In many cases it is understood that the Home Guards have gone into adjoining counties and arrested and carried off parties who have been quietly remaining at home under the expectation that they would not be interfered with provided they did nothing in violation of the spirit of the proclamation of September 24, issued from these headquarters. Some instances are mentioned of persons having been arrested and taken out of the State. This is all contrary to what the commanding general has declared to be his wish and he trusts it will not be repeated. It is believed that many of those who at one time sympathized with the rebellion are desirous of returning to their allegiance and wish to remain quietly at home attending to their business. A conciliatory, fair course pursued toward such persons will win them to our cause; the reverse may force them into the ranks of our enemies. The commanding general entreats and urges his fellow-citizens to discountenance and endeavor to put a stop to these ill-timed and unlawful arrests and to aid him in keeping peace among ourselves.

By command of Brigadier-General Anderson:

OLIVER D. GREENE,
Assistant Adjutant-General.

A few days later the subjoined correspondence took place between two distinguished gentlemen of Lexington and General Sherman, the successor of General Anderson:

LEXINGTON, *October 11, 1861.*

General SHERMAN.

SIR: Mr. V. B. Young, a Union member of the legislature from Bath County informs us that in the adjoining county of Fleming many persons have been apprehended merely on account of their Southern sympathies and secession opinions, without proof or imputation of any overt act of treason or aiding treason, and he says that apprehending the like treatment many citizens of his county who intended to remain at home, and had done no illegal act, have fled and are joining Breckinridge at Prestonburg. This procedure, though only retaliatory, seems to us to be inconsistent with General Anderson's proclamation, with the spirit of our law and with prudent policy, and if it shall be persisted in and become general we apprehend it will necessarily lead to the augmentation of the Southern force and to the exasperation of the civil war in Kentucky. Mr. Young will explain the object of his visit to you on this important subject. He may be fully accredited and safely trusted. He wants an authentic confirmation of what we believe to be your programme of policy concerning the secessionists in Kentucky so as to be able to assure the neutral portion of his "Southern rights" constituents.

G. ROBERTSON.
RICHD. A. BUCKNER.

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND,
Louisville, Ky., October 18, 1861.

G. ROBERTSON, Esq., and RICHARD A. BUCKNER, Esq.

SIRS: Your note of yesterday is received. My order and practice have been to interfere with no citizen pursuing his usual legitimate business or on account of mere political opinions. I know that arrests have been made improperly by members of the Home Guards, but in every instance the case has been examined by one of the members of your court of appeals, who has promptly released them unless the fact of some overt act of treason was established. I shall endeavor to protect all loyal citizens, and shall molest no one, whatever his political opinions, provided he obeys the laws of the State of Kentucky and of the United States. These shall be my guide, and are as binding upon me as upon any citizen of the State.

With great respect, your obedient servant,

W. T. SHERMAN,
Brigadier-General.

Habeas corpus proceedings in the case of Morehead.

Proceedings of the circuit court of the United States, eighth circuit, for the district of Kentucky, at its regular term begun and held in the city of Louisville on the 23d day of September in the year of our Lord 1861.

Present, the Hon. John Catron, associate justice of the Supreme Court of the United States for the Kentucky district.

Be it remembered that heretofore, to wit, on the said 23d day of September, 1861, in said court, begun and held as aforesaid in the *ex parte* matter of Charles S. Morehead.

The petition and application in behalf of Charles S. Morehead for a writ of habeas corpus and the response made by the marshal to the same before the judge at chambers and now filed in court, being set for hearing this day at noon in court, the hour having arrived and the court being in session, O. F. Sterman, esq., counsel for the accused, appeared in court and demanded of the marshal, A. H. Sneed, the production of the said Morehead in court according to the command of the writ, and the return of the marshal made upon said prisoner's application for the writ. The marshal stated that it was not in his power at this time to produce the said Morehead, and asked him till to-morrow, 10 a. m., to show cause, which is allowed. And it is ordered that he then produce the said Morehead in court or show cause to the contrary. The marshal being present and cognizant of this order no further service hereof is required.

The petition for the writ of habeas corpus is in these words and figures, to wit:

UNITED STATES OF AMERICA.

To the Hon. JOHN CATRON,

One of the Justices of the Supreme Court of the United States:

Your petitioner, John Morehead, on oath states that Charles S. Morehead is now in custody of A. H. Sneed, U. S. marshal for Kentucky, who holds him unlawfully and without right in confinement under authority of the United States. Therefore your petitioner prays for the writ of habeas corpus, that the said Sneed and all others acting under his authority and having the said Charles S. Morehead in custody bring him before you that the cause of said unlawful confinement may be inquired into, and also the causes of his being so held.

Respectfully,

JOHN MOREHEAD.

STATE OF KENTUCKY, *Jefferson County, ss:*

Personally came John Morehead before me, the undersigned, and made oath that the statements made in the foregoing petition are as he verily believes true.

Given under my hand and seal of office this 19th day of September, 1861.

JEFF. BROWN,
Notary Public, Jefferson County, Ky.

The foregoing affidavit was sworn to before me this 19th day of September, 1861, by John Morehead.

J. CATRON,
Associate Justice Supreme Court of the United States.

Upon which petition and application the following writ issued, to wit:

THE PRESIDENT OF THE UNITED STATES OF AMERICA:

Whereas John Morehead has presented a petition to John Catron, one of the associate justices of the Supreme Court of the United States, stating that Charles S. Morehead is unjustly and unlawfully held in confinement by A. H. Sneed, U. S. marshal for the State of Kentucky, or by those acting under his authority, the said A. H. Sneed is commanded to bring the said Charles S. Morehead before me with the cause of commitment at the U. S. court room in the city of Louisville at 10 a. m. on the 20th of September, 1861, that the cause of the confinement and commitment of the said Charles S. Morehead may be inquired into, and that the said A. H. Sneed then show by what authority and for what cause the said Charles S. Morehead is so confined by him.

In testimony whereof, &c.,

J. CATRON,
Associate Justice Supreme Court of the United States

To this writ the marshal, A. H. Sneed, made the following return, to wit:

The undersigned, marshal of the Kentucky district, says the within-named Charles S. Morehead is in his charge and custody as such marshal, and that he will have the defendant before the circuit court of the United States at the court rooms at Louisville on Monday next by the hour of noon. September 20, 1861.

A. H. SNEED,
U. S. Marshal for Kentucky District.

At another day of said term, to wit, Tuesday, the 24th day of September, 1861, came S. S. Nicholas, esq., attorney for the accused, and also A. H. Sneed, the marshal of this district, and he failing to produce in court the said Morehead according to the command of the habeas corpus herein and of the order of this court made here on yesterday (he having him in his charge and custody as certified by him to the judge of this court on the 20th instant), but produced in court an additional return to the said writ to which he has sworn in open court, and is filed. The said Sneed also produced as part of his return the affidavit and the original warrant under which the accused was arrested by him, which are also filed. As to the failure of the marshal to produce the said Morehead according to the said writ and order, and as to the sufficiency of his said return, the court is not now advised, and takes time till to-morrow morning, 10 o'clock, to consider.

The additional return of the marshal and other papers mentioned in the foregoing order as filed are in the words and figures following, to wit:

Circuit court of the United States, eighth circuit, Kentucky district, at Louisville

THE UNITED STATES OF AMERICA
vs.
CHARLES S. MOREHEAD. } On habeas corpus.

Having received information upon which I relied that Charles S. Morehead, of the county of Jefferson, Ky., was actively engaged in stirring up and promoting the rebellion now existing against the Government of the United States by corresponding with the enemy and doing other acts which in law amounted to treason, I caused a warrant to issue for his arrest and he was accordingly arrested the 19th instant, together with M. W. Barr and R. T. Durrett, and to prevent their rescue which I had satisfactory reasons to believe was intended if they were retained in the city of Louisville I caused them to be conveyed across the Ohio River to the town of Jeffersonville, which is opposite to the city of Louisville, for safe-keeping. After they were thus conveyed to Jeffersonville I was informed upon authority which I believed that the persons would be forcibly released, and to prevent it, under the advice of Governor Morton, who was at the time in the city of Louisville, said persons were conveyed to the city of Indianapolis for safe-keeping, from which place they were to be returned when ordered by the court having jurisdiction of the offense charged.

Pursuant to the directions of the Government of the United States issued from the office of the Attorney-General of the United States, in which I was directed to report forthwith all arrests made by me for treason or other offenses involving the stability and integrity of the Government, I notified the Secretary of War of the arrest of the said Morehead, Barr and Durrett. I have been informed upon authority which I do not doubt that the President of the United States through the Secretary of War ordered said persons to be conveyed to Fort Lafayette, in the State of New York, and that they were taken into custody by the military authority of the United States at Indianapolis on Friday the 20th instant and when last heard from were en route for New York. I never did give my consent directly or indirectly for the removal of said persons from Indianapolis. When I was about leaving Louisville for Indianapolis to bring said persons back to Louisville for examination and trial I was informed that the military authorities of the United States had taken possession of said Morehead, Barr and Durrett, and had started with them for New York. But for the interference of the military authorities the persons would have been before this court for examination and trial. The removal of them to the opposite side of the Ohio River was for no other purpose than for safe-keeping and to prevent any violence which might have been gotten up by their friends and sympathizers for their

forcible release. I file herewith as a part hereof the warrant upon which I made the arrest of said Morehead. I regarded said Morehead, Barr and Durrett in my possession and under my control until I was divested of that possession by the military authorities of the United States.

A. H. SNEED,
U. S. Marshal for Kentucky District.

Sworn to in open court by A. H. Sneed, 24th of September, 1861.

CH. J. CLARKE,
Acting Clerk.

The following is the affidavit and warrant of arrest referred to in the foregoing return:

THE STATE OF KENTUCKY, *County of Jefferson:*

This day A. H. Sneed made oath before me, a justice of the peace for said county, that Charles S. Morehead, of said county, has from information received by this affiant been guilty of the crime against the United States of America of aiding and abetting the enemies of said United States, now in open rebellion and making war against the same, and that said Charles S. Morehead has thereby been guilty of treason.

A. H. SNEED.

Subscribed and sworn to before me this 18th day of September, 1861.

JOS. CLEMENT,
Justice of the Peace, Jefferson County.

The following is the warrant of arrest, to wit:

UNITED STATES OF AMERICA,
State of Kentucky, County of Jefferson.

To the U. S. Marshal for the Kentucky District:

Whereas there are good grounds to believe that Charles S. Morehead, of said county and State, has been guilty of the crime of treason against the United States of America in feloniously aiding and abetting the enemies of said United States now in open rebellion and making war against said United States; you are therefore in the name of the United States of America and Commonwealth of Kentucky commanded forthwith to arrest the said Charles S. Morehead and take him before the court having jurisdiction of the offense with which he stands charged, to be dealt with according to law.

Given under my hand as justice of the peace this 18th day of September, 1861.

JOS. CLEMENT,
Justice of the Peace of Jefferson County.

Upon which the marshal made the following return, to wit:

Executed by arresting the within-named Charles S. Morehead, September 19, 1861.

A. H. SNEED,
U. S. Marshal for Kentucky District.

UNITED STATES OF AMERICA, *Kentucky District:*

I, John A. Monroe, clerk of the eighth circuit of the United States of America for the Kentucky district, at Louisville, do hereby certify that the preceding eight pages contain a full and complete transcript of the record and proceedings had in the *ex parte* matter therein stated as the same now remains of record in said court.

In witness whereof I have hereto subscribed my name and affixed the seal of said court at Louisville this 11th day of November, 1861, and in the eighty-sixth year of our Independence.

JNO. A. MONROE,
Clerk.

By CH. J. CLARKE,
Acting Deputy.

UNITED STATES OF AMERICA, *District of Kentucky, Louisville:*

I, John Catron, associate justice of the Supreme Court of the United States of America, and presiding judge of the eighth circuit, Kentucky district, do hereby certify that John A. Monroe is the clerk of said court, duly appointed and qualified, and that his aforegoing attestation is in due form of law, and that he is by law the keeper of the seal of said court.

Given under my hand at Louisville aforesaid this 11th day of November, 1861.

J. CATRON.

CLERK'S OFFICE OF THE COURT OF APPEALS,
Frankfort, Ky., November 12, 1861.

s Excellency ABRAHAM LINCOLN.

DEAR SIR: I understand that efforts are being quietly made by Governor Morehead's friends in the Union ranks to have him released. I most sincerely hope they will not succeed. I do not know what tangible proof you have against him, but I know him well. The most specious, plausible, dangerous of all our Kentucky traitors. A traitor to his country, his native State, his party and his confiding friends. He scattered the evil seed of treason broadcast through the South by his false statements in public speeches as to the loyalty of Kentucky. If he did not advise he stimulated the invasion of Kentucky by his misrepresentations. I have no sympathy for such men, honored too as he has been by Kentucky. Thank God I have neither son nor son-in-law in the rebel army. My two older brothers and all their sons too are loyal.

Very respectfully,

LESLIE COOMBS.

[Indorsement.]

[Hon. WILLIAM H. SEWARD.]

GOVERNOR: The President desires me to send you the within protest of General Coombs against the liberation of Governor Morehead.

Respectfully,

JOHN HAY.

—

LOUISVILLE, KY., *November 12, 1861.*

A. L. SHOTWELL, Esq.

DEAR SIR: At a circuit court of the United States for the district of Kentucky held in the city of Louisville in the month of September last a grand jury was summoned and sworn, and I was designated by the judge as foreman thereof, which was in session ten days, and during that time many witnesses were examined each day and during the whole of the examination not a solitary imputation or charge was made against ex-Governor Charles S. Morehead, of Kentucky, now held as a political prisoner in the harbor of Boston, Mass.

Respectfully,

G. W. MERIWETHER.

—

NOVEMBER 13, 1861.

UNITED STATES OF AMERICA, *District of Kentucky, to wit:*

I, Bland Ballard, district judge of the United States for Kentucky district, state that I was present and presided at the late term of the circuit court of the United States held at Frankfort, Ky., and was present when all the indictments were returned by the grand jury, and that no indictment was returned against ex-Governor Charles S. Morehead. I further state that I heard of no charge against Governor Morehead, and that said court at Frankfort was held since his arrest.

BLAND BALLARD.

—

LOUISVILLE, *November 13, 1861.*

GEORGE D. PRENTICE, Esq., *Washington City.*

DEAR SIR: Understanding that a copy of the proceedings in the U. S. court in relation to the arrest and imprisonment of Governor

C. S. Morehead will be sent you to lay before the President and Secretary of State at Washington with the letter of Mr. Guthrie, &c., we, the undersigned, being ourselves Union men and having acquainted ourselves with the circumstances have come to the conclusion that the release of Governor Morehead on his parole of honor to abide by and conform to the position which this State has assumnd so long as he remained in this State [*sic*]. We know his interest is so deeply affected by the disruption of the Union and no man would find himself so benefited by a reconstruction as Governor Morehead. We believe that injury to Union cause in Kentucky is being produced by the detaining of Governor Morehead in a distant State when there are no charges made or proposed to be made by those who advised his arrest and removal from Kentucky, and therefore hope you will have this matter so presented as to procure the prompt release of Governor Morehead before you leave Washington.

With much regard, yours, &c.,

VIRGIL MCKNIGHT.
W. E. EWING.
ISAAC EVERETT.

NEW YORK, *November 22, 1861.*

F. W. SEWARD, *Assistant Secretary of State, Washington.*

DEAR SIR: Having just returned from Fort Warren I hasten to write a note in relation to Governor C. S. Morehead, of Kentucky, because I see that there is on foot a movement in favor of his release.

Mr. Morehead excluded himself from the category of prisoners whose cases I would be called upon to examine with care by taking the position that he could not take the oath of allegiance. Taking that ground I have held to be evidence that a man was disloyal. The governor asserts that he is and always has been a Union man; that his arrest was not warranted by law or policy and that it was a grand political mistake, having done great mischief, &c. All that is past. What to do with him now is the question.

The real reason why his devotion to the Union has always been upon conditions and hampered with impossible terms consists in the fact that he is the owner of cotton property in the South valued while "cotton was king" at $400,000. Of this property a large portion (say 180 negroes) is in the condition of personal estate within the reach of the Confederate power. Under these circumstances Mr. Morehead may if released possibly be a quiet non-combatant but he cannot be loyal until the authority of the United States is established in the State where his property is.

What struck me most in his case was the state of embittered and exasperated feeling growing out of his arrest. If he should go back to Kentucky where he is influential it would be to make unrelenting war upon those who have been the cause of his arrest. In Kentucky I fear he would do mischief. If he is set at liberty I think he would go to his estates in the South. There he would do less harm than elsewhere out of prison. If the rebel authorities value him he would be available as an exchange. Whether they do value him I have no means of judging. I wish by this to direct attention to the probable mischief of so managing his case as to allow him to be at large in Kentucky during the exposed condition of that State.

I am, very respectfully, yours,

S. C. HAWLEY.

FORT WARREN, MASS., *Monday, December 2, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington, D. C.:*

I know not, my dear sir, whether a letter from a political prisoner at Fort Warren will ever reach your individual eyes no matter what the cause of complaint may be. The critical condition of my afflicted wife and the wreck of my financial affairs, however, compel me to write this letter whether you read it or not. If I were alone in the world with no suffering wife and helpless children depending upon me I should not trouble you with this letter, but I owe more to them than to myself and worthy of those in whose cause I write truth and candor shall mark my words.

After midnight the 18th of September last Marshal Sneed with his posse came to my residence in Louisville, Ky., and arrested me under a writ issued by a justice of the peace of said city upon the oath of Sneed himself, directing him to take me before the nearest judge having jurisdiction to try me for treason against the United States. Judge Catron, of the Supreme Court, was then in Louisville, but instead of my being taken before him in conformity with the arrest I was hurried into Indiana, thence to Fort Lafayette and finally to this place, where I now am. A writ of habeas corpus was issued by Judge Catron in my behalf while I was in Indiana, but it was disregarded by the marshal and I was hurried on to the destination already named. Marshal Sneed took me from my residence in summer clothes and without a cent of money, and in this condition I was conveyed to New York, without a change of linen and without clothes warm enough to protect me against the cold days and nights that came upon us. My suffering was intense, but it could easily have been prevented by the marshal allowing me to take from home the necessary clothes or money to buy them.

If it was the intention to deal with me as other political prisoners have been dealt with why the farce of a writ from a justice ordering me before the nearest judge for trial? When I arrived at Fort Lafayette September 25 I was compelled to sleep upon a bag of straw half a foot shorter than myself without a pillow or blanket until I could secure endurable bedding from friends in New York. The food given me there was raw pork, tough beef and bread (the bread was good) served upon a board table which the dirty cook swept with the same broom with which he brushed the floor. I had to endure this fare or pay $1 per day for sitting at the table of an officer of the garrison. I preferred feeding upon the miserable fare already named to contributing to the gain of the officer who I believed made a handsome profit from his table, and had horrid food at the U. S. table for the purpose of driving prisoners to his. But had it not been for some articles of food gotten from New York through friends there and at my own expense I could not have stood the fare at Fort Lafayette.

When I left Fort Lafayette I was crowded with some 800 other unfortunates upon a boat utterly incapable of carrying so many persons. The same dirty cook who desecrated the kitchen at Fort Lafayette fed me while on this boat upon hard crackers and raw pork dealt out from his filthy hands. When the boat reached Fort Warren there was no preparation for the prisoners, and had it not been for the blankets brought with me I should have been compelled to sleep upon the naked floor like many other prisoners who had not purchased their own bedding. But things are better here now and I have no cause to complain of the officers or the fare, so marvelous is the improvement upon Fort Lafayette. Nor do I mean to blame Colonel Dimick nor any one here

for not being prepared to receive the prisoners when they arrived. I know not who was to blame, and only state the fact that the preparations were worthier of hogs than human beings.

The treatment thus briefly stated would seem to indicate sufficient punishment for one who has been used to decent living and who feels in his own heart at least that he has been guilty of no crime. But this treatment is confined to myself, and if it were all of my case I should not trouble you with this letter. I myself can bear all that has been imposed upon me without writing you a letter of complaint, but I cannot bear the sufferings which these wrongs to me inflict upon my wife and children who are dearer to me than I am to myself. It is for them and not for myself that this appeal is made. When I was arrested my financial affairs were in a condition rendered critical by the dangers of the times, but with my own care there was in them a competency above all my liabilities. In my absence, however, personal and political enemies have taken every advantage of me and at length my little fortune is gone. I am now I fear a bankrupt, and my wife and children are thrown upon the charity of friends. But worst of all the peculiar disposition of my wife renders her incapable of bearing these troubles. I am advised that she is breaking down with her load of grief and now prostrate upon a sick bed. To add an overflowing drop to my cup of bitterness it has been published in the papers at home that my wife had lost her mind, but I have been assured this is not true. I was informed by last night's mail, however, that she is very ill and threatened with brain fever. Of course I fear the worst and suspect that I have not been told all.

And now, my dear sir, does not this narrative, however imperfect and incomplete, show that I have already suffered enough and my poor wife too much from this imprisonment? What let me ask have I done to deserve all this or to make it necessary thus to torture into lunacy or death my poor wife? I myself know of no treason that I have committed against the United States, and I frankly state to you that I never did and do not now design to commit any such crime. I am satisfied, my dear sir, that I was arrested and imprisoned at the instigation of personal and political enemies. The Federal Government in my case has been made a mere tool to work out private hate against me.

I have been informed that I was arrested as editor of The Louisville Courier, a paper that was suppressed the night of my arrest. I was not the editor of that paper, and those who had me arrested knew I was not. I had not been editor of that paper for two years, and if my memory serves me well I had not written an article for it for six months or more until within the last day or two before my arrest. I then wrote a few pieces (three in all, I think) in the absence of the editor and at the request of the proprietor, and in accordance with his views not my own. I shirk no responsibility, however, which what I wrote may involve, but am willing to stand or fall by whatever went from my pen into print. I am not willing, however, to have fixed upon me the articles of others and to be made to suffer for their sins.

And now, my dear sir, will you under these circumstances continue to hold me in prison? If you have any charge against me try me for it or let me out upon bail sufficient to insure my appearance to answer the charge at any time you may appoint. If you have no charge against me let me go, for surely I have suffered enough already for nothing. I make this appeal for my liberty in behalf of my wife on whom my incarceration weighs more heavily than upon myself. If you will not release me I hope you will at least grant me a respite of a month

or even three weeks. I will give my word of honor to return here or anywhere you may appoint at the expiration of the time, and if you won't take my word I will give a bond in a sufficient penalty to satisfy you that I ask this respite in good faith. If I had been allowed to converse with my wife when I was arrested I could have reconciled her to my fate, and I think I can yet do so if I am allowed to see her in time.

I also ask this respite in behalf of an infant of whom I am the guardian. Since my imprisonment a suit has been brought in Louisville concerning this guardianship, and as I am now financially ruined this infant must lose heavily if I am not permitted to attend to the case. While I ask no respite for the purpose of attending to my own financial affairs no matter how bad they are I do ask it for the protection of this infant who was left to my care by the will of his father.

I have now, my dear sir, said about all that I can say within the limits of a letter, and possibly I have said too much for my own good. I therefore leave my case with you hoping that you will find time to act upon it at once, so that if I am so fortunate as to get outside of these walls it may not be when it is too late to do the good which I could now most surely accomplish if I were at home.

I am, dear sir, yours, &c.,

R. T. DURRETT.

—

DEPARTMENT OF STATE, *Washington, December 5, 1861.*

Col. JUSTIN DIMICK, *Fort Warren, Boston.*

SIR: Let R. T. Durrett, a prisoner confined in Fort Warren, be released on taking the oath of allegiance to the Government of the United States stipulating that he will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State; and also that he will not do anything hostile to the United States during the present insurrection. You will please make the stipulations a part of the oath. I transmit this order to John S. Keyes, esq., U. S. marshal, who has been instructed by this Department to cause a police examination to be made in some cases of the persons and baggage of prisoners discharged from custody to the end that no correspondence or other improper papers be conveyed by them to persons outside the fort.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

—

I, R. T. Durrett, of Kentucky, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States against all enemies whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same any ordinance, resolution or law of any State convention or legislature to the contrary notwithstanding; and further that I do this with a full determination, pledge and purpose without any mental reservation or evasion whatsoever; and further that I will well and faithfully perform all the duties which may be required of me by law, hereby stipulating that I will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever

with persons residing in those States without permission from the Secretary of State, and also that I will not do anything hostile to the United States during the present insurrection. So help me God.

R. T. DURRETT.

Subscribed and sworn to this 9th day of December, A. D. 1861, before me at Fort Warren, Boston Harbor.

J. DIMICK,
Colonel Second Artillery and Brevet Colonel, Commanding Post.

DEPARTMENT OF STATE, *Washington, December 30, 1861.*

Col. J. DIMICK, *Fort Warren, Boston.*

SIR: Let W. S. [M. W.] Barr, a prisoner confined in Fort Lafayette, be released on taking the oath of allegiance to the Government of the United States stipulating that he will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State, and also that he will not do anything hostile to the United States during the present insurrection. You will please make the stipulations a part of the oath. I transmit this order to John S. Keyes, esq., U. S. marshal, who has been instructed by this Department to cause a police examination to be made in some cases of the persons and baggage of prisoners discharged from custody to the end that no correspondence or other improper papers be conveyed by them to persons outside the fort.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

NATIONAL HOTEL, [*Washington,*] *December 31, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: Having already had the honor of speaking with you on the case of the Hon. C. S. Morehead, now imprisoned in Fort Warren by order of the Government, I have no intention of troubling you here with any discussion of its merits. I wish only to submit some suggestions in his behalf and to leave them to your own consideration.

Since Mr. Morehead's arrest in Kentucky two sessions of the Federal court have been held in that State, the one at Frankfort, the other at Louisville. At both extensive inquiries were made by grand juries impaneled for the purpose of treasonable and other offenses against the United States, and many indictments were found. Though the arrest of Mr. Morehead was notorious and must have turned the attention of those juries to him yet they found nothing against him. He protests his innocence of any offense against the United States, and nothing has appeared to contradict his assertion. He is in possession of a large estate in the South, but it is under embarrassments and incumbrances that will in all probability consume it without his personal attention and exertions. His family, and especially his wife, is in deepest distress. He has already suffered a wearisome and painful imprisonment. Everything around him is of a character to make further imprisonment peculiarly calamitous to him. He informs me and I have no doubt truly that his condition requires a surgical operation that cannot be so well submitted to in a prison.

He is of course most anxious to be released from his imprisonment; but anxious as he is he had rather suffer more than to obtain it by taking an oath of allegiance to the United States, because thereby he would in all probability cause the confiscation of his estate in the South. But he is willing if it is required to give his parole to take no part in the present rebellion or war. This would be adding his word of honor to the oath of allegiance that he has often [taken] as Member of Congress and as governor of Kentucky. I have myself but little confidence in terms made under such circumstances. The faithless will make any effort for their liberation. The honorable man would probably feel the obligation imposed on him by an unconditional discharge more effectually and usefully than he would any terms that might be exacted from him. Mr. Morehead I think is one of those upon whom the most liberal and confiding treatment would have the most and best effect.

I hope that you will consider it proper to exact if anything no more than his parole as the condition of his liberation. But if this cannot be granted to him then I ask in his behalf that he may on his parole be permitted to spend the winter in New York where the surgical operation before alluded to can be better attended to. Rather than stay in prison Mr. Morehead would even agree to banish himself to Europe if the Government will grant him his liberty on terms no less onerous.

I regret that this letter is so long, but I beg you to read it and to notify me of your decision as early as possible.

I have the honor to be, very respectfully, yours, &c.,

J. J. CRITTENDEN.

—

DEPARTMENT OF STATE, *Washington, January 2, 1862.*

Col. MARTIN BURKE, *Fort Hamilton, N. Y.*

COLONEL: You are authorized to discharge C. S. Morehead, a political prisoner at Fort Lafayette, upon his giving his parole in writing that he will not enter the State of Kentucky or any other State where an insurrection may exist against the Government of the United States and that he will do no act and enter into no correspondence adverse to the authority of the Government, and that he will hold himself at the disposition of the Secretary of State of the United States until otherwise directed.

I am, your very obedient servant,

WILLIAM H. SEWARD.

—

FORT HAMILTON, *New York Harbor, January 3, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington, D. C.*

SIR: I received your letter dated State Department, Washington, January 2, 1862, directing the discharge of C. S. Morehead. I thought it would facilitate your object to transmit the same direct to Colonel Dimick, the commanding officer of Fort Warren, the post to which the prisoner was transferred on the 29th of October in obedience to your orders to that effect. I have accordingly done so and hope it will meet your approbation.

Very respectfully, your obedient servant,

MARTIN BURKE,

Lieutenant-Colonel, Commanding.

FORT WARREN, *January 4, 1862.*

D. H. CRAIG, Esq.

DEAR SIR: My release was tendered me yesterday on condition of taking an oath of allegiance and that I would not go to any of the seceded States or correspond with any one therein. I presume I am under obligations to you for this favor and I thank you. It is needless to argue further.

It is plain that the course which you are kind enough to advise me to take and that which I think self-respect and self-interest imperatively command me to follow are so widely apart that there is no middle path. I hold this plain ground: I am a citizen of Kentucky; I have been illegally taken from my State. The power that holds me and proposes terms has no just right to hold me or release me. If I am convicted in a Kentucky court and sentenced the President may pardon me. His power begins and ends there. I think justice will shortly be done me. I have more confidence in the vitality of justice in this country than you seem to have. It will not be necessary for you to answer madam's last letter. She will expect no further assistance from you.

Respectfully,

M. W. BARR.

[Indorsement.]

From what I know of Barr I should say that his past conduct entitles him to expect nothing better than he has received, and I would rather see him hanged than released without conditions.

D. H. C.

FORT WARREN, *Boston Harbor, January 6, 1862.*

I, C. S. Morehead, prisoner at Fort Warren, do pledge my word of honor that I will not enter the State of Kentucky or any other State where an insurrection may exist against the Government of the United States; that I will do no act or enter into any correspondence adverse to the authority of the United States Government, and that I will hold myself at the disposition of the Secretary of State of the United States until otherwise directed.

C. S. MOREHEAD.

I attest the signature of C. S. Morehead.

J. DIMICK,
Colonel First Artillery and Brevet Colonel, Commanding Post.

FORT WARREN, *Boston Harbor, January 7, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: * * * I have also to report that W. S. [M. W.] Barr declines to take the oath of allegiance as required by your letter of December 30.

I am, sir, very respectfully, your obedient servant,

J. DIMICK,
Colonel First Artillery and Brevet Colonel, Commanding Post.

FORT WARREN, *January 9, 1862.*

Hon. W. H. SEWARD, *Secretary of State.*

SIR: I was arrested in Louisville, Ky., on the 19th of September and have been a prisoner since. I was acting as telegraphic correspondent of the New Orleans Associated Press when arrested and am a practical telegrapher. My release has been tendered me on condition of my taking an oath. For reasons aside from political considerations I do not deem it to my interest to take the oath. There are doubtless persons in the South particularly among telegraphic experts who would gladly come North if they had an opportunity to do so. You are aware that telegraphic implements as well as experts are contraband. I would gladly be sent South under any parole proper under the circumstances, the parole to be binding until I have sent North in exchange a person satisfactory to your Department.

Very respectfully,

M. W. BARR.

—

FORT WARREN, *January 9, 1862.*

Hon. ROBERT MALLORY, *Member of Congress.*

MY DEAR SIR: I have to-day written to Mr. Seward and also to Mr. Crittenden. I wish to be allowed to go South and send North some disaffected telegrapher in exchange. You are aware that that class of persons are not allowed to enlist and I think are not allowed to leave. I might be allowed to go under a special parole. I had hopes of being taken home for trial but am losing hope. I cannot for reasons which will readily suggest themselves to a high-minded gentleman take the oath, and a parole without the privilege of going South would throw me on the world without employment. I am indebted to you for many kind words and feel assured you will add to my obligations by aiding me in this matter. You are aware that I am without means and prison rations are ruining my health. In the name of my wife whom I know you love I appeal to you to have me sent South. Please answer.

Very respectfully,

M. W. BARR.

—

DEPARTMENT OF STATE, *Washington, January 10, 1862.*

J. J. CRITTENDEN, *National Hotel, Washington.*

DEAR SIR: I ask your pardon for omitting to acknowledge the receipt of your letter of the 31st ultimo on the subject of Governor Morehead. My intention was to have acknowledged it at once, but handing it to a clerk with directions to prepare an order for the release of the governor the letter was not returned to me, and accidentally through pressing avocations escaped my attention. The governor's release was not accompanied by a condition requiring him to take the oath of allegiance to the United States.

I have the honor to remain, dear sir, your obedient servant,

WILLIAM H. SEWARD.

—

HOUSE OF REPRESENTATIVES, *January 28, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to request you to furnish a passport to Richmond, Va., to Mrs. Julia Nicholas Johnston, of Louisville, Ky. She

wishes to join her husband, Mr. James Johnston, who resides in Richmond. She informs me that she is willing to take any oath that may be presented.

I also inclose a letter from M. W. Barr, a prisoner in Fort Warren, asking that he be allowed to go South and obtain some person willing to be exchanged for him. He is an expert in telegraphing, and acting in that capacity in Louisville, Ky., in the interest of the so-called Confederate States of America subjected himself to arrest. I regard him as worthless and his detention a useless expense to the Government; and whether he obtains an exchange or not should be released. I ask this of the Secretary of State. If a passport be granted to Mrs. Johnston I wish it inclosed to Maj. Carey H. Fry, U. S. Army, Washington.

Very respectfully, your obedient servant,

R. MALLORY.

[Indorsement.]

Acknowledge and tell him Colonel Dimick has been directed to release him on taking oath of allegiance.

[Inclosure.]

FORT WARREN, *January 25, 1862.*

Hon. ROBERT MALLORY.

DEAR SIR: I wrote you some two weeks since in reference to being sent South in search of some proper person to be exchanged. On the same date I addressed Mr. Seward and Mr. Crittenden. Will you please answer whether there is any prospect of success in this application?

Very respectfully,

M. W. BARR.

DEPARTMENT OF STATE, *Washington, January 29, 1862.*

Col. JUSTIN DIMICK, *Fort Warren.*

SIR: Let M. W. Barr, a prisoner confined in Fort Warren, be released on taking the oath of allegiance to the Government of the United States stipulating that he will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State; and also that he will not do anything hostile to the United States during the present insurrection.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

FORT WARREN, *January 31, 1862.*

Hon. W. H. SEWARD, *Secretary of State, Washington.*

DEAR SIR: Some time since I troubled you with a letter asking to be allowed to go South in search of a telegraph operator or newspaper reporter or other person with whom your Department would be satisfied as an exchange. To-day I have again been tendered my release on condition of taking the oath. In the hope that by some mistake the oath has been sent instead of the parole I take the liberty of troubling you again. If impossible to allow me to go South can you consistently allow me to go to Canada to remain during the war?

Very respectfully,

M. W. BARR.

DEPARTMENT OF STATE, *Washington, February 4, 1862.*

Hon. ROBERT MALLORY, *House of Representatives.*

SIR: Your letter of the 28th ultimo with its inclosures has been received. In reply I have to state that Col. Justin Dimick, commanding at Fort Warren, has been directed to release M. W. Barr on his taking the oath of allegiance.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

WAR DEPARTMENT, *Washington, February 21, 1862.*

Col. JUSTIN DIMICK, *Fort Warren, Boston Harbor.*

COLONEL: You will please release on the 22d day of February, 1862, the following prisoners confined in Fort Warren upon their engaging upon honor that they will render no aid or comfort to the enemies in hostility to the Government of the United States: * * * M. W. Barr.

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

—

FORT WARREN, *Boston Harbor, March 17, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War, Washington.*

SIR: In reply to yours of the 15th I have the honor to report that the following-named persons have taken their parole and left agreeably to your order of the 21st ultimo: * * * M. W. Barr. * * *

I am, sir, with highest respect, your obedient servant,

J. DIMICK,
Colonel First Artillery and Brevet Colonel, Commanding Post.

—

WAR DEPARTMENT, *Washington, March 18, 1862.*

The SECRETARY OF WAR:

The undersigned requests that Governor Morehead, now on parole at New York, be unconditionally discharged, and represents that in his opinion an order for his discharge unconditionally would be for the benefit and advantage of the Government of the United States.

J. J. CRITTENDEN.

—

WAR DEPARTMENT, *Washington, March 18, 1862.*

Mr. Webster is directed to discharge Governor Morehead, now on parole at New York, unconditionally.

EDWIN M. STANTON,
Secretary of War.

Deliver the certificate of discharge care of Hon. J. J. Crittenden, National Hotel.

WAR DEPARTMENT, *Washington, March 19, 1862.*

CHARLES S. MOREHEAD.

SIR: I am directed by the Secretary of War to discharge you from the conditions of the parole given by you at the time of your release from Fort Warren.

Very respectfully, yours,

E. D. WEBSTER.

CONFEDERATE CORRESPONDENCE, ETC.

NEW ORLEANS, *January 24, 1862.*

Hon. J. P. BENJAMIN, *Secretary of War, Richmond, Va.:*

The undersigned composing the Associated Press of New Orleans desire to represent that M. W. Barr, who resided in Louisville, Ky., and who was the telegraphic agent of the Associated Press for the Southern States has been arrested in Louisville whilst in the performance of his duty and is now incarcerated in Fort Warren. No charge has been made by the United States Government against Mr. Barr and he was arrested solely in consequence of his zeal in the cause of the independence of the Southern Confederacy. Mr. Barr has a large family who are dependent upon him for their support. His usefulness to the press of the Confederate States as a telegraphic operator cannot be exaggerated. We beg that you will exert your influence to have Mr. Barr liberated and restored to his family and to his country.

Respectfully submitted.

HENRY J. LEON,
Of The Delta.
J. V. R. ADAMS,
Of The Crescent.
WM. J. SEYMOUR,
Of The Bulletin.
JOHN MAGINNIS,
Of The True Delta.
G. P. WUSSE & CO.,
Of The New Orleans Bee.
A. M. HOLBROOK,
Of The Picayune.

Cases of Messrs. Gilchrist, Haig and Wyatt.

William Gilchrist was arrested by order of the Secretary of State September 20, 1861, in Philadelphia, Pa., and committed to Fort Lafayette and from thence transferred to Fort Warren, Boston Harbor. Gilchrist was charged with having been an agent of the rebels, supplying them with contraband goods, caps, primers, surgical instruments, &c. The evidence of his guilt was contained in affidavits made by L. C. Baker, Government detective, who representing himself to be an agent of the Southern Confederacy drew from Gilchrist statements to the effect that for nearly three months he had been purchasing contraband goods and shipping them to one Haig at Baltimore to be forwarded to the Confederate States; knew all goods so purchased and forwarded to Haig had been transmitted to said States; that he pointed out several large boxes which he said contained cannon primers, percussion caps, surgical instruments, &c., purchased for said Haig. Letters to and

from Gilchrist [were found] showing his suspicious dealings with Haig and others in war materials. An order was issued from the Department of State dated November 2, 1861, directing Colonel Dimick to release Gilchrist from custody at Fort Warren, he having been indicted in the U. S. district court for treason at Philadelphia, Pa. He was accordingly released from Fort Warren, and taken into custody by the civil authorities under the indictment aforementioned.

James M. Haig was arrested by order of the Secretary of State September 21, 1861, in Philadelphia, Pa., and committed to Fort Lafayette. He was charged with having been an agent of the rebels, supplying them with contraband goods, caps, primers, surgical instruments, &c. The evidence of his guilt was contained in the affidavit of L. C. Baker, Government detective, who representing himself to be an agent of the Southern Confederacy drew from one Gilchrist who was concerned with Haig statements that for nearly three months he (Gilchrist) had been purchasing contraband goods and shipping them to Haig at Baltimore to be forwarded to the Confederate States. Numerous letters to and from Haig support the above-mentioned evidence and show his suspicious dealings in war materials. An order was issued from the Department of State dated October 26, 1861, directing Marshal Robert Murray to release Haig on the ground of insanity and to deliver him to his friends in New York. Afterward Haig having recovered from his insanity and having applied to be finally released from custody an order was issued from the Department of State dated December 9, 1861, directing General John A. Dix to release him on his taking the oath of allegiance and giving his parole of honor to do no hostile act.

This man [Felix Wyatt] was arrested by order of the Secretary of State September 21, 1861, in Philadelphia, Pa., and committed to Fort Lafayette and from thence transferred to Fort Warren, Boston Harbor. He was charged with having been an agent of the rebels, supplying them with contraband goods, caps, telegraph wire, &c. The evidence of his guilt was contained in the correspondence, bills and memoranda found on his person and premises showing his negotiations for telegraph wire, 6, 12 and 24 pound shot, &c.; also showing his connection with certain parties named Haig and Gilchrist in suspicious dealings in war materials. The said Felix Wyatt remained in custody at Fort Warren February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

—

OFFICE CHIEF DETECTIVE, DEPARTMENT OF POLICE,
Philadelphia, September 19, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR:

* * * * * * *

Mr. Baker and myself are now busy in working up the case of the cannon primers I seized some time since consigned to Baltimore. We arrested one of the parties this afternoon, a Mr. Haig, and expect to arrest Gilchrist and Wyatt to-morrow morning, Haig's confederates, and will then seize the caps and instruments amounting to several thousand dollars in value and will thereafter make a full report of our proceeding to you.

B. F[RANKLIN].

SEPTEMBER 19, 1861.

Mr. MUNSON.*

DEAR SIR: I can not and will not co-operate with you in your schemes against the North for aid of the rebels and you will therefore save yourself any further trouble upon the subject. My sentiments are purely Union and nothing else.

Yours, &c.,

F. WYATT.

PHILADELPHIA, *September 20, 1861.*

SECRETARY OF STATE:

Please send me an order to arrest and convey to Fort Lafayette James M. Haig, F. Wyatt and William Gilchrist for supplying ammunition to the rebels. All right. I have full evidence. Do it immediately.

WILLIAM MILLWARD,
U. S. Marshal.

DEPARTMENT OF STATE, *Washington, September 20, 1861.*

WILLIAM MILLWARD, *U. S. Marshal, Philadelphia:*

Arrest James M. Haig, F. Wyatt and William Gilchrist and send them to Fort Lafayette, N. Y.

WILLIAM H. SEWARD.

PHILADELPHIA, *September 20, 1861.*

W. H. SEWARD:

Wyatt and Gilchrist are arrested. They are contractors for the Confederacy. The proof is positive.

L. C. BAKER.

FORT MCHENRY, *September 21, 1861.*

WILLIAM H. SEWARD:

* * * Haig has been arrested. I had to send to Philadelphia to take him. * * *

JOHN A. DIX.

PHILADELPHIA, *September 21, 1861.*

Hon. W. H. SEWARD.

DEAR SIR: My time has been so much taken up with the late important arrests in this city that it has been impossible as yet to make any detailed statements as to the several parties arrested. I have had a long conversation to-day with James M. Haig. He has given me the names of a large number of persons in Baltimore, Philadelphia and New York who are engaged in purchasing and forwarding contraband goods on a large scale. Some of these persons are filling contracts at this time for our Government. There was a company formed composed of leading bankers and merchants for the purchase of $300,000 worth of goods. The steamer is purchased and was to clear for California

* Munson was an assumed name of Col. L. C. Baker, a Government agent. See Gilchrist to Archibald, October 6.

the blockade. George Law, of New York, is in this enterprise. If we can keep the fact of the arrest of the Philadelphia partners quiet for a few days I am confident we can arrest many more. Baltimore seems to be the fountain head of the enterprise. Messrs. Johnston Bros. & Co., bankers of Baltimore, are deeply implicated. They hold a pass from the Secretary of War which enables them to pass to and fro whenever they think proper. This statement I have from Haig and others. We have the most damning proof against the parties now under arrest, having found all their correspondence. I will forward a full statement as soon as time will permit.

Very respectfully, yours,

L. C. BAKER.

BALTIMORE, *September 26, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington, D. C.*

DEAR SIR: Pardon the liberty of an utter stranger in addressing you a few lines. My only excuse is a deep-seated, earnest feeling in behalf of my beloved country. My only object is to give correct information and make a timely warning. I observe by the public prints that James M. Haig, a resident of this city, has been arrested in Philadelphia and transferred to Fort Lafayette charged with treason and rendering aid and comfort to the rebels at the same time he was representing himself a loyal citizen and had a contract with the Government for furnishing hay. I desire to caution you particularly in reference to this man Haig. He is one of the most consummate scoundrels to be found in the whole country, and I wish to say to you do not take any statements whatever in reference to this man's innocence or in mitigation of his offense and thereby grant him his liberty again. Now that you have him hold on to him. No oath of allegiance made by him would be worth one straw. There is abundance of testimony against him, and a vast number of the people of this city would not believe him on his oath. I state this to show the folly of granting him his liberty by his taking the oath of allegiance to our Government. As efforts are being made by some friends of his to obtain for him his liberty let me caution you to listen to no reasons they may offer, no representations they may make whatever, but as you have the scoundrel hold on to him until the end of our unfortunate troubles and then deal with him as he deserves.

In conclusion pardon the liberty I have taken in addressing you these few lines. Continue the good work in the city of Baltimore until every rebel has received his just deserts and made to feel as they deserve the fruits of their ignominious doings.

With sentiments of the highest esteem, I am, my dear sir, very truly, your obedient servant,

H. G. WILSON.

FORT LAFAYETTE, *September 30, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington.*

DEAR SIR: I desire to call your attention to my case of imprisonment. I was arrested on the 20th instant in Philadelphia without warrant and incarcerated here without a shadow of charge and certainly without being guilty of any crime against the Government or any infringement of the laws of the United States. I most earnestly beg

your consideration and my discharge, and to manifest my loyalty am willing to take any oath to faithfully obey the laws and the Constitution of the United States Government.

Trusting to have the honor of your early reply, I remain, very truly, your most obedient servant,

F. WYATT.

FORT LAFAYETTE, *October 1, 1861.*

Hon. WILLIAM H. SEWARD, *Washington.*

DEAR SIR: I have been here over a week and have refrained from troubling you, relying on perhaps a misunderstood promise of Marshal Millward, of Philadelphia, and a belief in my mind that my arrest was intended to shield me from the suspicion of being the cause of the arrest of my companions, as the whole of this arrest was evidently premature and caused by the unwise action of Mr. Franklin, Philadelphia detective, and of Mr. Baker (if that is his name), Government detective, interfering with Mr. Millward's plans and way of using me. It is a matter of as deep grief to me that Messrs. Haig and Wyatt should be here as myself, for it never was my intention to lead them into such a situation. My whole object was to learn the plans of Governor Letcher and Jeff. Davis and to get their plans to work through me. I believe if Mr. Millward and I had not been interfered with that we would verily have succeeded, and these gentlemen I should have claimed and did claim as my aids. I have no doubt and can prove I think that I should have ascertained all their secret plans, have been able to point out their resources for at least half a million in money and enabled the Government to strike a heavy blow where it would have been felt. By this interference of detectives that has all been prevented and the barren arrest of three individuals the only result.

I presume that Marshal Millward has sent you a voluntary statement which I made to him in Moyamensing Prison which is a true statement of all I have ever done in this way; and as I presume my case is not by any means the only business you have under consideration I will take the liberty to state concisely my every step, all of which statement can be verified by officers of the Government in Washington or Philadelphia.

First. The only lot of goods I ever bought was perhaps over two months ago and is the lot I referred to in my voluntary statement to Mr. Millward above referred to, and was before any intimation of such goods being forbidden. Baltimore was given, but when I was in New York buying this lot of goods I addressed you from Sweeny's Hotel, New York, saying that I was buying army goods for the Baltimore market on commission, and would not forward the same if instructed by you not to; that I was a British subject, a long time blessed by your Government, having less right to strain your laws than a native born; that I presumed there was nothing wrong in my buying, &c., but that your objection addressed to my office in Philadelphia would be obeyed. I received no reply.

Second. I was assured by Mr. Haig, my Baltimore principal, that these goods were for loyal and legitimate trade. I had no reason to doubt him and did not. In fact I had many reasons to believe that there was a large, profitable and legitimate trade in Baltimore and Washington for these goods. But on being applied to a second time I made up my mind that these goods might be intended for the enemy.

My suspicions were aroused by the amount that was said to be needed and the certainty of such a large amount of money being forthcoming and yet some delays in getting a mere percentage—$200,000 being named and $500 hard to get; also from some memoranda of names, &c., being shown me hailing from Saint Mary's, which I supposed but did not then know was on the Chesapeake. I immediately determined in place of utterly refusing, which I should have done, that the best way I could serve the country of my wife and children was to appear to fall into the plan, get all knowledge of its ramifications for the Government's use, and I set about it in what I thought was the best way, but which eventuated most unfortunately for me.

Third. A friend procured for me a letter of introduction to Mr. Cameron, Secretary of War, from Collector Thomas, of Philadelphia. I tried to get other letters to him, but concluded that as my business was secret the less noise I made about it the better, so did not try very hard. I proceeded to Washington and called at the War Office; could not obtain an interview but was referred by Mr. Scott to General McClellan. Captain Williams, his aide, received me and heard my story. He seemed pleased and interested and spoke encouragingly, and requested me to put it in writing which I did, expressing the desire that I might be allowed to encourage the trade through this channel under full knowledge of the Government, and suggesting as one means that I be allowed to furnish a large order of caps and cannon primers made on purpose, utterly worthless, which could easily have been done, offering my services as the Government's secret agent and suggesting that I should want at least one aid. I returned home and waited some time for a reply. After some days' delay Captain Williams wrote to me (which letter is doubtless among my papers) that the Government had instituted a secret-service department under the head of General Porter and asking permission to hand my letter over to him, which I immediately assented to. Captain Williams in our conversation recognized the delicacy of my proposed operations and the necessity that might arise of my actually operating some.

Fourth. It was some few weeks after this that not hearing from General Porter and being forced to keep up the correspondence and promise of buying goods, that I procured a letter of introduction from General Curran, of Illinois, to Mr. Nicolay, the President's private secretary, to same end. I forwarded this by mail and waited anxiously for a reply which after at least a week's delay reached me stating that my letter, &c., had been handed over to General Porter.

Fifth. Just about now some more goods were wanted and money put in my hands to purchase same ($900), and I was bothered to know how to act. I succeeded in persuading my principal that such goods would be unsafe in Baltimore and suggesting that Philadelphia was the best depot, which agreed with his wishes and plans; being about to undertake some hay contract with the Government so I did not hesitate to spend that money and put the goods in my loft. I intended to write to General Porter as soon as I had the goods referring to my former action above named, and informing him of the goods I had on hand and ask instructions.

Sixth. On my way down to the Mercantile Library to read the afternoon papers I noticed for the first time the sign of U. S. marshal. I was ashamed and surprised that I had never thought of this officer before and that I had been unwise enough to go to Washington when I might have staid home. I called on him early next morning and showed him the only credential I had (Captain Williams' letter), and

explained what I had to say. He said that I was just in time; that I had been informed on and that he was glad I had come to him; he would protect me, &c. That evening I received the goods above named and the next morning called at Mr. Millward's house before 8 o'clock and informed him of the fact and in the course of the day showed him the goods, where they laid until the day of my arrest some two weeks perhaps, and perhaps are there yet. The total value of these goods is less than $800 and is reported in the newspapers at $10,000. From that time up to my arrest I reported everything to Mr. Millward, and during his absence to Mr. Franklin as per his request. I proposed a plan to him which involved my going to Richmond and which certainly would have resulted in the discovery of the secret agents of the enemy in Philadelphia and New York and the attaching of certainly a very large amount of money, all of which he has doubtless reported to you. The risk I incurred if discovered in Richmond was certain death, but so confident of success was I that I cheerfully accepted it.

Seventh. The arrests of others that are here have been caused I doubt not by my communication to Captain Williams and my information to Marshal Millward. The plan adopted by the man Baker who decoyed Mr. Haig by the promise of $50,000 of profit was all based on my information, and was grossly mismanaged by him and Mr. Franklin, who evidently desire a reputation for ability they do not possess.

Eighth. For the truth of all these statements, without calling particular attention of any one to any one part, I beg to refer to Assistant Secretary of War Scott; Captain Williams, aide to General McClellan; Mr. Nicolay, His Excellency the President's private secretary; Rev. George Collins, Baxter's Fire Zouaves, all in Washington; to Mr. Robert Wade, William Knight and Edwin Clinton, merchants of Philadelphia; also to Mr. Kettle, 802 North Nineteenth street, Philadelphia, and my wife. None may perhaps know of this plan in detail (in fact none do) except Captain Williams and Marshal Millward, but each will be able on reading this to point out some place they can corroborate.

Ninth. Marshal Millward has hinted a complaint that I was not acting fairly by him, but has not specified; but Mr. Franklin complains that I sent down a box of cannon primers to Baltimore the day before I called on Marshal Millward. This is true; but, first, I had, as Captain Williams and I talked it, to appear to fall into the business; second, I sent the goods to a new and wealthy house, F. W. Bennett & Co., who might be the enemy's agent; third, I could and would have telegraphed the Government in time to prevent their leaving Baltimore. Such was my intention if I failed to have Mr. Haig order them back; and fourth, I persuaded him to so order them back the first thing next morning and it was done. I sent the box to Adams Express under a fictitious name which Mr. Franklin complains of, but this was done to show my principal how cautious I was, for with my supposed relations with the Government there was surely no such necessity and doubtless any other seemingly disloyal acts are as easily explained.

Tenth. As I have never been naturalized or voted my opinions on the questions of the day can be of but little importance. I should have more contempt for an American who would forswear his country than for any other man, but for any one to do so is in my opinion on a par with forswearing one's mother. I have no great faith in republican institutions being very much an admirer of Alison as expressed in his History of Europe. Consequently my notions of political economy are anti-American, yet as a resident here, as the husband of a Yankee wife and father of American children I have never known a disloyal feeling to the

Government and expecting to spend my days under it have been ready and willing to do my share toward its support. I offered it my son as a petty officer in the navy or assistant surgeon in the army for both of which he is competent, and had I seen an opening for my services would gladly have offered them. I have never wanted in love and loyalty to the Government, only faith that it was fit for mortals. Between the North and the South I have thought that the rebels had the best of the letter of the law and the North of the spirit, and I have only complained that our Government did not use stronger means and put the whole land under martial law. My residence here has strengthened that regret.

I declare solemnly before God, my maker, that all above stated is true and that I never meant to help the enemy the value of a wish and would be happy to swear to the truth of all here stated.

Eleventh. I am willing and desire to serve the Government. I am reputed to be and (without egotism) am very smart and intelligent. I would not be willing to enter the ranks of the army for I could not support my family at it. I have had some military experience and been under fire in Canada during the rebellion over twenty years ago, and every one who knows me will say that I am cool, brave and accustomed to manage men. I have an idea that I can now be turned to large advantage of the Government in consequence of this imprisonment and would court a chance of personally explaining. My wife's brother is General Cox, of the Kanawha division, under whom with a Colonel Baxter, of Philadelphia Fire Zouaves, I would like to be it in a military capacity. I ask the liberty of reporting myself at Washington and in half an hour's conversation I pledge myself to prove my innocence and to suggest an employment and a duty that you will certainly desire me to perform. If not, your wish that I shall remain at Fort Lafayette shall be my law. I beg to repeat that my companions being here is my most painful thought.

May I beg an intimation of your intentions toward me. I have aimed to say no unnecessary word and this is as short as I can write. My family, used to be comfortably taken care of, are penniless almost and unprotected. I can't believe your design is to inflict unnecessary injury and regret the trouble my inexperience has undoubtedly already given you and pray for the success of your cause.

Respectfully,

WILLIAM GILCHRIST.

P. S.—I understand that my friend Mr. Wyatt's friends have proceeded to Washington with good prospects of effecting his release. The officers in Philadelphia made unnecessary remarks to him implicating me in his arrest. May I beg that you will order that such information as I have furnished may be confidential, so that I may have no enemy unnecessarily made.

W. G.

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FORT MCHENRY, *October 2, 1861.*

[HON. WILLIAM H. SEWARD.]

MY DEAR SIR: Mrs. Haig, the wife of Mr. Haig who is incarcerated at Fort Lafayette, is desirous of seeing you in regard to her husband, who was arrested for carrying on a trade in contraband articles with the Confederate States. There is no doubt of the fact, as several lots of valuable goods have been taken and confiscated. I suppose the

question will be—assuming that he has had pecuniary profit alone in view and has not only signally failed but been a serious loser—what should be the extent of his incarceration.

Begging to commend Mrs. Haig to your kind consideration, whatever you may think proper to do with her husband, I am, very truly, yours,

JOHN A. DIX.

FORT LAFAYETTE, *October 5, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: I take the liberty of calling your attention to my case, as I understand that I am confined by your order in this garrison. I beg here to state that I have committed no offense against the United States Government; that I am a naturalized citizen, having resided in the city of Baltimore since I was fourteen years of age and am now thirty-five, and have always been as far as I know a good, peaceable citizen, and have supported the laws and all the institutions of my adopted country.

I am charged I understand with giving aid and comfort to the enemy. I beg leave to state that I have never bought, sold or delivered any goods to the Southern States since the war or to any of its agents or to the rebels, I knowing them to be such. I keep a store in Baltimore and do not know many of my customers, as my goods are always sold for cash, and I purchase the most of the goods I sell in Philadelphia and New York, where I have been dealing these twenty years. If I am selling any goods that the Government is opposed to my selling I will give my word of honor to sell no more of such goods that the Government is opposed to. It is true I was called upon by a person who I afterward found was a Government detective and applied to to purchase goods, but I will here most solemnly assert that I never purchased, sold or delivered any goods to said agent or even priced any goods for the said Government detective, and had he not called upon me I should not have been confined in this fort.

I think it is a very hard case for me that the Government should have offered me a commission of 25 per cent. on $200,000 through its detective and then arrest me for it and take me away from my business and family. I should never have thought of such a thing had the Government detective not called upon me.

I am perfectly willing to take the oath prescribed by the Government to support the Government and obey its laws, and sincerely hope you will grant me my release from here so I can go home, be with my wife and helpless children and be able to attend to my business which is suffering by my absence. I am willing to give bond to the Government if they will give me my release on my parole of honor to stand my trial whenever called upon by the Government to do so. I will give bond in the city of Baltimore where I am best known.

Hoping, my dear sir, you will give my case a favorable consideration and allow me to return to my business and my family, who are suffering severely from my detention here (I have just received a letter from my wife in which she states that she is very ill); if you will grant me my release either by giving bond or on parole of honor to stand my trial at any time the Government may appoint to try my case, or grant me my release by taking the oath to support the Government which I will cheerfully do I shall feel under lasting obligations to you, and so will also my wife and infant children.

I am, very respectfully, your obedient servant,

JAMES M. HAIG.

FORT LAFAYETTE, *October 6, 1861.*

E. M. ARCHIBALD, Esq., *British Consul, New York.*

DEAR SIR: I am a native of Canada, the son of a British soldier; have been a resident of the United States about twenty-three years; have never been naturalized or declared my intention of becoming an American citizen. Mr. W. H. Duane, 58 Maiden Lane, can assure you of above facts as much as anybody I know of. I have written him to call upon you, and if it is not objectionable would be very much obliged if you would allow him to read this letter.

I was arrested in Philadelphia (where I reside to do business) on 20th of September and brought here Monday morning, 23d. A monstrous invention, purporting to be an account of my case, was published in New York Herald, 24th. I was reluctant to trouble you, as I thought that the Government would release me without and had been led to suppose so by the officers who arrested me. So after waiting a week I directed a letter to Hon. W. H. Seward, Secretary of State, at Washington, on October 1. Not having received any reply I now appeal to you, and beg in as concise a way as I can to submit all the facts in my case, premising, however, that I have never had any distinct charge made against me; that I was in Philadelphia prevented from holding communication with any one; was refused counsel or appeal to British consul, and that a young man in my office was kept in prison as I was informed merely for having my card case which contained my consul's certificate, which I suppose he was carrying to my attorney. The U. S. marshal showed me this certificate in his own possession; refused to give it up to me, so that he had every reason to know that I was a British subject.

I had been thrown out of business by these troubles, was comparatively idle when some two or three months ago I was offered a commission for buying India-rubber overcoats, blankets, &c., Colt's pistols, percussion-caps, army cloth and other army goods by a merchant of Baltimore who was not familiar with the trade (Mr. James M. Haig). He told me there was a good demand for such goods in his place and in Washington and assured me they were for no disunion purpose but for a legitimate Union trade, which to me seemed very plausible, and I undertook the commission and came to New York to buy the goods, which I could not get in Philadelphia.

Up to this date (which I cannot state) I had heard of no prohibition of forwarding any kind of goods to Baltimore; had heard of some pistols having been stopped in New York but immediately sent on again, but still when there in New York I wrote to Secretary Seward from Sweeny's Hotel that I had a commission to buy army goods for a Baltimore house which I was then executing and which I would fill and forward if he did not advise me to the contrary and gave him my Philadelphia address. I got no answer and bought and forwarded goods to the value I think of $3,700. I am since assured by Mr. Haig that these goods were all sold in a legitimate and proper manner and that he really wanted them for Union purposes. However, that trade was finished and is I believe a loyal one to say the least or worst of it.

Some time after this same gentleman proposed I should buy more for him and from the magnitude of his talk and some memoranda I concluded that the trade was illegitimate. I ought to have stopped here but judging that this proposition was actually from headquarters in the Confederate authorities I foolishly deemed that I could be of service to the Government by encouraging it. Consequently I did not

refuse the commission and ordered goods to the value of about $2,400. For reasons which appear hereafter I never filled this order or received the goods. I immediately procured a letter of introduction to Secretary of War Cameron and went to Washington to see him; could not but was referred to General McClellan whose aide, Captain Williams, received me and heard my story and my offer to enter the secret service of the United States in this matter looking to the encouraging of the Confederate supplies being ordered through me and my agents by which I intended to protect Mr. Haig. Captain Williams gave me an audience of over an hour; was pleased with my suggestions, acknowledged the importance of the movement, &c., and requested me to reduce all to writing which I did in a letter to him and left for home. After waiting quiet some time I received a letter from Captain Williams stating that General Porter had been appointed chief of a secret service department and asking permission to hand my letter over to him which I by return mail acceded to. I received no word from General Porter, in consequence of which I got rid of the filling of the $2,400 [order for] goods above named. I made one more attempt to get at the Government by getting a letter of introduction to Mr. Nicolay, the President's private secretary. I forwarded the same to him by mail saying what I wished and after perhaps a week's delay received answer from him that he had handed my letter, &c., to General Porter with his recommendation, and here my efforts to get service from Washington ceased, still being in daily expectation of hearing from General Porter.

Again I was asked by same party to buy more goods, and acting under Captain Williams' advice I still held on and then called on the U. S. marshal in Philadelphia, telling him all up to then and asking his advice. He astonished me by saying that I had been informed on; that he was glad I had called and that he would protect me; to go ahead and buy the goods, keeping him advised of all. Consequently I bought about $700 or $800 worth of goods, put them in my loft, and as they came in immediately informed him, showed bills, &c. This is the amount of goods reported in The Herald as of value of $10,000. Marshal Millward entered into our plans, but here another actor came on in person of Mr. Benjamin Franklin, Philadelphia city detective, who was acting independent of the United States. He claimed that he was after me and conjointly with Marshal Millward entered into our confidence. This $700 or $800 of goods I of course held in Philadelphia, having satisfied Mr. Haig to that end.

At this time, perhaps two weeks after my calling on Marshal Millward, a Government detective called Munson, alias Baker, went to Baltimore and under the former name sent for Mr. Haig to call on him at Barnum's Hotel. He called and then was offered $50,000 for buying $200,000 of army goods for the Confederates, showing as his credentials letters from several of the Southern dignitaries. Mr. Haig fell into his trap and came on with him to Philadelphia; called on me and I agreed to buy what goods he wanted up to $200,000 and forward same to Philadelphia, no more, for $1,000. He left me with that bargain to call with this detective on a friend who knew the signers of these credentials and did not again call on me. The next morning the same detective called on me and introduced himself as Mr. Munson for whom I was to buy goods, and showed me credentials which I did not read further than to see they were signed by R. Toombs, Walker and others whose names only were familiar. I declined acting as his or their agent; said I was retained by Mr. Haig and no higher commission

would tempt me, an introduction or credentials from Mr. Haig being what I wanted. He said Mr. Haig had been telegraphically called to Baltimore but his friend Mr. Wyatt could assure me he was his messenger. I walked with him to Mr. Wyatt's office and he assured me that Mr. Munson was all right and we came away after arranging that such goods as I bought should be forwarded to Mr. Wyatt's store and address. He then wanted me to go right ahead and buy goods which I was willing to do on receipt of the money. He said he would give me $6,200 at 4 p. m., but finally agreed to give me $25,000 at 11 a. m. so that I could go to Hartford that day, and left me about 10.30 a. m.

I immediately reported myself at U. S. marshal's office, who the day previous was at Washington and at whose dwelling I had called early in the morning, to inform him of all these circumstances and then told him all that had transpired; how that this man Munson claimed to have $200,000 at Adams Express and was to give me $25,000, seeking his instructions whether I should spend the money or not, and in his office after some little humbugging he arrested me. I shall complain of nothing since as that is the act causing all the rest.

The whole of this being necessarily a secret business these facts cannot be proved in detail but they can be circumstantially substantiated by Robert Wade and William W. Knight, of Philadelphia; also E. Clinton, L. A. Kettle and my wife, same place; by Rev. George Collins, chaplain to Baxter's Fire Zouaves; by Captain Williams, aide to General McClellan, and Mr. Nicolay, President's private secretary, all in Washington. The substance of the above I have written to Mr. Seward.

Allow me to add apologetically—first, that my wife and children are Americans and that I deemed it a privilege to do their Government a service which I believed I had the opportunity and qualification for; second, that my object was not mercenary. Marshal Millward and Mr. Franklin both suggested to me that as an informer I was entitled to half the property and so did Captain Williams. To each I distinctly said that I would rather be in employ of the United States which would prevent this, and said I did not do this for money. Furthermore I am the most pained at the arrest of Mr. Haig and Mr. Wyatt, having the appearance of being brought about by my treachery, which was the farthest from my thoughts and intentions. The officers in Philadelphia did not scruple to insinuate this to these men. I could explain all these things to you better if you could call on me.

I am very sorry to trouble you with such a long letter and repeat that I would be much obliged if you would allow Mr. Duane to read this and also Captain Brainard, habor master of New York, who is an uncle of my wife and whose good opinion I would like to have.

Again apologizing for this long communication and begging you will assist me, I remain, sir, yours, very respectfully,

WILLIAM GILCHRIST.

—

FORT LAFAYETTE, *October 8, 1861.*

Hon. W. H. SEWARD, *Secretary of State:*

We hereby solemnly promise to sustain the Government of the United States to the utmost of our ability in the present struggle; and further that we will not have any association or intercourse whatever with the enemies of said Government.

F. WYATT.
JAMES M. HAIG.

WASHINGTON, *October 12, 1861.*

Hon. THOMAS A. SCOTT, *Assistant Secretary of War.*

SIR: The accompanying letter was sent to me by my uncle, C. E. Smith, with the request that I would place it in the hands of some such person as yourself to whom he is known and with whom his statements might have some weight. As we are under orders to hold ourselves in readiness to move at a short notice I am prevented from presenting it in person.

I am, sir, very respectfully, your obedient servant,

FRANK G. SMITH,
Second Lieutenant, Fourth Artillery.

[Inclosure.]

OCTOBER 8, 1861.

F. Wyatt was arrested in Philadelphia in September for sending supplies to the South. I know him well and I have no doubt that the Government got the right man. He is a Virginian, I think from Richmond, brought up by Jos. R. Anderson, Tredegar Iron Works. He spent the winter of 1859–'60 in traveling through the South spreading the tale that M. W. Baldwin and Mr. Whitney were abolitionists and ought not to receive orders from "true-hearted Southerners." I met him there. He tried by talking against the South to draw me in also but he failed.

CHARLES E. SMITH.

PHILADELPHIA, *October 14, 1861.*

W. H. SEWARD:

Has Gilchrist been released yet? If so, when? It is important for me to know as he may leave for Canada without coming to this city. The warrant for his arrest is ready.

L. C. BAKER.

L. C. Baker being duly sworn according to law deposes and says: That he called at the place of business of William Gilchrist in Commerce street, Philadelphia, on the 19th day of September, 1861, and had a conversation with him then and there. This deponent said to the said Gilchrist that he had been sent by one James M. Haig to say to the said Gilchrist that he (Haig) could not keep his appointment to meet him that morning, to wit, the 19th day of September, as he was compelled to go to Baltimore, and this deponent was the person who had been mentioned by the said Haig to him (Gilchrist) as the agent of the Southern Confederacy. The said Gilchrist at first hesitated to communicate freely with this deponent, but upon showing him certain letters purporting to have been signed by one Howell Cobb, Robert Toombs and L. P. Walker, indorsing this deponent as the authorized agent of the Southern Confederacy to act in their behalf in the purchase of goods, the said Gilchrist communicated and talked with this deponent freely and stated that he had been an agent for the purchase of contraband goods for nearly three months, and that he has been shipping the said contraband goods to the said Haig for the purpose of being transported from Baltimore to the States of the so-called Southern Confederacy. The said Gilchrist further said at the time and place aforesaid that in consequence of the immense profit made by the said Haig in and from the sale of the said contraband goods he (Gilchrist) would not supply any more of the said goods at a less price than 25 per cent. commission

on the purchases made here in the city of Philadelphia, 10 per cent. commission being the compensation agreed upon between the said Haig and him (Gilchrist) for the said purchases; that he (Gilchrist) was satisfied he was being watched by Lincoln's detectives, and that he was not willing to take his chances of being sent to Fort Lafayette for the price of 10 per cent. on the value of the goods which he might send to the said Haig, but proposed to this deponent to purchase all the goods which this deponent needed for the said Southern Confederacy at the commission of 25 per cent.

This deponent then asked the said Gilchrist if he had any contraband goods on hand for sale. He replied that he had some goods intended for Haig but that he considered them his (Gilchrist's) until Haig had paid him, but he proposed to sell them to this deponent for cash down and said that he would buy others for Haig. This deponent then asked Gilchrist to show him the goods to which he referred and he pointed out certain large boxes containing as the said Gilchrist said cannon primers, percussion-caps and surgical instruments. The said Gilchrist seemed very desirous to close the trade immediately. The said Gilchrist further stated to this deponent that he was a British subject and ran less risk in engaging in this service than an American citizen, as in case he got in any difficulty he could claim British protection. The said Gilchrist further stated explicitly to this deponent that he had sent goods as the agent of the said Haig to Baltimore which he knew had been transmitted to the States of the said Southern Confederacy by the said Haig. That the said Gilchrist further said that all the goods which he had sent to the said Haig and which had been transported to the States of the said Southern Confederacy were sent by him (Gilchrist) for the purpose of transportation to the said States by the said Haig. That the said Gilchrist believed that this deponent was at the time of said conversation an agent duly authorized to buy goods for the said Southern Confederacy. This deponent therefore charges the said Gilchrist with treason, in this, that he did levy war against the United States and did give aid and comfort to their enemies contrary to the act of Congress.

L. C. BAKER.

Sworn to and subscribed October 14, 1861.

CHARLES F. HEAZLITT,
U. S. Commissioner.

FORT LAFAYETTE, *October 14, 1861.*

THOMAS H. MADDOX, Esq., *Washington.*

DEAR SIR: You will do me the favor to employ counsel in the case of myself and F. Wyatt, and if he effects the desired ends I will pay him the sum of $500. Should he not accomplish the object we desire at once call on Hon. R. Johnson to whom I have previously written. Thank you, dear sir, for your kindness, and won't forget it.

Yours, very truly,

JAMES M. HAIG.

DEPARTMENT OF STATE, *Washington, October 16, 1861.*

WILLIAM MILLWARD, Esq.,
U. S. Marshal, Philadelphia, Pa.

SIR: Will you please forward to me by post as soon as possible all letters, papers and other things in your possession found upon the

person or among the baggage of the prisoners James M. Haig, William Gilchrist and Wyatt.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

—

FORT LAFAYETTE, *October 16, 1861.*

Col. MARTIN BURKE, *Commanding Fort Hamilton.*

DEAR SIR: Since my incarceration here your course toward me and those who have called to inquire about me has been marked with great courtesy and kindness. I pray you accept my thanks. I desire a favor at your hands which if not incompatible with your duty I beg that you will grant. I wish a copy (exact) of my committal handed you on the 20th ultimo by Deputy U. S. Marshal Jenkins.

Your attention will oblige your most obedient servant,

F. WYATT.

—

PHILADELPHIA, *October 17, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Yours of 16th instant has been received in relation to the papers, &c., of Gilchrist, Wyatt and Haig. I have sent them per post (as directed) in Wyatt's trunk, the key of which is inclosed in this letter. I have also nine cases (about a dray load) of cannon primers, percussion-caps and surgical instruments taken from the loft of the building in which Gilchrist had his office.

Very respectfully, &c.,

WM. MILLWARD,
U. S. Marshal.

—

WASHINGTON, *October 17, 1861.*

Hon. W. H. SEWARD, *Secretary of State:*

Your petitioner, Thomas H. Maddox, of said city, has been requested by James M. Haig, of Baltimore, and by F. Wyatt, of Philadelphia, now confined as prisoners at Fort Lafayette, in the harbor of New York, and fully authorized by them respectively to present to the Government their application for a release, and in pursuance thereof he makes the following statement in their names:

Said Haig is a merchant in said city of Baltimore and as such dealt extensively for various articles in his line of business with merchants and others in Philadelphia among whom was included said Wyatt. On a visit of business to Philadelphia in September last he was engaged in making various selections and purchases of stock and was engaged in the same with said Wyatt when they were both arrested and ordered into confinement as above stated. They were not informed of the cause of the arrest and can only conjecture that it was based on a belief that the stock negotiated between them for transportation to Baltimore by said Haig was intended ultimately to be sent for sale into some one of the seceded States. Said Wyatt declares that he knew of no such design on the part of Haig and that he does not believe any such design existed. Said Haig for himself declares that he is entirely innocent of any such intention, and avers that all and every article which he purchased or designed purchasing was solely intended for the Maryland market in his usual course of business at Baltimore.

They appeal to the justice of the Government as well as to its lenity. They are men of families who need their protection and presence. They are engaged in business and are suffering heavy losses and injuries by being thus cut off from its management. They are innocent of all offense against the law. They are willing to show their loyalty to the Government by taking the oath of allegiance and by giving their parole. They respectfully petition to be released from confinement.

T. H. MADDOX,
Counsel for Petitioners.

FORT LAFAYETTE, *October 20, 1861.*

Hon. A. LINCOLN,
President of the United States, Washington, D. C.

MR. PRESIDENT: I desire most respectfully to call your attention to my imprisonment and beg most earnestly your kind consideration of my case. On the 20th of September (one month to-day) I was arrested in Philadelphia and without notice taken from my family and brought here and incarcerated. By this procedure I was deprived of a situation by which I was enabled to support my family, who are left entirely without means and at the mercy of a cold and uncharitable world, having no relations to whom they could look in an emergency like this for support.

On the day of my arrest I asked permission to procure counsel which was refused me, and on making inquiry as to the cause of my arrest was informed that I was arrested on suspicion and would be held prisoner upon the same grounds. The officers took possession of my house, grossly insulted and maltreated the female portion of my family, removed everything portable to a distant part of the city, broke locks of the furniture in the house, indiscriminately scattering the contents over the floors, and committed sundry other high-handed and unwarrantable acts, which I well know when brought to your attention would meet your just condemnation.

I am and have ever been a firm supporter of the Union which thousands of persons can attest, and have advocated that cause both by talking and writing. I have never at any time or under any circumstances given aid to the rebels, either directly or indirectly. Being a Southern man by birth, and refusing to return to my native State (at the earnest solicitation of all my relatives) when this rebellion broke out, I am disfranchised by them and now incarcerated by those with whom I have acted, and for whom in this bold strike for liberty and Union I boldly combatted against the high-handed measures of secession and disruption of the Government. I am informed of the sickness of my family and now have no recourse left but your just clemency, and beg you in behalf of my family that you will order my speedy release so that I may join my family.

I am willing further to attest my loyalty (if doubted) by taking the oath to support the Constitution and laws of the United States Government and in no way to hold intercourse with persons in the seceded States.

I have the honor, dear sir, to be, your most obedient servant,

F. WYATT.

FORT LAFAYETTE, *New York Harbor, October 22, 1861.*

Lieut. Col. M. BURKE,
Commanding Forts Hamilton and Lafayette.

COLONEL: I respectfully ask that James M. Haig, prisoner confined at this post, be removed from here immediately as he is a perfect maniac, and if he remains here will do himself some damage. He was so violent last night that I was obliged to place him in stiff irons.

I am, colonel, with respect, your obedient servant,

CHAS. O. WOOD,
Second Lieutenant, Ninth Infantry, Commanding Post.

[Indorsement.]

WAR DEPARTMENT, *November 1, 1861.*

Let him be discharged.

SIMON CAMERON.

NEW YORK, *October 25, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State:*

James M. Haig, a prisoner confined in Fort Lafayette, is deranged; in double irons. Shall I send him to the lunatic asylum at Blackwell's Island?

ROBT. MURRAY,
U. S. Marshal.

DEPARTMENT OF STATE, *Washington, October 26, 1861.*

ROBERT MURRAY, Esq., *U. S. Marshal, New York.*

SIR: You will please release James M. Haig and deliver him to his friends at New York or Baltimore. If they are not prepared to receive him convey him to the lunatic asylum at Blackwell's Island. Let his treatment be as kind as possible consistent with his safety.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

BALTIMORE, *October 29, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington.*

DEAR SIR: I notice a paragraph in the morning prints of this city to the effect that a certain James M. Haig, who was arrested some time since and placed in Fort Lafayette on the charge of treason to our Government, had become a raving maniac and his release from confinement directed by your orders. I beg that you will pardon me for annoying you about this matter when I am so well aware that you are already overtaxed with business and I trust you will not deem it impertinent in me in addressing you. My only object is to guard the Government against deception.

This man Haig is by birth an Englishman but for the past thirty years or thereabouts has been a resident of this city, and is one of the most consummate rascals that ever walked the streets of our city, ready and willing at all times to do anything for money. There is no scheme of villainy but that he is ready to join in and lend a willing hand for gain, and he has been remarkably successful in managing to evade the clutches of the law in all his nefarious operations. He is a scheming,

artful villain, and I have no doubt whatever that his insanity is altogether feigned. Take care now that he don't cheat you. He knows well how to act and carry out any purpose that he adopts and is fully competent to play the maniac to perfection. I warn you against this man. He deserves punishment and has no claim whatever for clemency. I should regret to see any injustice done him and I am far from desiring anything of that sort. I have learned to know that vengeance is with the Lord. He will in His own good time and His way punish all these traitors, and His ways are past finding out. It is only the baneful influence of Haig's liberty that I fear. Traitors here will be emboldened by finding a man like Haig released. None here for one moment believe anything else but that his insanity is altogether feigned. Take care, my dear sir, that you are not deceived in this matter.

With considerations of the highest order, I am, my dear sir, very respectfully, your obedient servant,

H. G. WILSON.

—

1902 MOUNT VERNON STREET, PHILADELPHIA.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

RESPECTED SIR: Will you be pleased to spare a few moments of your valuable time to listen to the plea of a desolate wife? My husband, William Gilchrist, was arrested on the 20th of September and sent to Fort Lafayette, where he now is. In having him removed from us myself and four children are suddenly deprived of all means of support and know not how to get through the coming winter. I, my children and nearly all my family are native-born and loyal citizens, General Cox, now in Western Virginia, being my brother, who would sacrifice every earthly thing for our dear country at this time, and I cannot believe that my husband is guilty of the accusation against him or that the cause of justice or of the Union will be in the least injured by his release. If it be possible to restore him to his family pray do so and receive the lasting gratitude of one who would not wish to be made happy at the expense of her country's honor.

Very respectfully,

REDELIA A. GILCHRIST.

—

DEPARTMENT OF STATE, *Washington, November 2, 1861.*

Col. JUSTIN DIMICK, *Fort Warren, Boston, Mass.*

SIR: Let William Gilchrist, a prisoner confined in Fort Warren, be released. I transmit this order to John S. Keyes, esq., U. S. marshal, who has been instructed by this Department to cause a police examination to be made in some cases of the persons and baggage of prisoners discharged from custody to the end that no correspondence or other improper papers be conveyed by them to persons outside the fort.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

—

BOSTON, *November 7, 1861.*

Hon. W. H. SEWARD.

DEAR SIR: I was released from Fort Warren yesterday and again arrested.* I have waived everything here and have now to request

* On civil process for treason.

that you will allow me to go to Washingto· and see you, and if I do not satisfy you of my perfect innocence and good will to the Government to be sent back without any process but your order. I can do this in Washington easily, and have a hearty desire to spare the Government any trouble on my account. I do not believe any injustice is meant me. I do not wish to trouble you with long letters or the courts with trials but wish to put myself unreservedly in your hands.

Very respectfully,

WILLIAM GILCHRIST.

—

Memorandum in reply to that of Lord Lyons of the 9th instant in regard to political prisoners alleged to be British subjects.

DEPARTMENT OF STATE, *Washington, November 11, 1861.*

William Gilchrist.—Released from Fort Warren on the 6th of November by order of the Secretary of State. He was rearrested on the same day on a warrant issued out of the court in Pennsylvania. He has been indicted for treasonable practices and his case is now undergoing judicial investigation. If innocent he will be acquitted.

—

OFFICE OF U. S. ATTORNEY,
Philadelphia, November 20, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I learn from the U. S. marshal for this district that he transmitted to the State Department all letters and papers found in the possession of the man Gilchrist at the time he was apprehended for treasonable practices against the United States. I will be compelled to make use of those documents in the progress of the case which is being prepared against that person, and if you have no further use for them I will be obliged to you if you would direct them to be sent to the district attorney. The papers were sent to the State Department in connection with those of some other parties supposed to be implicated with Gilchrist in his treason, and it would probably be better to send them all if they are no longer of use to you.

I have the honor to be, very respectfully, your obedient servant,

J. HUBLEY ASHTON,
Assistant U. S. Attorney.

—

DEPARTMENT OF STATE, *Washington, November 21, 1861.*

J. HUBLEY ASHTON, Esq.,
Assistant U. S. District Attorney, Philadelphia, Pa.

SIR: Your letter of the 20th instant has been received. The cases of William Gilchrist, James M. Haig and F. Wyatt are being investigated and the papers and letters found upon these parties are for the present needed at this Department. If it should be necessary to the proper preparation of the case you are prosecuting against Gilchrist that the papers be sent to you before the 1st proximo you will please so inform me; otherwise all the papers in the case will be forwarded to you about that time.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

FORT WARREN, *Boston Harbor, November 28, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington.*

SIR: I have the honor to forward herewith a list of prisoners of state, mentioning the time of arrival here, also the date according to their own account of confinement and their residence. I beg to mention the case of Mr. F. Wyatt, of Philadelphia. Though a stranger to me his appearance of ill health led me to ask him some questions. In conclusion he said he was willing to take the oath of allegiance with the usual stipulations required of all those who have been released. I learn that he has a family in Pennsylvania. * * *

I am, sir, with the highest respect, your obedient servant,

J. DIMICK,
Colonel First Artillery, Commanding Post.

—

OFFICE OF U. S. ATTORNEY,
Philadelphia, November 28, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have appointed Tuesday next, 4 p. m., for a preliminary hearing in the cause of the United States against William Gilchrist. I do not think that the papers relating to that case which were in the possession of your Department will be necessary for the purposes of that hearing. I wish, however, to examine them before preparing the indictment. If they can be transmitted to me conveniently in a few weeks from the present time it will be all that I desire.

I have the honor to be, very truly and respectfully, your obedient servant,

J. HUBLEY ASHTON,
Assistant U. S. Attorney.

—

DEPARTMENT OF STATE, *Washington, December 9, 1861.*

Maj. Gen. JOHN A. DIX, *Baltimore.*

GENERAL: Mr. James M. Haig, of Baltimore, has applied to this Department for permission to surrender himself to you under arrest and to be discharged from further prosecution on the charge of disloyalty. If you see no reason why this should not be done you will please release him on taking the oath of allegiance to the Government of the United States stipulating that he will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State, and also that he will not do anything hostile to the United States during the present insurrection.

I remain, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

DEPARTMENT OF STATE, *Washington, December 12, 1861.*

J. HUBLEY ASHTON, Esq.,
Assistant U. S. District Attorney, Philadelphia, Pa.

SIR: I have to inform you that all the letters and papers taken from William Gilchrist, James M. Haig and Felix Wyatt have been sent by express to-day to your address. When you have made such use of

them as you may deem necessary in the prosecution of the case against Gilchrist I will thank you to return the papers to this Department.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

PHILADELPHIA, *December 17, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington City.*

SIR: I have been retained by William Gilchrist as his counsel in the matter of the charge of treason against him in the U. S. circuit court for this district. He informs me that there are several important papers now in your office which bear upon his defense. I herewith inclose a memorandum of them and would respectfully ask that they be placed in my hands or in those of J. Hubley Ashton, esq., the attorney of the United States in this city, or in those of some one else with directions to permit access to them by Mr. Gilchrist or his counsel. I make this application with the more freedom as your long experience at the bar will enable you to appreciate the propriety of the request. An early answer will oblige,

Very respectfully, your obedient servant,

JOHN C. BULLITT.

[Inclosure.]

Memorandum of papers made by William Gilchrist.

My letter to Secretary W. H. Seward from Sweeny's Hotel, New York, informing him that I was commissioned to buy army goods for a merchant in Baltimore, as he assured me and I believed for strictly legal trade, declaring that I was not a citizen and therefore he had no right to strain the laws, requesting that if my purchasing these goods was contrary to the wishes of the Government to be so informed by letter addressed to me at my office, Philadelphia, and promising to obey any wish expressed in such advice.

Captain Williams' letter to me, written perhaps some two weeks after, asking permission to lay my letter before General Porter. This letter has been sent with my papers, &c., to Washington by order of Secretary Seward.

Mr. Nicolay's answer to my letter dated early in September stating that he had handed General Curran's and my letter to General Porter with his recommendation. This has also been sent to Washington by Marshal Millward.

A press-copy book of letters written by me in course of my business.

A note case containing a few business memoranda, &c.

The possession of my press-copy book and note case or even access to them would enable me to give dates and otherwise refresh my memory greatly to my assistance. They have been sent to Washington by Marshal Millward.

WILLIAM GILCHRIST,
Philadelphia, Pa.

—

DEPARTMENT OF STATE, *Washington, December 19, 1861.*

JOHN C. BULLITT, Esq., *Philadelphia, Pa.*

SIR: Your letter of the 17th instant has been received. In reply I have to inform you that all the letters, papers and books belonging to

William Gilchrist which were received at this Department from U. S. Marshal Millward have been sent to J. Hubley Ashton, esq., assistant U. S. district attorney for the eastern district of Pennsylvania.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

BOSTON, *January 9, 1862.*

Hon. CHARLES SUMNER, *Washington.*

DEAR SIR: My faith in your justice and humanity impels me to ask your attention to the case of my friend Mr. F. Wyatt, of Philadelphia, now imprisoned at Fort Warren by order of the Secretary of State. The inclosed extract of a recent letter received by me from Mr. Wyatt will make you familiar with the particulars thereof. I am aware that the prisoners at Fort Warren have been informed that any effort to effect their release through the influence of outside parties would be fruitless and prejudicial, and that they were directed to apply directly to the State Department. Mr. Wyatt complied with this order by twice addressing Mr. Seward and writing once to the President* without reply in either case, although his communications contained a detailed statement of his case, including the time and manner of his arrest as set forth in the inclosed extract. I have no doubt whatever of the accuracy of my friend's statements, and I have no hesitation in denouncing his imprisonment as an arbitrary and outrageous exercise of power unworthy a Christian nation. I doubt often that we are a Christian people. If we are we deserve the chastisement of God.

I should be gratified (and grateful too) if you would present Mr. Wyatt's case to the notice of Mr. Seward. He is in feeble health and moreover unless he can personally attend to his private affairs they will be involved in irretrievable ruin. If Mr. Seward refuse to release Mr. Wyatt unconditionally he may be willing to release him for thirty or sixty days on parole during which time he will if allowed visit Washington to attend to his cause in person. He says he is certain of being successful with Mr. Seward if he can only have an opportunity of conversing with him. You will, however, pardon my application to you. I know of no one else to hope aid from for my oppressed and suffering friend. God forbid that I should regard myself as a citizen of any nation in which for no sufficient reason—upon mere suspicion only—my fellow-man can be deprived of his liberty without trial, without appeal, without hope itself, to the sacrifice of his health and all his material, domestic and personal interests.

With great regard, dear sir, your constituent,

JOSEPH F. MORTON.

P. S.—I had some correspondence with you directly after you delivered your Worcester speech. Mr. Wyatt is perfectly willing to take the oath of allegiance.

[Inclosure.]

On the 20th day of September, 1861, I was arrested in Philadelphia by the U. S. marshal upon an order from the Secretary of State. When asked for the charges against me the only reply was that I was arrested on suspicion of holding correspondence with persons in the seceded States, to which charge up to the 1st of May I plead guilty as I wrote

* See Wyatt to the President, October 20, 1861, p. 844; Wyatt to Seward, September 30, p. 832.

and received letters from my brothers and sisters in Virginia but from no other source. I was thrown into the miserable felon's prison at Philadelphia, refused counsel or communication with any friend, and from thence removed to Fort Lafayette, New York Harbor. While in prison at Philadelphia the detectives ransacked my rooms, broke locks off furniture which happened to offer any resistance and removed every portable article (even my portrait which hung up in my parlor) to a distant part of the city, abstracting from my trunk a small sum of money which I had placed there to cancel a small debt nearly due at the time, and when requesting a return of the amount was told if I would give up the diamond breastpin I wore and a watch in my pocket the sum of money would be given up. This remark was made by the U. S. marshal and an ex-Member of Congress of the United States.

Since my arrest I do most solemnly assure you that I am as ignorant of the charges against me as you are, though I have asked for them again and again. I have signified my willingness for a trial or to accept my release on parole not to go south of Baltimore or Washington, and to hold myself ready for trial whenever called upon.

F. WYATT.

OFFICE OF U. S. ATTORNEY,
Philadelphia, January 25, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: The case of United States *vs.* William Gilchrist has been postponed till Wednesday next (January 29) at 11 o'clock. I desire if possible to have Mr. Baker in attendance upon that day. The Department will probably direct him to be notified of the fact of the postponement of the cause and that it is for the interest of the Government that he should be present in court at the hearing.

I have the honor to be, with great respect, your obedient servant,

GEO. A. COFFEY,
U. S. Attorney.
Per J. HUBLEY ASHTON,
Assistant.

DEPARTMENT OF STATE, *Washington, January 27, 1862.*

GEORGE A. COFFEY, Esq.,
U. S. District Attorney, Philadelphia.

SIR: Your letter of the 25th instant has been duly received. In reply I have to inform you that Mr. L. C. Baker who is now in this city has been directed to proceed to Philadelphia and be present in court at the hearing of the cause of the United States *vs.* William Gilchrist on Wednesday, the 29th instant.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

BOSTON, *January 31, 1862.*

Hon. CHARLES SUMNER, *Washington, D. C.*

DEAR SIR: A few weeks since I addressed a communication to you on behalf of my friend Mr. F. Wyatt, of Philadelphia, a political prisoner confined in Fort Warren, inclosing also a brief statement of the circumstances attending his arrest. I have not as yet been favored

with your reply. If I erred in doing this I beg to apologize and to ask the favor of your prescribing the correct course to be pursued to effect the liberation of my friend whose health is in a precarious state and whose material interests will be seriously injured if not totally ruined by protracted confinement in prison.

Your kind advice will be gratefully and thankfully received by, sincerely, yours,

JOSEPH F. MORTON.

OFFICE OF U. S. ATTORNEY,
Philadelphia, February 1, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to inform you that William Gilchrist who is charged with high treason was on yesterday morning remanded for trial after a somewhat prolonged examination of his case upon a writ of habeas corpus. Upon the argument of the cause the learned judge of the district court expressed a very decided opinion that the difficulty of prosecuting him successfully for high treason was very great, the difficulty growing out of the constitutional requirements as to the evidence on a trial for this crime. The overt act must be proved by the testimony of at least two witnesses, and confessions not made in open court cannot be given in evidence against the defendant. The larger portion of the testimony upon which the Government relies in this case consists of the prisoner's own declarations or admissions. And while upon a preliminary hearing such as has just taken place, the rule of law permits the confessions of a party charged with treason to be given in evidence it is more than questionable whether much of that species of testimony which was so potent on the hearing of the habeas corpus will not be entirely rejected when the case comes before a traverse jury.

There is a late act of Congress (that of July 31, 1861) under which a prosecution may well be based against the defendant. The charge would be conspiring to levy war against the United States. That offense is a misdemeanor under the statute. If the Government should elect to send a bill to the grand jury for that crime the difficulties which would be encountered in a prosecution for treason would be avoided. Inasmuch as the case has been before your Department I would like an expression of opinion if it be agreeable to you upon the propriety of electing to prosecute for the lesser offense. I am of opinion that it would be inadvisable to indict the prisoner for treason unless the Government should be confident of meeting fully the requirements of the Constitution and of the act of 1790 as to the testimony upon the trial.

I have the honor to be, with all submission, your obedient servant,

GEO. A. COFFEY,
U. S. Attorney.
Per J. HUBLEY ASHTON,
Assistant.

WASHINGTON, *February 1, 1862.*

Hon. WILLIAM H. SEWARD.

DEAR SIR: The case of William Gilchrist under writ of habeas corpus was decided before Judge Cadwalader last evening. The judge remarked upon giving his decision that the prisoner or counsel for the defendant could expect no favors at the hands of the Government as

it was a case in which the neck of the prisoner was in danger. Gilchrist was affected to tears and says he has never before realized his real condition. It is now only necessary to go before the grand jury with our witnesses for an indictment. In the meantime what shall be done with the prisoner? I am much afraid he will escape from the local authorities and when wanted will be *non est*

Yours, truly,

L. C. BAKER.

DEPARTMENT OF STATE, *Washington, February 4, 1862.*

GEORGE A. COFFEY, Esq.,
U. S. District Attorney, Philadelphia, Pa.

SIR: I have to acknowledge the receipt of your letter of the 1st instant relative to the case of William Gilchrist. In reply I am directed by the Secretary of State to say that if in your judgment a conviction is more certain on an indictment for the lesser crime than that of conspiracy to levy war against the Government of the United States he would advise a prosecution therefor. Mr. Felix Wyatt was engaged in the same proceedings with Gilchrist and I am directed to suggest to you the propriety of his indictment and prosecution for the same offense. He is at present confined at Fort Warren, Boston Harbor.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

OFFICE OF U. S. ATTORNEY,
Philadelphia, February 5, 1862.

F. W. SEWARD, Esq., *Assistant Secretary of State.*

SIR: I have the honor to acknowledge the receipt of your letter of the 4th instant relative to the prosecution against Gilchrist. The view of the district judge in regard to his case is a very just one. He thinks that Gilchrist is not a man whom it would be safe or prudent to permit to go at liberty but that it would be extremely difficult upon technical grounds to convict him of high treason. The learned judge therefore said that if the defendant's counsel pressed the Government to trial upon the indictment for conspiracy in case that form of prosecution should be adopted he would be bound to give the United States an opportunity to send a bill to the grand jury for high treason. The probability is that I will send up a bill for conspiracy to levy war, and if we should be forced to try I will have an opportunity to present an indictment for the greater offense.

I am, very respectfully, your obedient servant,

GEO. A. COFFEY,
U. S. Attorney.
Per J. HUBLEY ASHTON,
Assistant.

PHILADELPHIA, *February 21, 1862.*

P. H. WATSON, *Assistant Secretary of War:*

William Gilchrist and F. Wyatt were to-day indicted by the U. S. grand jury for treason.

L. C. BAKER.

DEBTORS' APARTMENTS, MOYAMENSING PRISON,
February 23, 1862.

Hon. E. M. STANTON.

DEAR SIR: On the 13th of August last I called at the War Office with a letter of introduction to Hon. Simon Cameron. I could not obtain an audience, but in writing a note stating the nature of my business Assistant Secretary Scott referred me to General McClellan and I had an interview with Captain Williams, his aide. At his request I embodied in a letter written to him from Brown's Hotel that day my anticipated ability to discover and control the channel of Governor Letcher's and Jeff. Davis' supplies of contraband goods. Captain Williams encouraged my plans and I came home. His promised correspondence was postponed, and I wrote on same subject to Mr. Nicolay. Both of these gentlemen referred my letters to General Porter, in whose hands they doubtless are, and from whom I expected communi cations but received none.

In consequence of being forced to keep my strategy alive I was implicated with the real offenders, and on 20th of September was arrested and sent to Fort Lafayette along with James M. Haig, of Baltimore, and F. Wyatt, of this city. Mr. Haig was discharged, temporarily insane, on 26th of October and Mr. Wyatt under your proclamation of amnesty of 22d instant.* I am held in custody of the U. S. marshal here and have been now a prisoner over five months, and my present object is to beg that you will extend your amnesty to my case. My family are impoverished and suffering and all concerned with me have been released. I should prefer being sent to Fort Lafayette, as those under charge of piracy in that prison have been discharged, and the newspapers have very much aggravated my case. My address is care James Quinn, keeper, this prison. May I beg an early intimation of your intentions, as I have a sick and destitute family awaiting my help? I refrain from further detail, knowing the value of your time, and having written Hon. W. H. Seward in full from Fort Lafayette.†

Humbly begging your kindness, I remain, your obedient servant,
WILLIAM GILCHRIST.

SENATE CHAMBER, *February 24, 1862.*

SECRETARY OF WAR.

DEAR SIR: The inclosed letter from Hon. Charles Chapman refers to the case of F. Wyatt, now imprisoned at Fort Warren. Can he be released in conformity with a late order?

Truly, yours,
J. DIXON.

[Inclosure.]

HARTFORD, *February 21, 1862.*

Hon. JAMES DIXON, *Washington, D. C.*

DEAR SIR: I am sorry to trouble you again in regard to Mr. Wyatt but I have received a letter from my friend, Mrs. Cowles, calling my attention to a new phase in the policy of the Administration touching political prisoners. I understand that the whole matter is committed to the Secretary of War and that the purpose is to discharge all such as have not acted as spies. I may not be correctly informed but if I am I trust Mr. Wyatt's case does not come within the exception.

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* This is an error. See Stanton to Dixon, March 3, *post.*
† See Gilchrist's letters to Seward, *ante.*

I am aware that Mr. Seward for some reason satisfactory to himself was disposed to hold him in confinement indefinitely. Not being advised of the ground upon which his purposes were formed I am of course unable to say how just this protracted confinement may be. If he is to be prosecuted for any overt act it is fair that he should know wherein he has offended and have accorded to him the privileges of a fair trial. I do not suppose from what I learn of the man that such a proceeding is really contemplated and I am satisfied that he may be safely discharged.

My own opinions in regard to the mode of proceeding which has been adopted in this and some other cases in the loyal States you know already, but they are of no importance to those in power. I think, however, the time will come when their soundness will be felt and acknowledged. If you can consistently call the attention of Secretary Stanton to this case I wish you would do so at an early day. I have a high respect for his ability and purity of purpose, and trust he will do that in the premises which he thinks is just to the Government and the prisoner. As you know I have no acquaintance with Mr. Wyatt and have formed my estimate of him from Mrs. Cowles' representations, and I know her to be an estimable lady.

Yours, truly,

CHAS. CHAPMAN.

WAR DEPARTMENT, *Washington, March 3, 1862.*

Hon. JAMES DIXON, *Senate Chamber.*

SIR: I have had the honor to receive your note of the 24th ultimo and its inclosure asking if Mr. F. Wyatt can be released under the recent order of this Department. In reply I have the honor to inform you that it is understood that Mr. Wyatt has been indicted by the U. S. grand jury in the district court of the eastern district of Pennsylvania on a charge of conspiring to levy war against the Government of the United States. It is deemed inexpedient therefore to interpose in his behalf.*

I have the honor to be, &c.

EDWIN M. STANTON,
Secretary of War.

ATTORNEY-GENERAL'S OFFICE, *April 2, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I had the honor to receive your note of March 31 inclosing a memorandum left with you by Lord Lyons† relative to the case of one Mr. Gilchrist, who it seems is imprisoned at Philadelphia under indictment for statutory offenses against the United States. The memorandum consists of brief extracts of a letter from the British consul at Philadelphia to Lord Lyons, and stating only the character of the indictment suggests the granting of a pardon but does not state the facts of the case nor those mitigating circumstances (if such exist) which ought to induce the President to interpose the clemency of the Government between the law and the prisoner. Certainly it would give me pleasure to gratify Lord Lyons in anything consistent with the

*No papers can be found in the War Department showing any further action in the case of Wyatt.

†Not found.

duties of my place but the memorandum (understood as an application for a pardon) is too informal and too barren of facts on that foundation alone to advise the President to issue the warrant. And if the application were intended to be addressed to this office requesting the exercise of its discretionary powers to stay the prosecution or to enter a *nolle prosequi* the same necessity exists for some statement of the defensive or mitigating facts. In ignorance of them I should not be warranted in giving the desired instruction to the district attorney. Doubtless if the case be one proper for a pardon the needful facts can be easily supplied.

I have the honor to be, most respectfully, your obedient servant,

EDWARD BATES,
Attorney-General.

—

DEPARTMENT OF STATE, *Washington, April 3, 1862.*

Hon. EDWARD BATES, *Attorney-General.*

SIR: I have had the honor to receive your letter of yesterday relative to the case of Gilchrist.

This person was arrested last summer for political reasons and especially for supplying the insurgents with munitions of war. He has been a long time confined in Fort Lafayette, and consequently may under existing circumstances be considered to have been sufficiently punished for his offense, a repetition of which there is now no danger. As there is reason to believe that his discharge would be acceptable to the British Government good policy would seem to indicate that this wish should be gratified.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

—

ATTORNEY-GENERAL'S OFFICE, *April 9, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: My absence for a few days and the pressure of certain official matters accumulated in my absence prevented my giving a more prompt attention to your letter of the 3d of April touching the case of Gilchrist. I now have from the U. S. attorney at Philadelphia a more full statement of the case than is contained in your letters or the memorandum sent you by Lord Lyons, and upon this fuller view I have no objection to the discharge of the prisoner now in Moyamensing jail, moved thereto by the express desire of the British Government sustained by your recommendation. Still there is a question upon which I crave your advice: Shall the discharge be by pardon or by *nolle prosequi?* The man is in judicial custody under indictment. The pardon will operate upon delivery. The *nolle prosequi* I believe can only be entered in open court and I do not know when the court sits.

I have the honor to be, most respectfully, your obedient servant,

EDWARD BATES.

Since writing this letter I have ascertained that the court is in session so I will direct a *nolle prosequi.*

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DEPARTMENT OF STATE, *Washington, April 10, 1862.*

Mr. Seward presents his compliments to Lord Lyons and has the honor to inform him that the Attorney-General, to whom his lordship's

memorandum relative to the case of Gilchrist was referred, has since carefully investigated the subject and has reached the conclusion that the prisoner must inevitably have been convicted of the crime with which he has been charged. In view, however, of the probability that a repetition of the offense may not under existing circumstances be expected and of his lordship's interest in Gilchrist a *nolle prosequi* in the case has been ordered and the prisoner will be discharged.

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ATTORNEY-GENERAL'S OFFICE, *April 11, 1862.*

GEORGE A. COFFEY, Esq., *U. S. Attorney, Philadelphia.*

SIR: Urgent application has been made to me for the discharge of William Gilchrist, a British subject, who stands indicted in the U. S. circuit court for the eastern district of Pennsylvania and whose case was reported to me by Mr. Ashton in his letter* of the 3d of March. Lord Lyons, the British minister, takes a lively interest in the case of the accused and desires his discharge, and Mr. Seward, Secretary of State, sustains his lordship's request upon grounds of national comity and wise policy. I yield to the force of these suggestions partly because the accused has already suffered a considerable punishment, but chiefly because the occasion enables us to show a graceful courtesy to the minister of a great nation and a politic generosity toward the prisoner. Therefore, sir, I request that you will cause a *nolle prosequi* to be entered upon the indictment against the said William Gilchrist to the end that he may be freely discharged.

I remain, most respectfully, your obedient servant,

EDWARD BATES,
Attorney-General.

—

ATTORNEY-GENERAL'S OFFICE, *April 17, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to send inclosed a copy of a letter this morning received† from the attorney of the United States at Philadelphia for the information of yourself and Lord Lyons. You will see that William Gilchrist has been released from custody, a *nolle prosequi* having been entered in accordance with my directions.

I remain, your obedient servant,

EDWARD BATES,
Attorney-General.

Cases of Messrs. Harbin, Watkinses, Jones, Dents and Others.

George F. Harbin was arrested in Washington, September 23, 1861, by E. J. Allen acting under orders from Brigadier-General Porter, provost-marshal. Harbin was charged with having written letters denouncing the Federal Government and invoking the success of the rebel arms, and in earnest sympathy with the success of the insurrectionists. Applications having been made for his release stating that he was willing and anxious to take the oath of allegiance an order was issued by the Secretary of State January 9, 1862, for the release of Harbin and others. January 11, 1862, Brigadier-General Porter, pro-

*Not found. †Omitted; substance herein stated.

vost-marshal of Washington, returned* to the Department of State the order for the release of Harbin with the following indorsement upon it:

HEADQUARTERS ARMY OF THE POTOMAC, *January 10, 1862.*

I am instructed by Major-General McClellan to say that considering the character of the within-named parties (Harbin and others), as shown at the time of their arrest, it is deemed a matter of military necessity that they should for the present be retained in custody.

Respectfully,

S. WILLIAMS,
Assistant Adjutant-General.

The said George F. Harbin remained in custody in the Old Capitol Prison in Washington February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

By order of Brigadier-General Porter, provost-marshal of Washington (as appears by the report of E. J. Allen), Rudolph Watkins and George S. Watkins were arrested September 23, 1861, in Georgetown, D. C. They were charged with being spies; with having aided in sending men to the rebel army and forwarding communications to the South. Application having been made for their release the Secretary of State issued an order to that effect January 9, 1862, on their taking the oath of allegiance, &c. January 11, 1862, Brigadier-General Porter, provost-marshal, returned the order for the release of the two Watkinses with the following indorsement upon it.† The said Rudolph Watkins and George S. Watkins remained in custody in the Old Capitol Prison in Washington February 15, 1862, when in conformity with the order of the War Department of the preceding day they were transferred to the charge of that Department.

Thomas A. Jones was arrested by a detachment of the Sickles Brigade near Pope's Creek, in Maryland, and brought to Washington under an order from Col. R. B. Marcy, issued about the 4th of October, 1861. October 26, 1861, E. J. Allen, through the provost-marshal of Washington, reported the facts connected with the arrest of Jones and the charges upon which he was arrested, from which it appears that Jones was engaged with others in furnishing information to the rebels and in transporting men to Virginia for the purpose of joining the rebel army and also in the nightly transportation of contraband goods to the enemy. January 9, 1862, the Secretary of State directed the release of said Jones and others on their taking the oath of allegiance and making the required stipulations. January 11, 1862, Brigadier-General Porter, provost-marshal of Washington, returned the order for the release of Jones and others with the following indorsement upon it.‡ The said Thomas A. Jones remained in custody in the Old Capitol Prison in Washington February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

George Dent, sr., was arrested about the 16th of November, 1861, by order of Brigadier-General Porter, in Virginia nearly opposite to Popes' Creek. He was charged with having in connection with others conveyed men, arms and ammunition across the Potomac River to aid the rebel cause; with being actively engaged in forwarding correspondence

* See Porter to Seward, January 11, 1862, with the McClellan indorsement, p. 876.
† Omitted; same as in Harbin's case, preceding.
‡ Omitted; same as in preceding cases.

to and from Virginia and also that he was an authorized agent of the rebel army. On the 9th of January, 1862, an order was issued by the Secretary of State directing the release of Dent and others on their taking the oath of allegiance, &c. January 11, 1862, Brigadier-General Porter, provost-marshal of Washington, returned to the Department of State the order for the release of Dent and others with the following indorsement upon it.* The said George Dent, sr., remained in custody at the Old Capitol Prison in Washington February 15, 1862.

The first intelligence received by the Secretary of State in regard to George Dent, jr., was an application for his release from the Old Capitol. On the 9th of January, 1862, an order was made by the Secretary of State directing the release of said Dent and others on his taking the oath of allegiance, &c. January 11, 1862, Brigadier-General Porter, provost-marshal of Washington, returned the order for the release of Dent and others with the following indorsement upon it.* Brigadier-General Porter states in his letter returning the order for the release of Dent and others as follows:

I would respectfully represent that the above-named prisoners (Dent and others) are of the most dangerous character and have been actively engaged in furnishing information to the rebels and in transporting men to Virginia for the purpose of joining the rebel army as also in the nightly transportation of contraband goods to the enemy.

The said Dent remained in custody at the Old Capitol Prison in Washington February 15, 1862, when he was transferred to the charge of the War Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

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DEPARTMENT OF STATE, *Washington, October 18, 1861.*

Brig. Gen. ANDREW PORTER, *Provost-Marshal, Washington.*

GENERAL: Will you have the kindness to report to this Department the proofs in the case of George F. Harbin, a prisoner confined at the Thirteenth Street Prison?

I am, general, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

DEPARTMENT OF STATE, *Washington, October 18, 1861.*

Brig. Gen. DANIEL E. SICKLES.

GENERAL: * * * I have also to request that you will remit at the same time the proofs in the case of one [S. G.] Acton arrested by your order. Please return this inclosure.

I am, general, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

DEPARTMENT OF STATE, *Washington, October 22, 1861.*

Brig. Gen. DANIEL E. SICKLES, *Excelsior Brigade, Good Hope.*

GENERAL: Your communication of the 19th instant† relative to * * * Acton with the inclosure has been duly received.

I am, general, your obedient servant,

F. W. SEWARD,
Acting Secretary.

*Omitted; same as in preceding cases.

†Not found.

WASHINGTON, *October 24, 1861.*

I have known Mr. George F. Harbin, who is now held as a political prisoner, for several years. I have during this time been the medical attendant of the family. He is very young and may have been indiscreet, but I should be loath to think he had done any disloyal act willfully. His sisters are most excellent ladies, and while I have never exchanged a word on the political questions of the day with the young man I have with his sisters, and that too early in the spring, and I have never heard a disloyal sentiment or word from them.

S. A. H. McKIM.

—

CORNER 13TH STREET AND PENNSYLVANIA AVENUE,
Washington, D. C., October 25, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: I understand my case is before you for investigation. Not having a chance to defend my case I have thought it would be well to adopt the following, viz:

The charges against me as I understand are as follows: That I have been engaged in ferrying persons to and from Virginia, carrying arms and ammunition to Virginia; that I kept a horse and carriage to convey persons to and from my place; that I had been to Virginia myself and when arrested I had a double-barrel gun loaded with buckshot, also a revolver with me. The revolver I have had since 1856 for self-protection; the double-barrel gun was left with me until the owner called for it. I knew nothing of its charge until it was discharged in my presence after my arrest. I understood that troops were scouring the counties and making arrests, and I as well as many others went to Virginia to escape arrest. Hearing the troops had left I returned home. I had never taken up arms and never intended so to do. The horse and carriage was left with me by a man by the name of McKenny who said he belonged in Washington. He brought with him in said carriage five runaway negroes which belonged in Virginia to a man—I forget his name. Said negroes were released from prison in Washington by order of, as McKenny said, General Mansfield or General Scott, which of the two I have forgotten. The horse and carriage were to remain with me until he (McKenny) returned from Virginia. If there were arms or ammunition carried to Virginia I have no knowledge of the same.

I do not deny but I have carried some persons across the river to Virginia. I carried several families of mothers and children to Virginia whom they said had husbands living there. Some of them said they had passes but I did not see them. I carried men also. I never inquired their business. I had not carried any person to Virginia for some two or three weeks before I went there myself.

I further understand that I am charged with carrying horses across the river which is certainly as false a charge as any man ever was charged with. After losing two very valuable boats by the Government I repaired a small-bottom boat for my express use; that is to say fishing and crabbing. Persons frequently came to me after said boat was repaired to get me to carry them to Virginia. I positively refused upon the ground that I had her repaired for my own purpose and if I attempted it I would lose her. A great part of the work was done by free negroes which is known to be a fact; and furthermore every man on the Potomac River that had a boat has been guilty of the same offense charged against me. Where there was a boat there was no use

in saying "no" when men from a distance came and said they wanted to go to Virginia on important business and must go. I have known in several cases where they after being positively refused took the boat and crossed the river themselves. Apart from conveying men across the river there have been men arrested in my county and released that were engaged in recruiting and sending men to different points on the river to cross and giving other aid and comfort to the enemy.

I have said already more than I intended and more than necessary, but I being the only man from my county held under arrest as prisoner causes me to feel more mortified and to suffer more than I should have done if others had been made to suffer the same; but it is frequently the case that the innocent have to suffer for the offenses of the more guilty which is now my case. I am the only man of the county held as prisoner and consequently am paying the penalty of the whole county. What I did which seems to be treason to the Government I did for profit which was not the case of many in the county. They fed, transported and furnished money for the Southern cause. I was not able to do that and did not do it. All I did I got paid for which I do not think I ought to be blamed for. I have a large family to support, and being a poor man I thought that if I could make something by carrying a few persons across the river it would be no harm; but instead of profiting by the operation I have lost severely. I have lost two valuable boats, one fine horse, saddle and bridle and revolver that cost $20. That of all most valuable is my liberty and to be separated from a distressed wife and eight little children. Also I have lost much by being from home at this important season of the year when a crop was to be taken care of and a crop of wheat to be seeded, besides a great deal of work that should be done very soon before winter sets in. I have no one at home to carry on such work and no one that knows anything about a great deal of work I intended to have done this fall.

The above is a long and uninteresting letter but I am in hopes you will see my object and sympathize with my family if not myself; besides I have had much suffering since my arrest. I was kept in camp eleven days, having nothing to sleep on but the naked ground and nothing but a blanket I fortunately brought with me, and but little that I could eat the biggest part of the time. I have been from home now five weeks next Tuesday. It seems to be a long time. I am willing to make oath on the Holy Evangels of Almighty [God] that the above statement is the whole truth and nothing but the truth. I am further willing to take the oath of allegiance.

Yours, very respectfully,

THOS. A. JONES.

HDQRS. CITY GUARD, PROVOST-MARSHAL'S OFFICE,
Washington, D. C., October 26, 1861.

Brig. Gen. A. PORTER, *Provost-Marshal.*

DEAR SIR: In obedience to your orders I have the honor to report that about the 1st of September last the following letter was placed in my hands:

PHILADELPHIA, *August 26, 1861.*

Hon. M. BLAIR.

MY DEAR SIR: As a lover of our glorious old Union I deem it my solemn duty to inform you that every night letters are carried from the post-office at Port Tobacco, Md., to King George County, Va., thence direct to the headquarters of the rebel army. My own wife has been requested to send letters to the care of Doctor or Mr. Dent to Port Tobacco, thence they were to be carried across.

Hoping that your noble efforts to cut off all this clandestine communication now so generally carried on from lower Maryland across and by secessionists all along the line may be successful, I am, very truly, yours, &c.,

A. ALLKINS.

On the 1st of September the following memorandum was received at my office:

Rev. J. H. RYLAND, *Sixteenth and K, Washington:*

Information from Rev. Mr. Wilmer, of Port Tobacco, in constant communication by boats with Virginia (Mitchells, Stones and Brent, Posey and Middleton, chief agents, Port Tobacco; George Dent and Tom Stone, Pope's Creek).

On the 1st of September also John Atwell, of this city, stated at my office that his brother-in-law at Pope's Creek informed him while on a visit to his wife's family there a while before that there were and had been a great many persons going over into Virginia at that place to Persimmon Point, directly opposite, it being the place where the sailors from the Pawnee were shot about ten days before in going ashore there to see about a small boat then loaded lying at the shore. That he (Atwell) had the day before received a letter from his wife at Pope's Creek, which he produced, stating that the Union troops had come there the week before and taken possession of Tom Jones' boat, which he carried men across to Virginia in, but that he had bought another on Monday and was taking passengers over night and day, keeping the boat on the Virginia side to keep the Northerners from getting it. This letter was dated August 27, which was about ten days after Atwell was at Pope's Creek himself and received the above information from his brother-in-law.

On the 14th of September a colored prisoner was brought to my office for examination who made in substance the following statement: That his name was William Hill; his age about twenty-six years; that he had been a slave to James Grymes at Mathias Point on the Potomac River all his life; that he had left Mathias Point on the Saturday night previous; that he had come away in a boat with some colored boys who had been sent from the Maryland side by their master, Mr. Thomas Jones, with some passengers to the Virgnia shore; that he (Hill) left Mathias Point for good, he hoped; that James Grymes' farm was about a mile below the batteries at Mathias Point; that Jones' on the Maryland side was below Grymes' on the Virginia side, while George Dent lived right opposite Grymes; that Jones and Dent both kept row-boats to take people across the river; that they landed at Grymes' house; that the U. S. officers had taken Jones' boats away from him; that he (Jones) did the principal part of the ferrying, though Dent did considerable; that they never crossed horses or wagons, only footmen; that the crossing was mostly from the Maryland side, very few crossing over from Virginia; that passengers crossed from the Maryland side nearly every day or night; that they always found conveyances waiting at Grymes' to take them out into the country; that when Jones had passengers to bring over in the night he gave a signal by placing a light in his upper windows and then the wagons came down out of the country to Grymes'; that when persons on the Virginia side wanted the boat to come over they gave a signal by a light at Grymes' at night and by hoisting a white flag in the daytime; that Jones kept his boat up a gut on the Maryland side; that his boat had been taken away from him twice by the U. S. officers but had been replaced by him each time, and that he was then using Dent's boat which had once been taken from him but restored; that Grymes interested himself both in military matters and his farming business and called himself a "shore guard."

On the 16th of September in accordance with your orders Lieut. W. M. Wilson, of the Fourth Cavalry, with a mounted company and accompanied by one of my operatives and Mr. John Atwell, before mentioned in this report, as guide started for Pope's Creek for the purpose of arresting Thomas Jones, George Dent and James Grymes. Lieutenant Wilson reported to me on the 21st of September that he arrived at his destination at about 2 o'clock on the morning of the 17th and after surrounding the house of Jones entered it and made a thorough examination of it and the premises but did not succeed in finding Jones; that he seized and brought away all the correspondence he could find in the house and smashed up a boat which he found lying at the landing near the house; that he then proceeded to the house of George Dent, arriving there about daylight; that he surrounded the house and demanded admittance which after some little delay was given; that he then proceeded to search the premises amid the loud remonstrances of the family; that Mr. Dent was gone; that he afterward ascertained from the servants and from interrogating those in the house that he had left for Virginia by boat accompanied by his son and some twenty or twenty-five others about 11 o'clock that night; that that place he was certain from information he had gathered there was and had been the grand depot for the arrival and departure of goods and men for the rebel army; that he took from Dent's house all the correspondence he could find, together with the following articles which he considered contraband, to wit: Two shotguns, about three pounds of powder, about thirty pounds of shot, one uniform coat, one pair of epaulettes and three boxes percussion-caps.

My operative who accompanied the expedition reported in addition to the above that while at Jones' Lieutenant Wilson took a colored man aside and questioned him as to the whereabouts of Jones and was told that he went away that night about 11 o'clock. The negro said that Jones had some signals whereby he knew when any one wanted to go over the river; that when Jones who was then on the Virginia side would see those signals he would come over with his boat. On going to Dent's the operative ascertained from the servants that Dent and Jones had been in the habit of carrying over the river all persons that wanted to go as well as goods, provisions, &c.; that Dent and Jones with about twenty-three others had just gone over; that a man had come there that night and informed Dent and Jones that the soldiers were coming to arrest them; that they had left at about 11 p. m.; that they had told the women folks to raise a white cloth to let them know when it was safe to come over; that they had some other signals which the servants did not understand; that they did not make any signals in the night but in the daytime, and that the boats came over about 8 p. m. to take over whatever was to go.

On the 17th of September I dispatched one of my operatives to Mathias Point, Va., to make some observations for the Government in that vicinity. In his report to me on the 20th of the month he says:

At Port Tobacco I found a troop of U. S. cavalry (Lieutenant Wilson's, above mentioned) and the people all in a state of the most intense excitement. As soon as the cavalry left the inhabitants held meetings at the taverns and stores and throwing off all restraint talked over their opinions so freely that I could easily see that Union men were almost unknown in that locality. Our party of three, Turner, Cole (two secessionists he had fallen in with) and myself made known our design of crossing the river into Virginia and all that were present seemed willing to do all in their power to aid us. It appeared that Mr. George Dent who had previously done the ferrying had just been compelled to fly for safety to Virginia and that circumstance had broken up the regular way of crossing. He was accompanied by a Mr. Jones and a Mr. Wilson whom I understand our cavalry were after.

By careful inquiry I learned that John Shackleford, a deputy sheriff of Charles County, who had hidden a trunk full of carbines, was down at Chapel Point and designed crossing that night. His baggage was to be sent him from Port Tobacco, and I engaged to take it to him and cross in his company. Our party united in hiring a suitable conveyance and went together to Chapel Point, four miles below. On arriving there we learned that a small party together with John Shackleford had gone in a boat along shore about a half an hour previous for the purpose of intercepting the regular ferry-boat near George Dent's house. We waited at the store of a Mr. Dilahae for the boat to return. It did so about 12 o'clock, with Shackleford still aboard, they not having been in time to catch the other boat. I learned at this place that sixty had crossed at George Dent's the night previous, and just ahead of our troops who were sent there to arrest some of them. We found it very difficult to get this boat to take us over, as the parties who owned it had not been in the habit of crossing and were afraid. By paying an exorbitant price, however, we succeeded in getting a very inefficient number to manage the boat to undertake crossing with us. It is called eight miles from this point to Mathias Point, and in one hour and a half we landed safely on the opposite shore near the latter point. Mr. Cole and myself went up the [road] and discovered a house near by which we approached boldly making considerable noise in order to attract the attention of the pickets. We found the house vacant and no pickets within hailing distance. We learned from a negro woman near by that this house belonged to a Mr. Grymes, and that another Mr. Grymes owned a house half a mile below where the nearest pickets were stationed, and that the nearest pickets above were directly at the point about the same distance away. We returned to our boat and went down to the house of the other Mr. Grymes where the pickets were stationed. We were very near landing before they discovered us, and they were considerably surprised at our coming under the circumstances. * * * This place is the principal landing for Marylanders, and two boats are kept here for crossing the river. They are hidden by being drawn up the beach within the spiles driven across the mouth of a ravine. * * * I was permitted to return Wednesday night and was ferried over by George Dent, jr. * * * Captain Quincy gave me a letter to his wife and one to his brother-in-law, of Baltimore. From reading them I learn that many Baltimoreans have been going to Mathias Point by way of the Patuxent boat and Benedict and thence across the country to the Potomac. * * * Some ladies, wives of officers, have reached Virginia via Benedict and Mathias Point within the past week.

During the latter part of September and the first of October I had three other operatives in Southern Maryland in the secret service of the Government. One of them reported that on the 1st of October while at Plowden's Wharf, about sixteen miles northwest of Leonardtown, old man Wible told them that the soldiers had arrested Doctor Dent and that at the camp Dent told the officer who had him in charge that he wished to go out in the field a few minutes. The officer went out with him and Dent got over the fence into a field of corn while the officer sat on the fence waiting for him. Dent started off on a full run, the officer after him but the latter could not overtake him. He then went back to camp and had the corn-field surrounded but Dent got away. The operatives were informed on the same day in the same neighborhood by Mr. Joseph Herbert, who kept a contraband ferry, that he (Herbert) was to take Doctor Dent over the river on the morrow night. While they were at Newport near Port Tobacco Mr. George Lancaster, a secessionist, speaking of Doctor Dent said that he (Lancaster) would rather lose what little property he had there than to hear of his friend being taken prisoner; that he (Dent) had done more for the "good cause" than any other man in the country. While at Piscataway October 3 the operatives were informed that the soldiers had taken Mr. Jones, of Pope's Creek, and another man through there on the Sunday before on their way to Washington.

On the 4th of October Thomas Jones, of Pope's Creek, and Samuel G. Acton having been arrested by the Sickles Brigade and brought into camp were brought here on telegraph dispatch from Col. R. B. Marcy and confined in the Thirteenth Street Prison. Acton stated to me in prison that he was direct from Richmond and was going to Anne Arundel County to see his family. When arrested he was found hid

in the bushes with Jones. One of my operatives who was in Richmond, Va., about the 1st of October informs me that during a conversation he had with the Hon. J. P. Benjamin, Acting Secretary of War, the latter remarked to him that he had heard that a man by the name of Acton had been arrested by the Federal troops in Maryland. He said that one Acton had been charged with important business at the North for the Confederate States and he wished my operative who had gained his confidence to inquire into the matter when he came North and let him know about it when he returned to Richmond. I have to request that my operative be excused from testifying in the matter as it is impracticable for him to do so, he being now and almost constantly absent in the secret service of the Government.

Among the papers of George Dent taken possession of by Lieutenant Wilson and posse were the following:

No. 1.—Letter from G. Donnellan, headquarters Brooks' Station, July 21, 1861, to George Dent inclosing a letter addressed to Doctor Wivill, as stated, to be forwarded without delay instructing him (Wivill) how to connect with the "courier line" to be established next day from Grymes' house, Mathias Point, to the headquarters of General D. Ruggles at Brooks' Station. Dispatches of an important character he said were to come out that week to General Beauregard. He says to Dent:

> Please keep on the *qui vive* and all expense incurred shall be made satisfactory to you or any other person rendering service. Please so inform our friends and also Doctor Wivill. General Ruggles who knows of my authority has stated herein to the same effect as I represent.

Indorsement by General Ruggles:

> The bearer of this is authorized to certify bills to be paid at Richmond. All communications should be forwarded rapidly.
>
> DANIEL RUGGLES,
> *Colonel, Provisional Army, Commanding Forces.*

No. 2.—R. J. Brent, Baltimore, July 20, 1861, to George Dent. He says:

> My friends Messrs. Carson and Armistead, of this city, are going to your neighborhood on business. If they should call on you please give them every facility and attention as they are gentlemen of character and in every way worthy of confidence.

NOTE.—From the printed card at the head of the sheet on which the letter is written it would appear that Carson is a Baltimore banker and it is not unlikely that the business of himself and companion in Dent's neighborhood had some connection with Southern financial matters.

* * * * * * *

Among the papers of Thomas A. Jones taken possession of by Lieutenant Wilson were the following:

No. 1.—Letter from H. Rives Pollard, Richmond Examiner office, August 3, 1861, to Thomas Jones requesting him to have The Baltimore Sun sent to him (Jones) at Allen's Fresh and to forward it to him (Pollard) by persons coming into Virginia.

No. 2.—George F. Harbin, salesman in Meyerberg's store, 48 Market Space, Washington, D. C., writes to Jones August 8, 1861, that he is well and in fine spirits since the great victory at Manassas and expects from rumors to soon be living under another President. He thinks that Lincoln is pretty nearly played out and that one more victory in favor of the South will knock down his house.

No. 3.—Mr. S. B. Zimmerman writes to Jones from Richmond August 5, 1861, that he thinks of joining the Southern army and wants Jones

to have his tobacco carried carefully to Baltimore so that he can get the proceeds when he comes over.

No. 4.—Letter from George F. Harbin, Washington, July 8, 1861, to Thomas A. Jones. He hopes and sincerely believes that the day is not far distant when the people of the North will condemn Abe's cruel acts and hurl him from power.

No. 5.—Mr. E. L. Rogers in a note without date states that he lost a hand trunk at Grymes' while crossing the river there and wants Jones or somebody else to find it. He also discloses the fact that they transported chloroform there in jugs marked "Neat's-foot oil."

My operative who was in Richmond about the 1st of October says in his report that Captain Quincy, agent of what they called the "Underground railroad" down there via Pope's Creek, had been supplying the publishers in Richmond with New York and Philadelphia papers only two days old for the past six weeks and that he was only stopped by the arrest of certain parties at Pope's Creek.

About the 23d of August last the following letter was placed in my hands by the provost-marshal for me to operate upon:

PATENT OFFICE, *Washington, August 23, 1861.*

HON. WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: On yesterday a lady sent some information about a secessionist in Georgetown to General McClellan and signed her letter "A friend to her country." She withheld her name for good and satisfactory reasons but I have advised her that it is not likely any attention will be paid to an anonymous communication. She has therefore intrusted the substance of her letter to me and I hasten to send it to you:

"Rudolph Watkins is a young man residing in Georgetown who has made it his business for months past and does now to convey secessionists from this city to his uncle's house, a Mr. Gregg [Dent], in Charles County, Md., near the Potomac River, whence they are taken over to Aquia Creek and thence to Richmond. The trip takes two days. The father of this Rudolph Watkins holds an office in the Navy Department and he and his family are regarded by their Union neighbors as secessionists."

This lady is reliable and discreet and she does not withhold her name from any false modesty but only because to give it would injure the usefulness of others.

Yours, most truly,

J. VAN SANTWOOD.

On the 7th of September one of my operatives ascertained that Rudolph Watkins had stated to a young lady that he had conveyed at least fifty persons down to Charles County, Md., who were going into Virginia, and that his uncle who was a farmer near the river had conveyed them over into Virginia. On the 9th of September a lady, under an arrangement with one of my operatives, called on Rudolph Watkins and told him that she had a letter that she desired to know if he could by any means send to Richmond, Va. Rudolph replied that he would take the letter and send it. He asked if there was anything wrong in it, and she replied that there was not as far as she knew. He said his uncle's name was Dent and not Grymes; that Grymes lived on the Virginia side, and helped persons on to Richmond. She gave him 25 cents to send the letter, with which he expressed himself satisfied. He said that his uncle would get the letter over to Grymes. On the 18th of September one of my operatives had a professional interview with Rudolph Watkins, during which the latter stated that he was as good a Southern man as there was in the country, and placed himself at the service of the former, supposing him to be a secessionist fresh from the South on business of the Confederate States. He spoke as being on the best of terms with Dent, Jones and Grymes, of Pope's Creek notoriety. The next day he said he would like to go South, but the "old man" would not consent to it; that he had his uniform all ready, as

also his cousin Dent. On the 21st of September he gave my operative, whom he considered of the right stripe, a letter of introduction to a friend at Pope's Creek, of which the following is a copy:

GEORGETOWN, D. C., *September 21, 1861.*

J. M. BOWMAN, Esq., *Allen's Fresh, Md.*

DEAR JOE: The bearer of this letter, Mr. William Stephens, came across the river on Monday last and landed at Pope's Creek. Since then he has heard that the Government has sent troops down there, and fearing that Uncle George and the rest of the gentlemen living in that neighborhood may have left, he desires me to write this letter to you and beg that you will if in your power advise him what course to pursue. He has some very important papers with him that he is quite anxious about. If you can help him in any way without endangering yourself in any way you will confer a great favor upon him, for which I am sure he will be truly grateful. He certainly is all right on the question. I do not think myself that the reports he has heard are true. However, as I do not know I cannot advise. Use your own discretion and do all you can.

I remain yours, &c.,

RUDOLPH.

On the 23d of September one of my operatives learned from a reliable source that Rudolph Watkins took Lieut. Clarence Derrick, late of the U. S. Army, who resigned for the purpose of joining the Southern army, to his uncle George Dent's, near Port Tobacco, for the purpose of having him conveyed to Virginia. The informant did not recollect the exact date of the act but thought that it was since the battle of Bull Run.

On the night of the 23d of September a number of my operatives in company with a squad of the provost guard in Georgetown according to your orders proceeded to arrest Rudolph and George S. Watkins at their residence in that city, taking possession of their papers, &c. Among the papers taken possession of at the residence of the Watkinses at the time of their arrest were the following: Letter from Eleanor Dent to George S. Watkins, July 27, 1861. She says her father was perfectly charmed with the news of the defeat of the "Grand Army." Letter from H. Ashton Ramsay, step-brother of the Watkinses, dated Richmond, Va., June 8, 1861, sent by Harris Forbes who comes back for more recruits. Letter from Rudolph to his father dated at his "Uncle Todd's," June 13, 1861. He states that his uncle George is very busy conveying persons to Virginia, and that it is really astonishing how many cross from Maryland to the other side of the river.

On the 23d of September, on the developments of the letters of George F. Harbin to Thomas A. Jones (see Nos. 2 and 4) said Harbin was arrested and committed to the Thirteenth Street Prison to await further developments and for the purpose of preventing further treasonable communication in a certain direction.

From the foregoing report it appears that George Dent and Thomas A. Jones, of Maryland, and James and Benjamin R. Grymes, of Virginia, have been actively engaged up to about the 16th of September in forwarding men and contraband goods and correspondence from Maryland into Virginia near Pope's Creek, Dent at least being an authorized agent of the rebel army, and he and the Grymeses probably being still engaged in the same business on the Virginia side of the river; that Rudolph Watkins has been in active co-operation with them here forwarding men and letters to them according to his own admissions to my operatives and others whom he supposed to be secessionists; that George S. Watkins and George F. Harbin have been in correspondence and earnest sympathy if not active co-operation with them, the former inquiring about Maynard rifles here for Dent, &c., and the latter particularly violently denouncing the Federal Government in his letters and invoking the success of the rebel arms, &c.; and that the evidence in the case of Samuel G. Acton as far as it has been developed

is strongly indicative of his being a spy of the most dangerous stamp. I know of no extenuating circumstances in the case of any of the above parties.

All of which is respectfully submitted by your obedient servant,

E. J. ALLEN.

Statement of George W. Smith, of Bryantown, Charles County, Md.

The secession feeling commenced about April last, 1861. The principal leaders in the secession party and those who have aided against the Government are, first, James A. Mudd; lives about one mile from Bryantown; has been conveying men and boxes supposed to contain munitions of war from Baltimore and different counties in the State to Pope's Creek on the Potomac. The men were strangers from Baltimore and other places. Mudd paid the expenses. This has been carried on since April last. Hillary Burch, at Benedict, has been running a regular line of passengers to Pope's Creek in a wagon, carrying arms, &c., daily to Pope's Creek. Robert L. Burch, of Bryantown, has been carrying arms and ammunition to Pope's Creek in his wagon, driven by Dennis Burch. Y. Posey, of Port Tobacco, has been running a regular line from [there] taking passengers, arms and ammunition from Benedict to Pope's Creek. Thomas A. Jones, of Pope's Creek, is the man who receives the men, arms and ammunition at that place and conveys them over to Virginia in his own boat and with his own negroes. Thomas Stone, at Pope's Creek, is also engaged at the same business. Stone has also been collecting men to carry over to Virginia. Luther Martin, of Allen's Fresh, Charles County, is now daily running men and ammunition from Benedict to Pope's Creek.

The boxes containing the guns about a week ago came from Anne Arundel County, Md. Supposes at least 200 have left the neighborhood of Bryantown and been carried to Virginia to the secession army. The wagon that carried the passengers, arms and ammunition from Bryantown to Pope's Creek belongs to the cavalry company at Bryantown and is in possession of James A. Mudd.

Smith states positively that he is guilty of no intentional wrong. He admits he has acted wrong, but he did it innocently, having been persuaded that there was no wrong in what he did by Mudd and others. He most piteously asks to be discharged* by taking the oath, and declares he will be true and give information of anything that may be done against the Government in that region. I would recommend his discharge, as I think this is all that can be made out of him, and he can be used hereafter if necessary.

T. B. ROBEY.

OLD CAPITOL PRISON, *Washington, D. C., November 1, 1861.*

Hon. WILLIAM H. SEWARD.

DEAR SIR: In addition to the letter I addressed to you last week I have to say to you that I am a long way from home and am among strangers and have no friends to do anything for me in the way of getting a release, and counsel prohibited. I leave my case with you and beg your honor to give me a hearing soon. You will find inclosed or attached a copy of a letter† from my wife and will see her condition.

Very respectfully,

THOS. A. JONES.

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*There is no record of the arrest of Smith other than this. †Not found.

WASHINGTON, *November 11, 1861.*

Assistant Secretary SEWARD:

I will send a statement of such facts as I am acquainted with. My husband is a native of Augusta, Me. He has been living in Baltimore for the last ten years and working at gas fitting. Last fall work was dull there. He and his family moved to Philadelphia with the hope of getting something to do, but there he met with no success. He remained until the 1st of April, when he left for Richmond, where he obtained work with Mr. Slanny, of Philadelphia, for five months when his material gave out, and he was on his way home when arrested. The winter is setting in and I have no way of supporting myself and children, and am without a home, living about from place to place without a protector. You will confer a great favor by having his case attended to and give him a trial as soon as possible as one of my children is dangerously ill and I may have to return to Baltimore in a short time.

Very respectfully,

ANNA E. ACTON.

WASHINGTON, *November 18, 1861.*

Mr. J. DENT.

DEAR SIR: I take the liberty to address you a few lines in reference to my case. I was in hopes to have heard from you before this, but not having done so I will again call your attention to the same, which you so kindly offered your services when you were to see me. I received a letter from home since I saw you and my family are still in great distress about me and say they are in hopes some kind friend will intercede and get me released so I may get home soon to relieve them of some of their troubles. I have an affectionate wife at home and eight young children all dependent upon me for protection and support; and further my wife is expecting to be confined now very soon, in a week or two at the most, which causes her more distress as well as myself; also the time has come when all farmers have to make arrangements for the next year, and if a portion of said arrangements is not made very soon it cannot be made at all; and further I have not provided any winter clothing, shoes, &c., or anything else for the comfort of the family and I cannot do it until I get released or see some one from home. Therefore I beg of you for my family's sake to use all of your influence to get me released so I may once more return home to relieve them of some of their sorrows and afflictions. I shall expect to see you in a day or two or hear from you when you will be able to give me some cheering news.

With great respect, I remain, your respected friend,

THOS. A. JONES.

P. S.—It will be eight weeks to-morrow since my arrest, which seems to me years.

T. A. J.

OLD CAPITOL PRISON, *Washington, D. C., December 5, 1861.*

His Honor WILLIAM H. SEWARD.

DEAR SIR: The condition of my family and my affairs at home generally demand of me to trouble you again in reference to my release. The crimes which I am charged with let them be true or false cannot be now remedied by imprisonment which has been now nearly three months.

There have been to my knowledge parties arrested and released since my arrest who were guilty of more serious charges than ever I was and who were better able to stand the loss of time from home, they having small or no families at all. I have since my arrest suffered much myself but that suffering is light to that of my family who are solely dependent upon me for support and many necessaries and comforts of life which they cannot get without me. I have lost between $400 and $500 worth of property which the Government has the use of now. I am a citizen of Maryland and expect to live under her laws, and am willing to take the oath of allegiance and abide by the same; therefore under the circumstances I cannot think you will turn a deaf ear to the within as many of the charges against me are utterly untrue and I defy them to be proven; therefore I appeal to you in behalf of my wife and children to have me released as soon as circumstances will admit. Your compliance with the above will receive the thanks of myself as well as of a distressed family.

Your obedient servant,

THOS. A. JONES.

WASHINGTON, *December 6, 1861.*

Hon. WILLIAM H. SEWARD.

SIR: You will do me a great favor by giving my case your earliest consideration. I have been confined in prison since September 23 without knowing what the charges against me are, and as I have several sisters depending on my labor for a support I hope you will not refuse to give me a trial. I am innocent of having committed any act against the Government. I can prove this if you will give me a trial. I have not taken part in the politics of our country. I never voted in my life, not being old enough at the last election to do so. I am a Roman Catholic, and coming from a slave district (lower Maryland) I hold as political sentiments those of the anti-Know Nothing or Democratic party. But as a mere expression of opinion is not a crime I do not see why I am made to suffer for it. If it is a crime I have sinned unknowingly. I have resided in this city for the last seven years, and the records will show that I am and have been a law-abiding citizen. I am willing and have been at any time since my arrest to take the oath of allegiance. This you have been informed of by my friend Dr. S. A. H. McKim. If you cannot find the time to investigate my case, and if it be consistent with law I would take a stringent oath of parole so that I could attend to my business, and thereby assist in supporting my family. I am a property owner to a small extent in this city, and I do not intend to leave this place (nor ever was it my intention to leave it). I hope, sir, in consideration of the situation at home and (you will find on investigating) my innocence you will grant my request.

I remain, yours, respectfully,

GEO. F. HARBIN.

WASHINGTON, D. C., *December 9, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to submit herewith the statement of Mr. George Dent, of Charles County, Md., a state prisoner now in confinement in this city, in response to certain charges which he learns from unofficial sources are the ground of his arrest. In this statement he

peremptorily denies that he has voluntarily or designedly committed any act of hostility against the Government of the United States, and frankly states the circumstances which have caused his arrest. I know Mr. Dent well and am confident that his statements are entitled to the fullest credit. The fifty years of life which have been vouchsafed to him have been spent in inoffensive retirement on his estate in Maryland and I do not believe there is a citizen of the county in which he resides who would venture to impeach his integrity or veracity.

I also take the liberty of inclosing a letter* from Mr. Thomas A. Jones, another prisoner from the same county in Maryland, in which he makes a strong appeal to the mercy of the Government. My acquaintance with Mr. Jones is slight, but as he admits in part the truth of the supposed charges against him and is willing to give any pledge which may be required for his loyal conduct in future he hopes that his imprisonment of ten weeks and other severe injuries he has suffered have sufficiently atoned for past offenses.

In conclusion permit me to express the hope that the cases of Messrs. Dent and Jones will be found fit subjects for the exercise of the paternal clemency of the Government. A native myself of the county in which these gentlemen reside, and intimately acquainted with the sentiments and characteristics of the people, may I venture to suggest the opinion that a conciliatory policy will be most effective in repressing hostility in that portion of Maryland? It is in this spirit that I invoke your kindness in behalf of Messrs. Dent and Jones.

Very respectfully, &c.,

JOSIAH DENT.

[Inclosure.]

WASHINGTON, D. C., *December 7, 1861.*

MR. JOSIAH DENT.

MY DEAR SIR: In accordance with your request I will proceed to give a fair and honest statement of facts in reference to my case now pending before the Government authorities. I understand the charges against me to be that I voluntarily acted as an agent in conveying individuals, arms and letters across the Potomac River and thereby aided the enemies of the United States. In reply to this I have to state that although on several occasions persons were conveyed across the river it was done against my strong desire, but owing to the sentiment prevailing in the county at that time and my close proximity to the river I found it utterly impossible to resist the pressure with which I was surrounded without rendering myself obnoxious to the whole neighborhood. I can prove that on several occasions I was reproached and distrusted because I refused to allow my boat to be used in conveying persons across the river. I can prove that I several times concealed my boat and at length hauled her up and gave positive orders that she should not be placed in the water, but having occasion to leave home for a few days when I returned I found that during my absence persons had taken her and crossed the river notwithstanding my positive orders to the contrary.

With regard to letters, on one occasion only a budget of mail matter was sent to me from Virginia to be forwarded, but I firmly declined acting in any such capacity and destroyed the letters in presence of several citizens of Charles County. As to my conveying arms to the enemy I utterly repel the charge for I never crossed the river until I

* Not found, but see Jones to Dent, November 18.

heard that I was to be arrested, and so far as I know nothing of a contraband nature was conveyed across the river in my boat. So far as my loyalty is concerned I never had any intention either directly or indirectly to aid the enemies of the United States, and I positively refused to allow my son to join the Southern army at a time when numbers of the young men of the county were leaving for that purpose and although I was subjected to reproach for refusing my consent.

While in Virginia I remained in a position as near my own home as I could safely get at the house of an old lady who is a relation of mine, and where I was arrested, and strictly refrained from giving the Southern troops any aid or information whatever and also prevented my son from doing so.

With the assurance that what I have written above is a true and unreserved statement, I remain, sir, yours, truly,

GEORGE DENT.

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Hon. W. H. SEWARD.

SIR: I respectfully request an examination on your part into the grounds of arrest of Mr. George Dent, of Charles County, and if there be no adequate ground for his detention according to law I respectfully request that he be discharged. I venture to make this suggestion because Mr. Dent writes me that he knows nothing he has done worthy of confinement and he is a truthful gentleman. Of his political views I know nothing.

Very respectfully, your obedient servant,

H. WINTER DAVIS.

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DEPARTMENT OF STATE, *Washington, December 19, 1861.*

Brig. Gen. ANDREW PORTER, *Provost-Marshal, Washington.*

GENERAL: Herewith I send a letter from Peter W. Crain, esq.,* of Charles County, Md., relative to the cases of George Dent, George Dent, jr., B. J. Cross, Thomas A. Jones, G. Watkins and R. Watkins, prisoners confined in the Old Capitol Building in this city, which I will thank you to read and return to me with your opinion as to the propriety of releasing these persons on taking the oath.

I am, general, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

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BALTIMORE, *December 19, 1861.*

Hon. WILLIAM H. SEWARD.

SIR: Some two months since I was introduced to you by Mr. Cowan, at which time I stated I had been requested by the wife of Samuel Acton to apply to you for his release. You were kind enough to say that General Sickles would be applied to for the nature of the charges against Acton and that an answer to my request in behalf of his wife and little children would be given me in a few days. You will excuse me, my dear sir, for thus trespassing. Acton's delicate wife continues to press upon me the case of her husband. I have known Acton for years as a good mechanic, and I understood he was in Philadelphia and then in Richmond after the 19th of April to procure work.

*Not found.

When on his way home the last time he was arrested as I understand while crossing the Lower Potomac with one Jones, and I am inclined to think had with him perhaps some remittances due to merchants here. Acting on these impressions I hoped the Government would release him if nothing else was charged against him. Believing as I do almost in the infallibility of good government sooner than in revolution, I respectfully ask that you will be kind enough to say whether there are charges that forbid his release or whether I shall again wait upon you in person. Your compliance will greatly oblige,

Respectfully,

THOS. E. HAMBLETON.

I would refer to Reverdy Johnson, Johns Hopkins and John Clark as to who the writer is, as I desire to do nothing wrong knowingly.

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BALTIMORE, *December 19, 1861.*

Hon. U. S. Attorney-General BATES.

HONORED SIR: I hope I am [not] trespassing in asking a personal kindness. Some two months ago at the request of the wife of Samuel Acton I waited upon Mr. Seward to obtain his release. Mr. S[eward] was kind enough to assure me his case would be inquired into at once. Samuel Acton I have known as a most excellent mechanic for years. During the past spring he was out of work and as I have been informed was in Philadelphia and then in Richmond, the latter place affording him good wages. On his way home to see his wife he was arrested while crossing the Lower Potomac with one Jones, and is now in prison in Washington. Further of Acton I know nothing, and as you are the only one of the cabinet that I am personally known to I will take it as a personal kindness if you have the leisure to say to Mr. Seward that you have personal knowledge of the writer. Acton's delicate wife and little children are appealing to me almost daily. If I had knowledge of any wrong intent on his part I would be the last man to raise a request in his behalf. I know he could not obtain work here after our terrible 19th of April. He was poor and had to do something, and acting upon this impression I have responded to the solicitude of his wife to ask his release if no charges are against him that forbid it. Your compliance will greatly oblige,

Yours, truly,

THOS. E. HAMBLETON.

[Indorsement.]

DECEMBER 20, 1861.

The Attorney-General directs me to say that he has some personal acquaintance with the writer of this letter and believes him to be a reliable and well-meaning gentleman. He invites the attention of the Secretary of State to this letter.

RICH'D BATES,
Chief Clerk, Attorney-General's Office.

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HOUSE OF REPRESENTATIVES, *December 19, 1861.*

Colonel KEY.

DEAR SIR: I understand that there are a number of my constituents now in prison who were the mere tools of some great men who have

been released upon taking the oath. I therefore beg you to interest yourself for them and get them out—at least on the same terms as their leaders have been released. I know you agree with me in this kind of mercy.

Yours, truly,

CHAS. B. CALVERT.

Memorandum.

DEPARTMENT OF STATE, *Washington, December 20, 1861.*

Brig. Gen. Andrew Porter, provost-marshal, in reply to letter from this Department dated December 19, reports verbally that Thomas A. Jones, George Dent, sr., and George Dent, jr., B. J. Cross, Rudolph Watkins, George S. Watkins, the prisoners mentioned in a note from Mr. Crain which was submitted to him, ought not to be discharged.

DEPARTMENT OF STATE, *Washington, December 20, 1861.*

Brig. Gen. ANDREW PORTER, *Provost-Marshal, Washington.*

GENERAL: You will please transfer* * * * * George S. Watkins, Thomas A. Jones, Rudolph Watkins, Samuel G. Acton, George Dent, sr., George Dent, jr., and George F. Harbin to Fort Lafayette, New York Harbor.

I am, general, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

OLD CAPITOL PRISON,
Washington City, D. C., December 22, 1861.

Hon. W. H. SEWARD.

SIR: I beg leave to call your attention to my case again. I have been confined in prison three months without knowing what the charges against me are. I have a family of sisters depending upon my labor for a support, and as I have never violated any law that I am aware of in any manner whatever I do think it very hard that I am kept in prison when I have always been willing to take the oath of allegiance. I am ready to prove my innocence if you will grant me a trial, or even an interview with you or General Porter. I reside in this city and have never visited or corresponded with any one in the States in rebellion against the Government. I have never aided the enemies of the Government in any way whatever. I have been pursuing my business in this city for six years and the records will show that I have been a law-abiding citizen. All of this I can prove if I am allowed a trial. My friends will call on you in a day or two I hope and give you sufficient evidence of my innocence. I hope my petition may meet your early consideration and that I may be permitted to return to my home to comfort my family.

Yours,

GEO. F. HARBIN.

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* No record of the transfer can be found.

WASHINGTON CITY, D. C., *December 30, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: I was arrested on the 23d day of September and have been confined in prison since my arrest without knowing what the charges against me are. I was informed at General Porter's office at the time of my arrest that I was charged with treason, but no act was specified. If I had been informed of any charges of having committed any act of hostility against the Government I could have given you sufficient evidence of my innocence long before this time; but as it is I am entirely ignorant of what I am charged with. I have never corresponded with any one in the States in rebellion. I have never aided the enemies of the Government in any manner whatever that I am aware of. I have never been in any of the States in rebellion nor ever did I intend to go. I have been pursuing my business in this city for the last six years, and my numerous friends are ready to give you ample assurances of my integrity. I am ready and willing to take the oath of allegiance. This I have been willing to do at any time. I have a large family of sisters who are without protection or support during my absence. I trust, sir, that this my appeal may meet your favorable consideration. All I ask is a trial, for I feel sure that I can satisfy you of my innocence.

Yours, respectfully,

GEO. F. HARBIN.

DEPARTMENT OF STATE, *Washington, January 2, 1862.*

Brig. Gen. ANDREW PORTER, *Provost-Marshal, Washington.*

GENERAL: I inclose herewith a letter* from Thomas E. Hambleton, of Baltimore, asking the release of Samuel Acton, a prisoner now in your custody. I will thank you to examine the case and return the inclosed with your report thereon to this Department.

I am, general, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

DEPARTMENT OF STATE, *Washington, January 9, 1862.*

Brig. Gen. ANDREW PORTER, *Provost-Marshal, Washington.*

SIR: Let George Dent, sr., George Dent, jr., Thomas A. Jones, Rudolph Watkins, George S. Watkins and George F. Harbin, prisoners confined in the Old Capitol Prison, be released on taking the oath of allegiance to the Government of the United States stipulating that they will neither leave the State of Maryland nor enter any of the States in insurrection against the authority of the Government of the United States, nor hold any correspondence whatever with persons residing in those States during the present hostilities without permission from the Secretary of State, and also that they will not do anything hostile to the United States during the present insurrection.†

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

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* See Hambleton to Seward, December 19, p. 872.

† General McClellan's indorsement on this order will be found on p. 858, in the State Department's memoranda relating to these arrests.

DEPARTMENT OF STATE, *Washington, January 11, 1862.*

Brig. Gen. ANDREW PORTER, *Provost-Marshal, Washington.*

GENERAL: I inclose herewith a letter* from George F. Harbin, a prisoner confined at the prison in this city. Will you please examine the case and return to this Department with your report this inclosure.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

OFFICE OF THE PROVOST-MARSHAL,
Washington, January 11, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to acknowledge the receipt of an order from you directing the release of George Dent, sr., George Dent, jr., Thomas A. Jones, Rudolph Watkins, George S. Watkins and George F. Harbin, prisoners confined in the Old Capitol. I would respectfully represent that the above-named prisoners are of the most dangerous character and have been actively engaged in furnishing information to the rebels and in transporting men to Virginia for the purpose of joining the rebel army, as also in the nightly transportation of contraband goods to the enemy; that the prisoners Dent and Jones were duly accredited agents of the rebel government for the purposes above set forth, and in the house of Dent was found a copy of the signals arranged for signaling between the Maryland and Virginia shores as appointed by the officer commanding the rebel forces at that time at Mathias Point; that the two Watkinses were unceasing in their endeavors to acquire information of the numbers, arms, positions, &c., of our army in Virginia and forwarding the same to Dent to be transmitted to the rebels. They (the Watkinses) were also engaged in sending forward to Dent contraband goods and persons for transportation to Virginia.

Knowing the extremely dangerous character of these men and the probability that untruthful representations connected with these cases had been made to you I submitted the subject of their release to Major-General McClellan, who directs that it is a military necessity that these persons should be held in custody, and I have the honor to herewith inclose to you the order for the release of the within-named parties with the indorsement thereon† of Major-General McClellan for such further action as may be deemed necessary thereon.

Very respectfully, your obedient servant,

A. PORTER,
Brigadier-General and Provost-Marshal.

—

HDQRS. CITY GUARD, PROVOST-MARSHAL'S OFFICE,
Washington, D. C., January 13, 1862.

Brig. Gen. A. PORTER, *Provost-Marshal.*

DEAR SIR: In the case of Samuel G. Acton, a prisoner confined in the Old Capitol Building, I have the honor to report as follows: On the 4th of October last (as I had the honor to report to you on the 26th of that month in connection with other matters) Thomas A. Jones, of Pope's Creek, and one S. G. Acton having been arrested by a detach-

* Omitted here. See Harbin to Seward, December 22 and December 30, 1861.
† See p. 858 for McClellan's indorsement.

ment of the Sickles Brigade and brought into camp were brought here on telegraphic dispatch from Col. R. B. Marcy and confined in the Thirteenth Street Prison. Acton stated to me in prison that he was direct from Richmond and was going to Anne Arundel County to see his family. When arrested he was found hid in the bushes with Jones. One of my operatives who was in Richmond, Va., about the 1st of October informed me that during a conversation he had with the Hon. J. P. Benjamin, Acting Secretary of War, the latter remarked to him that he had heard that a man by the name of Acton had been arrested by the Federal troops in Maryland. He said that one Acton had been charged with important business at the North for the Confederate States and wished my operative (who had gained the confidence of the powers at Richmond) to inquire into the matter when he came North and let him know about it when he returned to Richmond.

It will be remembered that Thomas A. Jones, the man that Acton was found concealed with, had long been actively engaged with the notorious George Dent in forwarding men and contraband goods and correspondence from Maryland into Virginia in co-operation with James and Benjamin R. Grymes on the Virginia side, Dent at least being an authorized agent of the rebel army. There is no doubt but that Acton at the time of his arrest was a spy of the most dangerous kind and ought to be kept in secure confinement until the war is over. His intimate association with Jones, the associate in active treason of George Dent, shows that he belonged to that dangerous nest of traitors, and that like them he should not be allowed to go at large while there is any opportunity for him to operate against the Federal cause. I know of no mitigating circumstances in his case. I inclose herewith the letter of Thomas E. Hambleton to the Attorney-General, required to be returned to the State Department.

Respectfully, your obedient servant,

E. J. ALLEN.

DEPARTMENT OF STATE, *Washington, January 15, 1862.*

THOMAS E. HAMBLETON, Esq., *Baltimore, Md.*

SIR: Your letter of the 19th ultimo to the Attorney-General has been received. In reply I have to state that it is deemed inexpedient at the present time to direct the release of Samuel G. Acton.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

OFFICE OF THE MARYLAND FIRE INSURANCE COMPANY,
Baltimore, January 16, 1862.

F. W. SEWARD, Esq., *Assistant Secretary of State.*

SIR: Your kind note of yesterday was duly received. The inclosed letter of General Dix I was about to present in person to your distinguished father, but I now inclose it merely to acquaint your father and yourself of the writer, with the request that you will please return it to me. Suffer me to say in reference to Samuel G. Acton that I have only acted in the spirit of humanity in asking either his trial or release. I know nothing of his offense. His wife comes to me in tears; her children are suffering and if he were out upon my recommendation I would require him to report to me once a week or report him to the Depart-

ment. I make this proposition, my dear sir, in that spirit which I believe would make more friends for our blessed Union than to keep individuals confined without an open charge or giving them a trial. Let all traitors be dealt with summarily.

Hoping the Government is strong enough to deal generously with humble individuals unless they stand charged openly with treason I submit this suggestion as helping to inspire that high prestige with our people which I so much desire to see in them.

Very respectfully,

THOS. E. HAMBLETON.

[Inclosure.]

BALTIMORE, *January 13, 1862.*

Hon. WILLIAM H. SEWARD.

DEAR SIR: I have the pleasure of introducing to you Thomas E. Hambleton, esq., president of the Maryland Fire Insurance Company and one of the water commissioners of this city. He wishes to see you, as he informs me, on business. I have known Mr. Hambleton from an early period after I took command of this military department and have never had any cause to doubt the sincerity of his loyalty to the Union and the Government of his country.

I am, very respectfully,

JOHN A. DIX.

OLD CAPITOL PRISON,
Washington, D. C., January 28, 1862.

General PORTER or Maj. E. J. ALLEN.

DEAR SIR: Having been a prisoner over four months I take the privilege of writing a few lines to you to solicit your sympathy, if not for myself for the sake of a distressed wife and nine children, one of which is a stranger to me it having been born since my imprisonment. If you are a father or husband and could see things in their true light I am sure you would give my case an impartial consideration and grant me a speedy release.

Located as my place was there are not twenty men in my county or the adjoining counties that would not have done the same as myself. Apart from that there are always some prejudiced persons ready to magnify things and make them as bad as possible which I have no doubt has been the case with me. I do not know who my accusers are nor do I know what the charges are, having never seen a list of the same. I have heard there were several. Some or the most of them are utterly false and I defy them to be proven. If I could have had a trial I could have satisfied you of the same. There are portions of the charges I have denied.

There are many prominent State Rights men of my county and the adjoining counties who furnished men and means for the Southern cause, went to Virginia themselves, remained some time, came back, were arrested, sent to Fort Warren and other prisons; have since been released and are now at home. Others perhaps of more prominence came home, took the oath and are now at liberty. I cannot see that my case possibly could be worse than those referred to. One of them I understood kept a regular ferry and wagon for that purpose. He left the State; took with him some of his negroes; left them South. He came home, was arrested, sent to Fort Warren, was released, and is now at home. All that I ask is that the same amnesty be granted me that has been granted others.

I understood that I was to be arrested. I went to Virginia to prevent arrest. Was in Virginia about one week. Was never in the Confederate camps or fortifications of any kind. Never gave them information of any kind. Came home to see my family. Intended to have returned in a short time only to prevent an arrest. I live in Maryland, own property in Maryland and expect to abide the laws of the same. Was arrested 24th day of September, 1861. Suffered many privations since, especially the eleven days I was in camp. Suffered much on account of the distressed condition of my family, knowing they were entirely dependent upon me. I have not heard of nor do I know of any family in Maryland whose situation has not been more comfortable than that of mine under the same circumstances. I beg of you in the name of humanity to give my case your earliest attention and grant me a speedy release.

You will find attached a letter* written by my sister which I wish you to read and consider the same. I expect to take the oath of allegiance and expect to observe the same to the strict letter of the law. which is all the best Union man of the State can do.

Very respectfully, yours,

THOS. A. JONES.

Apart from what I have suffered mentally I have suffered pecuniarily to a great extent. Say nothing about what I have lost by being from home, I have lost the following, which the Government has the use of: Two fine boats, one valuable horse, all of my oats, gun, revolver and other things I do not now remember, but I am in hopes Uncle Sam will not let me lose them. What little property I have I have worked for, every cent of. It would seem hard to lose it, besides I owe a great deal of money, and it requires all of my means and power to support my large family at the best of times.

T. A. J.

—

OLD CAPITOL PRISON,
Washington, D. C., February 26, 1862.

Hon. E. M. STANTON, *Secretary of War.*

SIR: I am induced by the urgent necessity of attention to my family's interests to request if admissible a release on parole for a week or ten days, for the faithful observance of which I am willing to give any pledge required. I have been a prisoner for the last five months without any knowledge whatever of the charges the Government may have against me, and every effort that I have made to obtain a hearing has been unsuccessful. I have a wife and three children residing in Baltimore entirely dependent on my exertions for their support, and the anxious desire to make some provisions for their maintenance is my only reason for asking the above-named indulgence. During the whole of last winter I resided in Philadelphia and until May, when business purely of a private character took me to Richmond.

I returned in September for the purpose of seeing my family and on my way from the banks of the Potomac I by mere chance stopped at the house of Mr. Thomas Jones, in Charles County, for whose arrest a warrant had been issued, that fact being unknown to me. The troops came while I was there and took me prisoner also though I solemnly protest that I was in no manner implicated in Mr. Jones' affairs, and from first to last have had no participation whatever in the political troubles agitating the country.

* Omitted.

Under these circumstances and in view of the almost destitute condition of my family may I appeal to you, sir, to grant me the indulgence requested above, which believe me no one could appreciate more gratefully than your obedient servant,

S. G. ACTON.

—

OLD CAPITOL PRISON, *Washington, February 28, 1862.*

Hon. P. W. CRAIN.

DEAR SIR: In The Star of yesterday I find an order issued by order of the President appointing two commissioners to examine our cases. One of the commissioners I find to be Maj. Gen. John A. Dix who I understand is a gentleman of liberal feelings. You will please see him and try and make a favorable impression in my behalf. I received a letter from home dated 13th instant informing me of the illness of my wife. I received a private message yesterday that she was still ill. There are several reasons why my case should be acted on favorably. First, the condition of my family; second, my services are wanted on the farm as it is now working time; third, that the Government has between $400 and $500 worth of my property; fourth, I have been a prisoner for upward of five months and the most of the time I have been confined in a room where there has been some one sick all the time, and some of the cases have been of a malignant form. The last statement can be proven by the medical attendant and supervisor of the prison which I have been confined in.

Please give the above your especial attention as it may be the last chance for some time. I am in hopes to be able to give you satisfaction for all the trouble you have taken for me.

Yours, respectfully,

THOS. A. JONES.

—

HEADQUARTERS PROVOST-MARSHAL-GENERAL,
Washington, March 15, 1862.

Hon. E. M. STANTON, *Secretary of War.*

SIR: Thomas A. Jones is the officially accredited agent of the rebel Government for conveying information and material thereto. In his house and that of his confederate, George Dent, sr., at Allen's Fresh, Md., were found the signal regulations then in use between them and the rebels. Jones is a most dangerous man to be at large even for the shortest length of time.

Respectfully,

E. J. ALLEN.

—

COMMISSION RELATING TO STATE PRISONERS,
Washington, March 21, 1862.

W. P. WOOD, Esq.,
Supt. of the Old Capitol Military Prison, Washington, D. C.

SIR: You will please discharge * * * George Dent, sr., George Dent, jr., Thomas A. Jones and George S. Watkins, prisoners confined in the Old Capitol Military Prison, on their taking the oath of allegiance to the Government of the United States.

Very respectfully, yours,

JOHN A. DIX,
EDWARDS PIERREPONT,
Commissioners.

I, Thomas A. Jones, of Charles County, Md., do solemnly swear that I will support, protect and defend the Union and Constitution and the Government of the United States as established by that Constitution against all enemies whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same any ordinance, resolution or law of any State convention or legislature to the contrary notwithstanding; and further that I do this with a full determination, pledge and purpose without any mental reservation or evasion whatsoever; and further that I will well and faithfully perform all the duties which may be required of me by law. So help me God.

THOS. A. JONES.

Sworn to and subscribed before me this 21st day of March, 1862.

JOHN A. DIX,
Major-General.

NOTE.—George Dent, sr., George Dent, jr., and George S. Watkins also subscribed to the same oath on the same day.

COMMISSION RELATING TO STATE PRISONERS,
Washington, April 1, 1862.

W. P. WOOD, Esq., *Superintendent, &c., Washington, D. C.*

SIR: You may release Mr. Rudolph Watkins upon his taking the oath of allegiance to the Government of the United States.

Very respectfully, yours,

JOHN A. DIX,
EDWARDS PIERREPONT,
Commissioners.

Case of Henry E. Johnston.

Henry E. Johnston was arrested by order of the Secretary of State September 24, 1861, at Baltimore, and committed to Fort McHenry. He was charged with being disloyal and with conveying contraband letters and information to and from the insurrectionary States contrary to the President's proclamation. An order was issued from the Department of State dated October 8, 1861, directing General John A. Dix to release Johnston on his engagement upon honor to return into the custody of General Dix at Fort McHenry if required and when notified by the Secretary of State. The said Henry E. Johnston remained upon his parole February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

Cases of Messrs. Clay, Kearny, Grubbs and others.

This person [William Grubbs] was arrested in Kentucky with some fifteen others on the 24th of September, 1861, by order of General Anderson, who represented him as one of the leading men of the company who were accused of scouring the country to persecute Union men and to enforce enlistments of men in the rebel cause. After his

arrest he was sent by order of the Secretary of State to Fort Lafayette and subsequently transferred to Fort Warren. On the 28th day of November, 1861, Grubbs was discharged from confinement on taking the oath of allegiance and binding himself to neither enter any of the States in insurrection nor hold any correspondence whatever with persons residing in those States nor transmit any correspondence between any disloyal persons nor do anything hostile to the United States during the present insurrection.

Henry G. Thurber, of Oldham County, Ky., was arrested on or about the 24th of September, 1861, by the Home Guard of Kentucky, under orders of General Anderson, charged with disloyal and seditious conduct and particularly with conspiring to levy war against the United States. After his arrest he was sent to Fort Lafayette by order of the Secretary of State and was afterward transferred to Fort Warren. On the 28th of November, 1861, Thurber was released from confinement on taking the oath of allegiance with stipulations against future misconduct.

Frank M. Crow, of Oldham or Nelson County, Ky., was arrested by the Home Guard of Kentucky, under order of General Anderson, on or about the 24th of September, 1861, while on his way, as charged, to join the rebel army, accused of disloyal and seditious conduct and especially of conspiring to levy war against the United States. After his arrest he was by order of the Secretary of State sent to Fort Lafayette and subsequently to Fort Warren. Crow was released from confinement on taking the oath of allegiance with stipulations against future misconduct, November 28, 1861, by order of the Secretary of State.

J. W. Griffith was arrested in Nelson County, Ky., by order of General Anderson about the 1st of October, 1861, and sent to Fort Lafayette. Afterward transferred to Fort Warren. Griffith with three others was on his way from Floydsburg, a community of disloyal citizens, to join the rebel army. He was released by order of the Secretary of State on taking the oath of allegiance November 28, 1861.

Anderson McDowell, of Oldham County, Ky., was arrested by order of General Anderson on or about the 24th of September, 1861, charged with disloyal and seditious conduct and with scouring the State to persecute Union men and enforce the enlistment of men in the rebel army. After his arrest he was sent by order of the Secretary of State to Fort Lafayette and subsequently transferred to Fort Warren. On the 28th of November, 1861, McDowell was released on taking the oath of allegiance with provision against going to, corresponding or aiding others to correspond with the insurrectionary States or doing anything hostile to the United States.

John W. Robards, of Harrodsburg, Ky., was arrested by order of General Anderson on or about the 18th day of September, 1861, charged with disloyal and seditious conduct, and particularly with scouring the country to persecute Union men and to enforce the enlistment of men in the rebel service cause. After his arrest he was by order of the Secretary of State sent to Fort Lafayette and afterward transferred to Fort Warren. On the 28th of November, 1861, Robards was released from confinement on taking the oath of allegiance with stipulations against future misconduct.

Stephen H. Wooldridge, of Harrodsburg, Ky., was arrested by order of General Anderson on or about the 24th day of September, 1861, charged with disloyal and seditious conduct, and particularly with scouring the country to persecute Union men and to force others to enlist in the service of the rebel cause. After his arrest he was sent by order of the Secretary of State to Fort Lafayette and afterward transferred to Fort Warren. On the 28th day of November, 1861, Wooldridge was released on taking the oath of allegiance with stipulations against future misconduct.

Joseph T. McFeal is one of a band of fifteen or twenty arrested in Kentucky on or about the 24th of September, 1861, by order of General Anderson, charged with disloyal and seditious conduct, and especially with scouring the country to persecute Union men and to enforce the enlistment of men in the ranks of the rebel forces. After his arrest he was by order of the Secretary of State sent to Fort Lafayette and subsequently transferred to Fort Warren. On the 28th of November, 1861, McFeal was discharged from custody on taking the oath of allegiance, binding himself thereby neither to enter any of the rebel States nor correspond with persons therein nor transmit any correspondence between any disloyal persons nor do anything hostile to the Government of the United States.

Joseph Back, of Marion County, Ky., was arrested by the Home Guard by order of General Anderson on or about the 24th day of September, 1861, accused of disloyal and seditious conduct, and especially of scouring the country to persecute Union men and acting in aid of persons recruiting for the rebel forces. After his arrest he was sent by order of the Secretary of State to Fort Lafayette and afterward transferred to Fort Warren. On the 28th day of November, 1861, the said Back was released from confinement on taking the oath of allegiance to the United States with stipulations against future misconduct.

William E. Kearny or Carney was arrested in Kentucky by order of General Anderson on the 24th of September, 1861, on the charge of treasonable and seditious conduct, and was by direction of the Secretary of State sent to Fort Lafayette and afterward transferred to Fort Warren. Among the offenses imputed to the set of men with whom Kearny was taken was scouring the country to persecute Union men and to enforce the enlistment of men in the rebel cause. General Anderson represented this man as one of the leaders. On the 26th of November, 1861, he was ordered to be released from confinement on taking the oath of allegiance and binding himself not to enter any insurrectionary State nor correspond with any person therein nor do any act hostile or injurious to the United States, and also that he had not paid or given and would not pay or give anything to any person for aid in obtaining his release.

Lewis S. Holsclaw, of Kentucky, near Louisville, was arrested on or about the 24th of September, 1861, by the Kentucky Home Guard under orders of General Anderson while he was on his way toward Tennessee with the alleged intent to join the rebel army. He was charged with disloyal and seditious conduct and particularly with conspiring to levy war against the United States. After his arrest he was sent by order of the Secretary of State to Fort Lafayette and subsequently to Fort Warren. On the 28th day of November, 1861, Holsclaw

was released from confinement on taking the oath of allegiance with stipulations against future misconduct.—*From Record Book, State Department, "Arrests for Disloyalty."*

—

BIG HILL, MADISON COUNTY, KY., *September 25, 1861.*

Brig. Gen. G. H. THOMAS, *Commanding Camp Dick Robinson.*

SIR: I send you fourteen prisoners whom I caused to be arrested yesterday morning. They were making their way to Zollicoffer's brigade. The most of them are from Clark County, the remainder from this. They all acknowledge this to have been their place of destination with one exception, who is Col. William Harris, of this county. The colonel is ranked among the traitors of this county, but whether it was his intention to join the Southern army or not is more than I can tell. You can hear his story and do what you think best with him. I send all the arms, accouterments and ammunition belonging to the prisoners, to wit: Six pistols, two bowie-knives and four guns. I wish you to retain their arms until I come down, which will be by to-morrow morning, *i. e.*, if I get on with the organizing of the Home Guards pretty fast, which I think I will do. Madison County is all in a blaze and the Home Guards are turning out very well.

Just now the boys brought in James B. Clay, a man by name of Tipton, also William Grubbs. I got from Clay two pistols and a shot-gun. I send the whole with the guard. Lieutenant Bollen will hand you this and all the prisoners with their arms and ammunition.

In haste, yours, &c.,

W. A. COFFEY,
Major, Colonel Wolford's First Kentucky Volunteers.

—

HEADQUARTERS,
Camp Dick Robinson, Garrard County, Ky., September 25, 1861.

Capt. O. D. GREENE,
Assistant Adjutant-General, U. S. Army, Louisville, Ky.

SIR: I have the honor to report for the information of the department commander that a party of Home Guards have by my direction on the road between Richmond and London, Ky., captured (night before last) Mr. J. B. Clay and fourteen others of more or less consequence (with abundant proof on their persons) on their way to join the enemy. I will send them to Louisville as soon as they are examined by the district marshal.

* * * * * * *

Very respectfully, your obedient servant,

GEO. H. THOMAS,
Brigadier-General, U. S. Volunteers, Commanding.

—

CAMP ANDERSON, KY., *September 25, 1861.*

A. H. SNEED, *U. S. Marshal, Louisville, Ky.*

DEAR SIR: I send to you Lewis Holsclaw who was arrested for bearing arms against the United States. As evidence against him I send his gun, cartridge-box, bayonet scabbard, &c. He says these things

were left with him by a friend who left him, and while thus alone he was arrested. The truth is this fellow belongs to the so-called Southern Confederacy and should be severely dealt with.

I am, very respectfully, your obedient servant,

R. W. JOHNSON,
Lieutenant-Colonel, U. S. Army.

—

CAMP ANDERSON, KY., *September 26, 1861.*

HENRY DENT, Esq.:

I send herewith four men—(1) Joseph W. Griffith, dressed in uniform and says he belongs to Captain Griffith's Ward Lancers, under the command of Col. Jack Allen; (2) Frank M. Crow, uniform cap and belongs to same; (3) Henry G. Thurber, belongs to same company; (4) Anderson McDowell, says he belongs to the Ward Lancers, that he uniformed himself and drilled on horseback.

There can be no doubt about these men at all. McDowell says all four belonged to the same company though I believe he was misled and is now very penitent. If he were released he might reform, but I am unwilling to do so but leave the case for the action of the law. Griffith is a thorough secessionist and deserves in my opinion the full extent of the law.

Yours, very truly,

R. W. JOHNSON,
Lieutenant-Colonel, U. S. Army.

LOUISVILLE, KY., *September 28, 1861.*

The PRESIDENT OF THE UNITED STATES:

A writ of habeas corpus returnable on Monday has been issued by Judge Catron in the case of James B. Clay who was arrested with fourteen others and sent here by General G. H. Thomas. I shall not resist it thinking that this course and his being placed under heavy bail for conspiracy if not for treason will produce a good effect.

ROBT. ANDERSON.

—

DEPARTMENT OF STATE, *Washington, September 28, 1861.*

General ROBERT ANDERSON, *Louisville, Ky.:*

Your message received. Consult James Guthrie immediately and unless he advises to the contrary, or in his absence James Speed, disregard the habeas corpus and send the prisoners under guard to-night to Indiana and forward them direct to Fort Lafayette.

By direction of the President:

WILLIAM H. SEWARD,
Secretary of State.

—

LOUISVILLE, *September 29, 1861.*

Hon. W. H. SEWARD, *Secretary of State:*

The course pursued was taken after advising with Mr. Guthrie and Judge Catron. Mr. Speed says he agrees in that opinion. I retain all the prisoners because I am informed that the evidence of some of them is essential in establishing the fact of the guilt of J. B. C[lay].

R. ANDERSON.

LOUISVILLE, KY., *October 1, 1861.*

The PRESIDENT:

What shall I do with the Clay party prisoners? Major Coffey recommends the discharge of four. * * *

R. ANDERSON.

WASHINGTON, *October 1, 1861.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette:*

Receive prisoners from Brigadier-General Anderson, of Kentucky.

WILLIAM H. SEWARD,
Secretary of State.

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND,
Louisville, Ky., October 1, 1861.

COMMANDING OFFICER,
Fort Lafayette, New York Harbor.

SIR: I have the honor to send herewith papers in the cases of * * * Lewis Holsclaw, Griffith, Crow, Thurber, McDowell, Joseph Back, Robards, Wooldridge and McFeal arrested under circumstances showing that they were on their way to join the rebel army. Together with the men above named I also send Carney [Kearny] and Grubbs, prisoners arrested by order of General Thomas, taken with arms in their hands. Witnesses were sent on with these men, but the ringleader, James B. Clay, having been released on giving bail no investigation was made by the court in these cases. General Thomas will be instructed to send on an abstract of the testimony in these cases with a list of the witnesses.

Respectfully, your obedient servant,

ROBERT ANDERSON,
Brigadier-General, U. S. Army, Commanding.

HEADQUARTERS, *Louisville, Ky., October 2, 1861.*

Secretary WILLIAM H. SEWARD, *State Department:*

Telegram* too late. Kearny and Grubbs, the leading men, are on their way North. Acting under the advice of all the prominent Union men here I discharged the others upon their taking a very strong oath. Their rearrest (now impracticable as they have left the city) would have a very injurious effect. Many men lately prominent against us are being won to our side by the course we have adopted. I shall send on all who in my opinion would not be faithful to their oaths. Twelve such are sent to-day with Kearny and Grubbs.

ROBT. ANDERSON,
Brigadier-General, Commanding.

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND,
Louisville, Ky., October 3, 1861.

Hon. W. H. SEWARD, *Secretary of State.*

SIR: I have the honor to send herewith two letters in regard to four men of the party sent off this morning. I did not receive this letter

* Not found.

until after the departure of these men. I think of the pardoning power upon the parties taking the good.

Respectfully, your obedient servant,

ROBERT ANDERSON
Brigadier-General, U. S. Army, Commanding.

[Inclosure No. 1.]

LOUISVILLE, *October 2, 1861.*

General ANDERSON.

DEAR SIR: Mr. Verneigerholz is a neighbor of mine who wishes to make inquiries about some men, Messrs. Griffith, Crow, Thurber and McDowell, who have been arrested. Mr. V[erneigerholz] is a loyal citizen and he thinks a good effect would be produced in the neighborhood by liberating them on taking the oath of allegiance. I believe myself they would stay at home and behave themselves.

Yours, very respectfully,

NOBLE BUTLER.

[Inclosure No. 2.]

LOUISVILLE, KY., *October 2, 1861.*

General ROBERT ANDERSON, *Louisville, Ky.*

DEAR SIR: Joseph Griffith, F. M. Crow, Henry Thurber and A. McDowell have been arrested in Nelson County, Ky., as I understand making their way to the so-called Confederate Army. They started from Floydsburg, Oldham County, Ky., heretofore a community of disloyal citizens, upon whom a release of the prisoners would exert a good effect; besides I am confident their discharge from arrest upon taking the oath of allegiance will make them good and loyal citizens. Messrs. E. D. Hobbs, J. B. O'Bannon and many other loyal citizens will vouch for the above statements.

Very respectfully, your obedient servant,

C. THEODORE VERNEIGERHOLZ.

I know of no more intolerant (I mean intolerance of a healthy kind) Union man than Mr. Verneigerholz and when he pleads for a secessionist there must be valuable reasons for it. Edward D. Hobbs and J. B. O'Bannon have both been urgent with me for the conditional release of the men named above and I cheerfully and cordially join in the request.

T. S. BELL.

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND,
Louisville, Ky., October 3, 1861.

Hon. SECRETARY OF STATE, *Washington, D. C.*

SIR: I have the honor to inclose herewith a petition for the release of certain state prisoners.

I am, sir, very respectfully, your obedient servant,

O. D. GREENE,
Assistant Adjutant-General.

[Inclosure.]

LOUISVILLE, KY., *October 2, 1861.*

General ROBERT ANDERSON.

DEAR SIR: The undersigned, loyal Union men of Jefferson and Oldham Counties and of the city of Louisville, would respectfully petition

you in favor of the release of the U. S. prisoners Joseph Griffith, F. M. Crow, Henry Thurber and A. McDowell, citizens of our neighborhood, some of us residing within a mile or two of them. We would state that they are all young men who took the step with which they are charged in haste, not properly weighing the character of the offenses they were about committing, and from what some of us know of our personal knowledge and others of us from what we have heard from reliable sources we believe they are heartily sorry for what they have done and would willingly take the necessary oath and if required give security for their loyalty and good behavior, and we believe the exercise of clemency toward these misguided young men would do no harm to the cause of the United States but on the contrary would have a good effect in the neighborhood in which the said prisoners reside. We would be very far from intending in this step to do anything which would seem unbecoming or officious on our part, but make this appeal believing that the grant of our petition would prove of great service to these misguided young men and of service to our country.

Very respectfully,

EDW. D. HOBBS.
C. THEODORE VERNEIGERHOLZ.
EDWIN BRYANT.
[AND FIFTEEN OTHERS.]

—

FORT HAMILTON, *New York Harbor, October 5, 1861.*

Col. E. D. TOWNSEND,
Asst. Adjt. Gen., Hdqrs. of the Army, Washington City, D. C.

SIR: I have received the following-named persons as prisoners from Lieutenant Ely, from General Anderson's command. They are now confined in Fort Lafayette: W. E. Wright, W. E. Kearny, J. T. McFeal, J. W. Griffith, Anderson McDowell, William Grubbs, J. W. Robards, F. M. Crow, H. G. Thurber, S. H. Wooldridge, G. P. Pressby, E. Payne, L. S. Holsclaw, Joseph Back.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, U. S. Army, Commanding.

—

FORT HAMILTON, N. Y., *October 7, 1861.*

Col. E. D. TOWNSEND,
Asst. Adjt. Gen., Headquarters of the Army, Washington.

SIR: Inclosed you will please find package of papers* and bank notes handed to me by Lieutenant Ely, who came in charge of prisoners sent here by order of General Robert Anderson, commanding Department of Kentucky. * * *

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

—

DEPARTMENT OF STATE, *Washington, October 9, 1861.*

Brig. Gen. ROBERT ANDERSON, *Louisville, Ky.*

GENERAL: Your letter of the 3d instant inclosing a petition for the release of the prisoners Joseph Griffith, F. M. Crow, Henry Thurber

* Not found.

and A. McDowell has been received. Will you have the kindness to inform me in whose custody they are held?

I have the honor to be, general, your obedient servant,

WILLIAM H. SEWARD.

—

FORT LAFAYETTE, *October 13, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington, D. C.*

DEAR SIR: I have been lodged in this fort and beg to address you in reference to my release. I was arrested by the Home Guard below Lebanon, Ky., on 18th of September; was conveyed to Louisville. There I employed a counsel and my trial was appointed for 2d of October. Early in the morning of that day before day I was removed to Indiana and from there sent here without being allowed my trial or an interview with my counsel, George A. Caldwell, esq. When arrested I was on my way to work with farmer V. T. Smith, of Dripping Spring, as per agreement with him. I have never carried arms in any cause, being afflicted with white swelling for seven years past and now suffering with it, but least of all would I carry arms against the United States as I am and always have been a Union man and have voted the Union ticket at last election and always would. I have a mother and two sisters depending on me for their support and I beg that you will release me so that I may do so, and I am willing to give all the assurances I can to the Government that it may require. An answer to this would be a great favor.

Very respectfully,

J. W. ROBARDS.

—

FORT LAFAYETTE, *October 13, 1861.*

Hon. W. H. SEWARD.

DEAR SIR: I was arrested by the Home Guard of Kentucky 24th of September on my way to my home, from which I was but a short distance, and taken to Louisville via Camp Dick Robinson. At Louisville I engaged as counsel George A. Caldwell, esq., and my trial was appointed for 2d of October but before daylight on that day I was taken to Indianapolis and sent here. I was and am willing to give security for any charge that may be brought against me. I reside in Madison, Ky., and have a family depending on me. I have never carried arms and am unable, my right arm being useless. I was fifty-one years of age last January and am physically unable to endure this imprisonment and hard fare. I am a Union man and will be glad of an opportunity to take the oath.

Hoping that you will kindly and quickly order my return home, I remain, yours, respectfully,

WM. GRUBBS.

—

DEPARTMENT OF STATE, *Washington, October 18, 1861.*

Hon. JOSEPH HOLT, *Washington.*

MY DEAR SIR: Will you do me the favor to call at the State Department to-day? I wish to make some inquiries respecting the cases of Grubbs and Robards.

Very truly, yours,

WILLIAM H. SEWARD.

[No date.]

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: In compliance with Mr. Kearny's wishes—whom I know to be a friend of the Government—I herewith forward his communication to your excellency, trusting it may effect his release from Fort Warren.

Very respectfully, yours,

E. B. WILDER.

[Inclosure.]

FORT LAFAYETTE, *October 21, 1861.*

Mr. E. B. WILDER, *Newark, N. J.*

DEAR SIR: After my compliments to you I would say that if you go to Washington I want you to see Mr. Seward and do what you can for my release. I was arrested in Kentucky by the Home Guards in my own neighborhood. I had never taken up arms against the Government nor did I ever anticipate doing such a thing. I am a plain farmer, and have no desire to interfere with the politics of the day. I have always been for peace, and that is the height of my offending. There were fourteen others arrested in my neighborhood, and all have been discharged by taking the usual oath, and I would be willing even to remain in the Northern States till released by the Government if it was required of me. You will please show this letter to Mr. Seward or any officer of the Department. I have a large family dependent upon me for a support, and I do not think the Government can possibly have any object in keeping me here as I have no influence, and if I had it should be exercised in behalf of the Government; and if it is not consistent with the views of the Department to release me from this fortress they will confer a favor by letting me know the nature of the charges preferred against me so that I can prepare my defense.

I remain, yours, with great respect, &c.

W. E. KEARNY.

ASHLAND, NEAR LEXINGTON, KY., *October 22, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, &c.*

DEAR SIR: I presume it is somewhat unusual for you to receive a letter from one who has been himself accused of conspiracy and treason against the United States Government, but I believe that the slight acquaintance I have had the honor to have with you will induce you to put some faith in the truth of the statement I am about to make to you.

On the 24th of September I was arrested in an adjoining county. At the time of my arrest two men, both married, were arrested with me, both men returning to their homes where they would certainly have gone but for the arrest. With fourteen others they were sent to Louisville with me. Upon my discharge on bail fourteen of the sixteen prisoners were released on taking the prescribed oath. Of the two arrested with me one was released with the other thirteen, all taking the oath of allegiance. The other, an old man of sixty years ready and willing to take the same oath who had been arrested as I have before mentioned, married and on his way to his home, has been sent on and is I understand now confined at Fort Lafayette. The name of this man is William Grubbs. He is very poor; has left a wife and several children dependent on the charity of his neighbors. He has been no leader and is not competent to be a leader of rebels. I ask as a personal favor that this man may be discharged and sent home to his family if in your judgment the statement I have made does not entitle him to it of right.

I am, very respectfully, your obedient servant,

JAMES B. CLAY.

DEPARTMENT OF STATE, *Washington, October 29, 1861.*

MADISON C. JOHNSON, Esq., *Lexington, Ky.*

SIR: Herewith I transmit to you a copy of a communication* received at this Department in reference to the case of William Grubbs who was arrested in Kentucky and is now a prisoner at one of the military posts of the United States. Will you please examine the case and report to me whether in your judgment there is sufficient reason for detaining him as a treasonable or dangerous person?

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

—

VERNON, IND., *November 1, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: Feeling a deep and abiding interest in the perpetuity of our glorious Union and wishing and trusting that justice may be meted out and the full penalty of the law be enforced upon its enemies, yet I think in some cases persons have been arrested and conveyed to Fort Lafayette without intentionally having done anything to the detriment of the Union cause. And I write you at this time in reference to one such person. I refer to Mr. William E. Kearny who is at present confined at Fort Lafayette. He with seventeen others was arrested near Lexington, Ky., the last of September and conveyed to Louisville and tried (or an examination had) and all released save him, and from all I can learn he would have been released had it not been for the testimony of one Curtis Knight, who has ever been a bitter enemy to him and his family. And as a large family are dependent upon him for their support, and believing most sincerely that if an opportunity were given him he would take the oath of allegiance and faithfully abide by it and return home to fulfill his duties to his family in providing for their comfort [*sic*]. His father-in-law, Francis Emerson, is one of the staunchest Union men in Clark County, Ky., as are all of Mr. Kearny's brothers. Being a brother-in-law of his I speak that which I know to be correct.

In conclusion, believing that if you will give this case an examination the dictates of humanity will prompt his discharge upon his taking the oath, I would most respectfully urge upon behalf of his family (as well as my own) that he may be offered his discharge. Will you be so kind as to give this matter your early attention and inform me of the result as soon as convenient, as his family most anxiously desire to learn something in reference to his case?

I am, most respectfully, your obedient servant,

R. H. NEWCOMB.

—

SAINT LOUIS, MO., *November 4, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington.*

DEAR SIR: In passing through Louisville, Ky., I conferred with a number of prominent Union men as to the propriety of discharging all or any of the prisoners recently confined in Fort Lafayette, and I found their convictions very decided and earnest against such a step. The arrest of these traitors has done immense good in Kentucky and has given the Government a prestige for determination and power which

* Omitted; see Clay to Seward, October 22.

would be destroyed by this retrograde movement at a time when the invading enemy is still upon the soil of the State. This is the general if not the universal sentiment.

I believe it was J. B. Clay who wrote you urging the discharge of Grubbs. Upon inquiry I am assured that his case is of a most aggravated character. The appeal I believe is made to you in the name of his wife and children, whom, however, he himself did not hesitate to abandon in order that he might scour the country for the purpose of persecuting Union men. Dr. T. S. Bell, of Louisville, is acquainted with the facts and I have asked him to communicate them to you. The doctor is one of the purest, truest and most gifted of the friends of the Government in our State and whatever he says on the subject may be accepted as worthy of all credit.

Very sincerely, yours,

J. HOLT.

NORTHERN BANK OF KENTUCKY,
Lexington, November 9, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: In compliance with the request contained in your communication of the 29th ultimo I have endeavored to ascertain whether or not there is sufficient reason for detaining William Grubbs as a treasonable or dangerous person, and as the result of my inquiries would report: That W. Grubbs is between fifty and sixty years of age, poor, with a family; that he is by universal consent a bad and worthless man, and that when arrested he was about attempting to join Zollicoffer; that he is of no value to his family on account of his worthlessness. Being so low in moral and mental attributes I think it dignifies him far too much to retain him as a state prisoner unless you can confine him in some penitentiary and set him to work. I do not regard him as dangerous to the Government but as very disagreeble to all his neighborhood, and hence no effort was made by any one to have him released in Louisville.

Respectfully,

M. C. JOHNSON.

DEPARTMENT OF STATE, *Washington, November 16, 1861.*

M. C. JOHNSON, Esq., *Lexington, Ky.*

SIR: Your report in the case of William Grubbs has been duly received and I thank you for attending to the request so promptly

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

NEW YORK, *November 24, 1861.*

F. W. SEWARD, *Assistant Secretary of State.*

SIR: I wish to make report to you in relation to several political prisoners arrested in Kentucky who are in my judgment proper cases to be considered together.

First. William Grubbs, of Madison County, Ky.; fifty-five years old; has no property; has a wife and two children; no education and little intelligence. He is disabled in the right shoulder and could not be

a belligerent if he would and has not the sense or position to make him a dangerous conspirator; is willing to take the oath of allegiance.

Second. Henry G. Thurber, Oldham County, Ky., eighteen miles from Louisville; twenty-six years old; carpenter by trade; was going South because (as he says) he feared he would be arrested as he had voted the State Rights ticket. Probably he was going to enlist, because he did not feel safe in Kentucky after the arrest of Governor Morehead. He is now willing to take the oath of allegiance.

Third. Frank M. Crow, Oldham County, Ky.; twenty-four years old; has a wife now in Kentucky; no property and no influence. His case is just the same as Thurber's in all respects. Will take the oath.

Fourth. Joseph W. Griffith, Oldham County, Ky.; thirty-six years old; no family; journeyman cabinetmaker. Was going to Tennessee because as he says "I was informed that I was to be arrested for having some time before belonged to the State Guard, which was disbanded." Says he joined the State Guard supposing he would be paid and was to defend Kentucky. When it was disbanded found he was mistaken. Will take the oath.

Fifth. Anderson McDowell, Oldham County, Ky.; forty-eight years of age; no wife, four children. A farmer, on shares, owning no land or other property. Was going South for the reason as he says that he feared arrest, having voted State Rights in the election. His politics are—to go with the people of Kentucky. Will take the oath.

Sixth. John W. Robards, of Harrodsburg, Ky.; twenty-one years old; is ignorant. Has supported his mother and two sisters as well as he could by working at farm work for wages. When arrested he says he was going to Warren County to get work. Has little intelligence and no politics. In no respects a dangerous man. Will take the oath. Says he always was ready to take it.

Seventh. Stephen H. Wooldridge, Harrodsburg, Ky.; twenty-nine years old; no family; occupation, overseer of farm work on plantation; no property; works for wages; been some time out of employment and is destitute. When arrested he was from home, going as he says to see if he could get work. Thinks the old Government better than the new one. This man has more sense than the last, but is a very common man. Never had any objection to taking the oath; has none now.

Eighth. Joseph T. McFeal, of Harrodsburg, Ky.; thirty-seven years old; has wife and four young children; journeyman cabinetmaker. When arrested was going South because as he says he was informed and believed that all of his political opinions were to be imprisoned. Wished the Union preserved then and now, but agreed with Governor Morehead in thinking that it could only be done by concessions. Left home from fear, and would be glad to take the oath as he would now be safe in Kentucky.

Ninth. Joseph Back, Marion County, Ky.; forty-four years of age; millwright by trade; does jobs and farms a little on hired land; has wife and four children; very poor; no property of any kind. This man is very stupid. Says he when drunk started South with some other men. When he got sober backed out and went home and was arrested at his home. Has not the sense to understand the meaning of the contest. Will take the oath.

Tenth. Lewis S. Holsclaw, or Hetzclaw, or Hodsclaw. He does not know how to spell his name. From near Louisville; thirty-two years old; no family; carpenter by trade; very little property and no intelligence or influence. When arrested says he was going to Hickman to visit friends, but probably was going to Tennessee. Never was in favor

of Kentucky going out of the Union of her own accord, but thought she would be conquered. He is of no account at home or elsewhere, except for a soldier. Will take the oath.

These men were all arrested by the Home Guard of Kentucky when it was under general orders to arrest; most of them by Home Guards who did not know who they were. All were probably arrested upon the supposition that they were disloyal and were going South, and it may be that they were disloyal. I do not think that now there would be any danger in setting them at liberty. They are very inferior men. They are not conspirators and have no influence in society. I think we can fill all our forts and prisons with much better men who are much more dangerous than they. They are of no use as hostages on whom to execute the *lex talionis*, for if they were hanged few would know it and fewer still would care. Unless they can be made available in an exchange of prisoners where the rate was man for man they should be set at liberty.

I am, very respectfully, yours,

S. C. HAWLEY.

P. S.—I should include William E. Kearny, arrested in Clark County, Ky., in the above list but I am embarrassed by the circumstance that Hon. William H. Ludlow* has contrived to make himself the solicitor of Mr. Kearny (and several others) upon conditions that he (Ludlow) is to receive pecuniary compensation for getting them their liberty. This would look so much like selling the clemency of the Government that I am not disposed to forward the speculation. Yet to exclude him for that reason may not be just. What should be done in such a case?

S. C. H.

—

DEPARTMENT OF STATE, *Washington, November 25, 1861.*

SETH C. HAWLEY, Esq., *New York:*

Where are the Kentucky prisoners mentioned in your report of the 24th?

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, November 26, 1861.*

SETH C. HAWLEY, Esq., *New York.*

SIR: I have received your report in the cases of Grubbs, Thurber, Crow, Griffith, McDowell, Robards, Wooldridge, McFeal, Back, and Holsclaw, together with your remarks in the case of W. E. Kearny. In reply I have to state that I have directed the release of all but Kearny upon condition that they take the oath of allegiance and engage not to enter any of the insurrectionary States nor hold any correspondence with persons residing therein and that they will not do any act hostile or injurious to the Government of the United States. I have also directed the release of Kearny with the additional condition that he will not pay to any person whomsoever any sum of money as a fee or otherwise for procuring his discharge or for interceding in his behalf. These orders I have forwarded to John S. Keyes, esq., the U. S.

* For Seward to Dimick and Burke and Loomis, November 26, revoking Ludlow's permit to visit prisoners, see p. 151; also see letter of Seward, November 27, to same officers, p. 153.

marshal at Boston, and have requested him to commu
prisoners at Fort Warren and inform them that this D
not recognize any one as an attorney for political prisoners an
with distrust upon all applications for release through such ch
and that such applications will be regarded as additional reasons
declining to release the prisoners. He has also been requested to
inform them that if they have any communication to make to the Government they are at liberty and are requested to make it directly to this Department. I will thank you to visit the prisons in New York Harbor and make similar communications to the persons there confined. I have also to inform you that the pass which was granted to Mr. Ludlow has been revoked.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, November 26, 1861.*

Col. JUSTIN DIMICK, *Fort Warren, Boston.*

SIR: Let William E. Kearny, a prisoner confined in Fort Warren, be released on taking the oath of allegiance to the Government of the United States stipulating that he will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State; and also that he will not do anything hostile to the United States during the present insurrection. Further that he has not paid and will not pay to any person a fee or give to him anything of value as a condition for interceding for his liberation. I transmit this order to John S. Keyes, esq., U. S. marshal, who has been instructed by this Department to cause a police examination to be made in some cases of the persons and baggage of prisoners discharged from custody to the end that no correspondence or other improper papers be conveyed by them to persons outside the fort.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

NOTE.—Same order concerning prisoners Frank M. Crow, Anderson McDowell, William Grubbs, Lewis S. Holsclaw, Joseph Back, Stephen H. Wooldridge, Joseph T. McFeal, John W. Robards, Henry G. Thurber and J. W. Griffith.

—

U. S. MARSHAL'S OFFICE, *Boston, November 28, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to report that I received the orders for the discharge of eleven political prisoners at Fort Warren and duly executed them, they all taking the oath of allegiance and the stipulations required, and one A. Robert Carter, who declined day before yesterday, to-day accepted the conditions and was released. I communicated to all the political prisoners your instructions as to the employment of attorneys but did not to the prisoners of war, at the suggestion of Colonel Dimick. If you desire it I will make the communication to them at my next visit. * * * Many of these prisoners discharged this week have no money or means of returning to their homes and must depend

on charity to get to their friends. The hardship of some such cases induced me to ask if the Department will give any directions by which they can be relieved.

And I have the honor to be, very truly, your obedient servant,

JOHN S. KEYES,
U. S. Marshal, Massachusetts District.

NEW YORK, *November 28, 1861.*

F. W. SEWARD, *Assistant Secretary of State.*

SIR: I am this day in receipt of the letter from the Secretary of State announcing the release of certain prisoners from Fort Warren, and also the action in the case of W. E. Kearny. Please inform the Secretary of State that I will immediately advise the prisoners in Fort Warren of the matter. * * *

I am, very respectfully, yours,

SETH C. HAWLEY.

FORT WARREN, *Boston Harbor, November 28, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington.*

SIR: I have the honor to forward the oaths of the following-named persons who have been released by your directions, viz: * * * S. H. Wooldridge, Henry G. Thurber, Joseph Back, Frank M. Crow, L. S. Holsclaw, J. W. Griffith, Anderson McDowell, William Grubbs, J. W. Robards, J. T. McFeal, and W. E. Kearny.

I am, sir, with highest respect, your obedient servant,

J. DIMICK,
Colonel First Artillery and Brevet Colonel, Commanding Post.

[Inclosure.]

I, W. E. Kearny, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States against all enemies whether domestic or foreign, and that I will bear true faith, loyalty and allegiance to the same any ordinance, resolution or law of any State convention or legislature to the contrary notwithstanding; and further that I do this with a full determination, pledge and purpose without any mental reservation or evasion whatsoever; and further that I will well and faithfully perform all the duties which may be required of me by law, hereby stipulating that I will neither enter into any of the States in insurrection against the Government of the United States nor hold any correspondence whatever with persons residing in those States nor transmit any correspondence between any disloyal persons without permission from the Secretary of State; and also that I will not do anything hostile to the United States during the present insurrection. Further that I have not paid and will not pay to any person a fee or give to him anything of value as a consideration for interceding for my liberation. So help me God.

W. E. KEARNY.

Sworn to and subscribed before me this the 28th day of November, A. D. 1861, at Fort Warren, Boston Harbor.

J. DIMICK,
Colonel First Artillery and Brevet Colonel, Commanding Post.

NOTE.—On the same date F. M. Crow, H. G. Thurber, J. W. Griffith, J. T. McFeal, Joseph Back, J. W. Robards, William Grubbs, Anderson McDowell, S. H. Wooldridge and L. S. Holsclaw subscribed to the same oath.

Case of John C. Stovin.

This individual [John C. Stovin] is an Englishman by birth and the first that is known of him in this country he came to Cumberland, in the State of Maryland, to reside about the year 1854, where he married the daughter of Dr. George Lynn and settled as a permanent dependent of his said father-in law. He left Cumberland about the year 1856 and it is understood that he went to Illinois and was absent from Cumberland about two years, when he returned again to the house of his said father-in-law and resumed his dependence upon him and continued the same until his death in 1860. From that time he remained a burden upon the widow and family of his said deceased father-in-law until the time of his arrest as hereinafter stated. On the 16th day of July, 1859, this Stovin declared his intention to become a citizen of the United States and made oath renouncing forever his allegiance to Queen Victoria in the circuit court for Allegany County, in said State of Maryland, according to the form of the statute provided in the case of citizens or subjects of other countries desiring to become citizens of the United States. From the outbreak of the rebellion in December, 1860, he has been a secessionist and a sympathizer with the rebellion and his associations have been with persons of like sentiments, so that he incurred the dislike and suspicion of all the loyal people of Cumberland. In the summer of 1861 when Colonel Wallace, of the Eleventh Indiana Volunteers, had his regiment stationed at Cumberland a detachment of said regiment under Captain Lyman was directed to perform some duty at the house of Josiah H. Gordon, a disloyal member of the house of delegates, and Stovin came there while he was engaged in such duty and interrupted the performance thereof and was arrested by the said Captain Lyman and detained for two or three hours, when he was discharged, and he thereafter boasted that he would make a claim through the British minister against the Government of the United States and recover a large amount of damages for said arrest by Captain Lyman. He also threatened to poison a spring from which the said Eleventh Indiana Volunteers used the water, and in frequent seditious conversations constantly justified the rebels of the insurrectionary States in their rebellion, during all which time the said town of Cumberland was threatened by the rebel forces and frequent alarms were spread among the inhabitants of immediate attacks, and great insecurity was felt owing to the presence in town of many sympathizers with the rebels of whom Stovin was notorious. Wherefore it was deemed judicious as a precautionary measure to take the said Stovin into custody, which was accordingly done by direction of the Secretary of State on or about the 8th of October, 1861, and he was soon after placed in confinement at Fort McHenry. He immediately appealed to the British minister to interfere for his release but more especially to urge a claim in his behalf against the Government of the United States for damages by loss of property and interruptions of business by reason of his arrest and detention to a large amount, while the fact was that he never possessed property to the value of a dollar nor was ever engaged in any business

on his own account nor ever had credit or character enough to establish him in any business. The apparent danger of rebel attacks and of seditious uprisings having passed away and the consequent necessities for the detention of Stovin having therefore ceased he was at the instance of the British minister discharged from custody on or about the 13th day of November, 1861, and the said minister informed thereof.—*From Record Book, State Department, "Arrests for Disloyalty."*

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DEPARTMENT OF STATE, *Washington, September 28, 1861.*

Maj. Gen. N. P. BANKS, *Darnestown, Md.*

GENERAL: I inclose herewith to you information* which has been placed in my hands relative to J. C. Stovin, of Cumberland, Md., and will thank you to examine his case and inform me whether, in your judgment, it would be feasible to arrest him. Please preserve and return these papers to this Department.

I am, general, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

CUMBERLAND, MD., *October 8, 1861.*

F. W. SEWARD, Esq., *Assistant Secretary of State.*

SIR: This morning a party of cavalry from Williamsport arrested John C. Stovin. If you wish to secure more of the rebel bands in this section of our State place Stovin in solitary confinement, when he no doubt will implicate some of those whose names I give below, men who have used him to act the spy and letter agent. Those men I have no direct legal means to convict, but Stovin no doubt has.

With the sole wish to serve my country, very obediently,

DAVID TAYLOR.

W. W. McKaig, attorney; Dr. R. S. McKaig, merchant; C. A. Thruston, attorney; Thomas Devecmon, attorney; John P. Roman, attorney; Dr. G. Stubblefield, nothing; Judge Perry, circuit court; James M. Schley, attorney; Samuel Smith, attorney; Dr. T. A. Healey, physician; Dr. B. A. Daugherty, physician; Michael Trieber, hotel keeper; Ashriel Willison, horse dealer; William Blake, merchant tailor; Capt. C. H. McBlair, late U. S. Navy; Daniel Wineon, canal supervisor.

P. S.—I may be mistaken in some of those men, but they are an installment of a party who with Stovin have met at the Revere House, kept by Michael Trieber, and have kept up no doubt a rebel mail running. Stovin is a shallow knave, and could be very easily made to convict a large number of the traitors here.

D. T.

—

DEPARTMENT OF STATE, *Washington, October 11, 1861.*

Maj. Gen. N. P. BANKS, *Darnestown, Md.:*

Send John C. Stovin to Fort McHenry.

WILLIAM H. SEWARD.

* Not found.

DEPARTMENT OF STATE, *Washington,* (

Maj. Gen. JOHN A. DIX, *Baltimore, Md.*

GENERAL: I have directed that one John C. Stovin, an party of cavalry at Williamsport, Md., be sent to Fort McHe... reasons which are given in a communication from David Taylor, ... Cumberland Md., a copy of which I inclose to you. Will you please examine the case and report to me as soon as you conveniently can your opinion upon it.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

—

CONFIDENTIAL.] DEPARTMENT OF STATE,
Washington, October 18, 1861.

Right Hon. LORD LYONS, &c.

MY LORD: I have the note of Consul Bernal which you unofficially placed in my hands.

John C. Stovin on the 16th of July, 1859, in the State of Maryland, on oath in open court renounced his allegiance to every foreign prince, potentate or sovereignty whatever and particularly to Queen Victoria. With your passport in his hand countersigned by me he was found on the 10th day of this month actively engaged in seditious proceedings to foment the insurrection in the State of Maryland which has only been prevented by the presence of a large military force and the erection of extensive fortifications. The public safety requires that for the present he remain in custody. He is confined at Fort McHenry under a suspension of the writ of habeas corpus. I shall not lose sight of the prisoner's case nor allow him to remain unnecessarily long in custody.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

—

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., October 18, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have examined the case of Mr. John C. Stovin so far as any examination is practicable. There is nothing against him except the allegations contained in the letter of Mr. David Taylor herewith returned. Mr. Stovin, who is a British subject as I suppose, states that he was the agent of a company whose operations have been suspended by the war; that he has been waiting for the reopening of the Baltimore and Ohio Railroad; that he knows all the parties in Mr. Taylor's letter; that he has never met them at the Revere House except casually; that he has never been engaged in transmitting or receiving letters to or from Virginia, and that he has never taken any part in the contest now in progress between the Government of the United States and the Confederate States which are in insurrection against it. There is no evidence to rebut this statement or to sustain that of Mr. Taylor. He says that he and Mr. Taylor had a quarrel some months ago and that Mr. Taylor is a naturalized Englishman. I did not let him know there was a letter from the latter.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General, Commanding.

DEPARTMENT OF STATE, *Washington, October 19, 1861.*

GEORGE A. HOFFMAN, *Postmaster, Cumberland, Md.*

SIR: Will you please inform this Department whether in your judgment there is sufficient reason for detaining John C. Stovin who was recently arrested in your village as a disloyal and dangerous person?*

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

WASHINGTON, *October 26, 1861.*

Hon. WILLIAM H. SEWARD, &c.

SIR: In your confidential note of the 18th instant you do me the honor to inform me that Mr. John C. Stovin on the 16th of July, 1859, renounced in open court his allegiance to any foreign prince, potentate or sovereignty whatever and especially to Queen Victoria.

You will perceive, however, by the inclosed copy of a dispatch from Mr. Bernal, Her Majesty's consul at Baltimore, that Mr. Stovin adheres to his assertion that he has only taken the oath declaring his intention to renounce his allegiance to the Queen and has not taken that by which an alien on becoming an American citizen actually renounces his allegiance to his natural sovereign.

It was on the faith of a solemn assertion to this effect that a British passport was granted to him and submitted to you for counter signature. You will perhaps remember that the passport stated on the face of it that Mr. Stovin was "a British subject who had declared his intention to become a citizen of the United States but had not actually become a citizen thereof."

I could not feel any hesitation in sanctioning the granting of a British passport to a person to whom that description was applicable. In fact soon after the notice requiring persons in these States to provide themselves with passports was issued I made particular inquiries at the State Department respecting the cases of British subjects who had declared their intention of becoming American citizens. I was informed in reply that the Government of the United States had no right and was under no obligation to grant a passport to a foreigner who had merely declared his intention to become a citizen of the United States. It was pointed out to me that the law requires a period of several years to elapse before that intention can be carried into effect and that the person who may have declared it may change his mind and has entire liberty to do so.

It was added that until the final act of naturalization such a person is to all intents a subject or citizen of his native country and therefore that foreigners whether they may have declared their intention to become citizens or otherwise must obtain passports from the proper authorities of their own country.

I have the honor to be, with high consideration, sir, your most humble servant,

LYONS.

[Inclosure.]

BRITISH CONSULATE, *Baltimore, October 22, 1861.*

LORD LYONS, *K. C. B., &c.*

MY LORD: I have the honor to acknowledge the receipt this morning of your dispatch of the 19th instant referring to the case of Mr.

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* No answer to this inquiry can be found.

Stovin. I went down to Fort McHenry and procu
the commandant to "see Mr. Stovin in the presence of a
day on guard." He repeated the story he has always to
took an oath declaring it to be his intention to become a citizen of the
United States and renounce his allegiance to any foreign prince, &c.
But as your lordship is doubtless not aware these are only preliminary
steps which confer no actual or present rights and privileges, and it is
not until some time afterward (two years I believe) that the individual
can take the second oath and receive his final papers of naturalization.
In the meantime he has none of the privileges of an American citizen.
This second and final act Mr. Stovin declares he never performed.

He is confined in a small guard room with several other persons.
In the course of a conversation that I had with General Dix in regard
to his case he was good enough to tell me that he had written to Mr.
Seward respecting the examination held by him, namely, that the only
allegations against Mr. Stovin were contained in a letter written by a
gentleman (whose name he did not give me); that these charges were
firmly denied by Mr. Stovin and that there was no evidence either to
sustain the former or rebut Mr. Stovin's denial. This was the substance
of General Dix's report to the best of my recollection.

In reply to your lordship's inquiry I beg to state that the passport
issued by me to Mr. Stovin distinctly said that the bearer was a Brit-
ish subject who had announced his intention of becoming an American
citizen but had not actually become one.

I have, &c.,

F. BERNAL.

DEPARTMENT OF STATE, *Washington, November 2, 1861.*

Right Hon. LORD LYONS, &c.

MY LORD: I have received your note of October 26. I give you herewith a copy of the [naturalization] oath* which was taken by John C. Stovin on the 16th of July, 1859. You will see that although it is a declaration of an intention to become a citizen of the United States it is nevertheless an absolute and permanent abjuration of his allegiance to his native sovereign. My view in communicating the fact to you was that you might probably not be so deeply impressed with a claim upon you made by a person who had voluntarily renounced the allegiance upon which your interposition was sought.

I am not disposed, however, to raise a question upon his claim to the protection of the British Government and I shall treat the same as fully conceded. Maryland occupies a peculiarly important position in regard to the Federal Union. Immediately south of it an insurgent army has for a long time invited co operation in Maryland and threatened this capital. An army has been stationed there and fortifications built by authority of the United States. The law and courts have proved temporarily unreliable for the maintenance of the Federal Union there and it has therefore been found necessary to place some agitators of division temporarily in military custody. John C. Stovin is one of these persons. Although he was furnished by you with a passport with my consent it is found that he used it to disturb and endanger the public peace and safety.

He cannot be released from custody consistently with the welfare of the community in which he lives. On the other hand if he shall give

* Not found.

reliable assurances of the loyalty he owes to the United States his duress will not be prolonged a day beyond the time when the danger to be apprehended from his being set at large shall have passed.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, November 11, 1861.*

Col. JUSTIN DIMICK, *Fort Warren, Boston, Mass.*

SIR: Let J. C. Stovin, a prisoner confined in Fort Warren, be released on his engaging upon oath that he will neither enter into any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State; and also that he will not do anything hostile to the United States during the present insurrection. I transmit this order to John S. Keyes, esq., U. S. marshal, who has been instructed by this Department to cause a police examination to be made in some cases of the persons and baggage of prisoners discharged from custody to the end that no correspondence or other improper papers be conveyed by them to persons outside the fort.*

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, November 14, 1861.*

Maj. Gen. JOHN A. DIX, *Baltimore, Md.:*

* * * It is presumed you have received the order for the release of Stovin. At all events discharge him.

F. W. SEWARD,
Assistant Secretary.

—

WASHINGTON, *March 19, 1862.*

Hon. WILLIAM H. SEWARD, &c.

SIR: You will no doubt recollect the correspondence which passed between us in the months of October and November last respecting the arrest and imprisonment of Mr. John Carville Stovin.

Mr. Stovin has now submitted to Her Majesty's Government a printed statement of a claim which he makes against the Government of the United States for pecuniary compensation for his imprisonment and for the loss of property which it entailed. I do myself the honor to transmit to you a copy of the statement.†

Mr. Stovin complains in the first place of certain acts done on the 19th of June, 1861, which appear to Her Majesty's Government to have been acts of lawless interference by certain military officers of the United States Government with his personal liberty and also with his property, a horse belonging to him having been taken without payment. It does not, however, appear that these acts were authorized or sanctioned by the Government of the United States or that Mr. Stovin may

*This order was repeated November 18 to Colonel Burke at Fort Lafayette, New York Harbor.

† Stovin's statement omitted; it is a recitation of the circumstances of his arrest, and a denial of the alleged causes therefor, with a demand for $150,000 damages.

not have adequate civil remedies for them by the laws of the United States as now administered.

The interference with his personal liberty was only of a few hours' duration and Her Majesty's Government are not disposed to treat instances like this of mere casual abuse of military power by individual soldiers and officers as furnishing sufficient grounds for international complaint.

Her Majesty's Government conceives, however, that the subsequent arrest of Mr. Stovin on the 7th of October and his imprisonment from that time until the 14th of November are acts of which the responsibility clearly belongs to the executive government of the United States. It appears from the note which you did me the honor to address to me on the 10th of October last that Mr. Stovin was accused of being found in the course of that month actively engaged in seditious proceedings to foment insurrection in the State of Maryland and that his arrest and imprisonment were justified by the United States Government under the suspension of the writ of habeas corpus on the ground that the public safety required that for the present he should be kept in custody. The accusation was denied by him as soon as he had an opportunity of learning its nature. Her Majesty's Government do not perceive that any attempt was ever made to support or substantiate it in any manner whatever. The name of the accuser was not divulged and the charge itself appears to Her Majesty's Government to have been absolutely false and groundless.

Mr. Stovin was nevertheless arbitrarily detained in prison for more than a month; he suffered during that time very severe hardships and by the sudden and violent interruption of his business he seems to have undoubtedly incurred serious and unavoidable pecuniary losses, although the amount at which he himself estimates them may perhaps be much exaggerated. It seems therefore to Her Majesty's Government that Mr. Stovin is entitled to ample redress for these injuries; and Her Majesty's Government have accordingly instructed me to bring this case before you and to ask for compensation for him.

In order to avoid all possible misapprehension I will say distinctly in conclusion that in laying before you Mr. Stovin's own printed statement I by no means intend to express either for Her Majesty's Government or for myself any opinion as to the particular sum, $150,000, at which he himself estimates the compensation due to him.

I have the honor to be, with high consideration, sir, your most obedient humble servant,

LYONS.

WASHINGTON, *April 15, 1862.*

Hon. WILLIAM H. SEWARD, &c.

SIR: With reference to the note which I had the honor to address to you on the 19th of last month concerning the claim of Mr. John Carville Stovin, I beg to submit to you an extract from a letter which I have received from Mrs. Lynn, mother-in-law of that gentleman.

Mrs. Lynn believes that a commission has been sent to Cumberland to investigate matters connected with the claim in question. I do not know whether or no she is correctly informed, but if an investigation of the kind be in progress it appears to be not unreasonable that she as representative of the interests of her son-in-law should ask to be heard in support of his claim.

I have the honor to be, with high consideration, sir, your most obedient humble servant,

LYONS.

[Inclosure.]

Extract from letter of Mrs. Lynn to Lord Lyons.

CUMBERLAND, *April 10, 1862.*

* * * I learned by accident yesterday that a commission sent here by the Government of the United States was taking affidavits in reference to the claim of my son-in-law, J. Carville Stovin, against the United States for imprisonment. Mr Stovin cannot safely reside here owing to the prejudice against him and he has no one to care for his interest but me. I was surprised therefore to learn that this commission instead of giving me notice went about the work in a secret manner and from that manner am inclined to believe that the personal enemies of Mr. Stovin were selected to act as witnesses.

I understand that the charge against Mr. Stovin of complicity with the Southern Confederacy is dropped and an effort is now made to show that his loss was less than he claims. I do not know how this may be, but I do know to my sorrow that this wrong resulted in taking the bread from me and my fatherless children and being satisfied that it was without cause. * * *

DEPARTMENT OF STATE, *Washington, April 16, 1862.*

Right Hon. LORD LYONS, &c.

MY LORD: I have received your note of yesterday accompanied by an extract from a letter of a Mrs. Lynn, of Cumberland, Md., touching the complaint of her son-in-law, Mr. John C. Stovin, against this Government and asking to be heard in support of the complaint. As the complaint referred to has been presented in the name of Her Majesty's Government no such application from Mr. Stovin or his representatives can be entertained. Any information, however, which Her Majesty's legation itself may think proper to communicate in support of the claim of Stovin will be impartially considered.

I avail myself of the occasion to offer to you a renewed assurance of my very high consideration.

WILLIAM H. SEWARD.

Cases of J. H. Maddox and Thomas H. Maddox.

The only papers on file in the Department of State in the case of [Joseph H.] Maddox refer exclusively to his release, being mostly correspondence relating thereto, his bond, parole, &c. From statements in the letters of Maddox on file it would appear that he was arrested on the order of the Navy Department, charged with being about to attempt to go to Virginia, and was sent to Fort Lafayette; thence transferred to Fort Warren from which he was released on his parole not to enter into or correspond with any person in the seceded States or do any act hostile to the Federal Government November 21, 1861, according to an order from the Department of State, November 2, 1861.

This person [Thomas H. Maddox] was arrested by the military authorities in Maryland and sent to Fort Lafayette September 24, 1861, by order of Lieutenant-General Scott. He was charged with disloyalty to the United States Government. Maddox was released by order of the Secretary of State October 3, 1861, on taking the oath of allegiance and stipulating not to hold any correspondence with persons residing in the insurgent States without consent of the Secretary of State.—*From Record Book, State Department, "Arrests for Disloyalty."*

Case of William F. Getty.

W. F. Getty was arrested in Washington October 1, 1861, by order of Brig. Gen. R. B. Marcy and committed to the Thirteenth Street Prison and from thence transferred October 30, 1861, to the Old Capitol. He was charged with being a spy and with having in violation of the President's proclamation crossed the lines of the Federal forces and visited Richmond. The report of the provost-marshal of Washington by his agent, Major Allen, dated October 29, 1861, shows that Getty endeavored some time during the last of September to obtain a situation as a secret agent of the United States Government, pretending that he knew many secessionists in Baltimore who could not be known to the police of that city. Having been sent to General Dix with a letter from Colonel Marcy, he was referred by the former to Marshal Dodge, of Baltimore, and receiving no encouragement returned to Washington. On the 30th of September Colonel Marcy telegraphed to General Dix making inquiries about Getty and received a reply stating that the police report that—

> Mr. Getty is a very bad man and is a spy of the Confederates. We arrested his paramour, a notorious courtesan, and read his letter to her. We know him well.

The following extract from the letter above referred to indicates that Mr. Getty was or had been engaged in practices inimical to the United States Government:

> FREDERICK, MD., *Wednesday Night.*
>
> DEAR BECKIE: Jennie was arrested on her way up, but I guess she has been released by this time. Even if not nothing can be done with her. If it had been my case I should have fared differently. * * * I was sorry that she was detained, but it was far better for her to have been arrested than for me. * * *
>
> FRANK.

Jennie Smith, the person referred to in the above letter, was arrested in June, 1861, at the Relay House, and on searching her under-garments a quantity of percussion caps and military buttons were found. She is represented to have been a violent secessionist and as having visited the rebel camps in Virginia. The said William F. Getty remained in custody at the Old Capitol February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

HDQRS. CITY GUARD, PROVOST-MARSHAL'S OFFICE,
Washington, D. C., October 29, 1861.

Brig. Gen. A. PORTER, *Provost-Marshal.*

DEAR SIR: I have the honor to report that a man named William F. Getty arrived here about the 21st of September last from the South; that he was on the following day brought by Mr. Hanscomb, of The New York Herald reporting force, to the residence of General McClellan. Getty represented that he was originally from Baltimore but had been in Virginia, and was there employed by General Johnston, of the rebel army, in writing army orders, &c. Getty made some disclosures to General McClellan calculated in his estimation to give General McClellan a favorable impression of his adaptation to enter the secret service. Soon after he (Getty) made application to Colonel Marcy, chief of staff, for a situation in the secret service of the United States Government under General McClellan, and was at that time referred to me.

In conversation with Getty he told me that he was well acquainted with prominent secessionists in Baltimore, whom he said could not be known to the police force acting under the orders of General Dix. I expressed to Getty my unqualified confidence in the honesty, ability and resources of Provost-Marshal Dodge and his very able assistant, Mr. McPhail. Still Getty insisted that he knew of rebels in Baltimore whom he himself could reach and whom no one else could. I suggested that he might procure a letter from Colonel Marcy to Major-General Dix, to whom he might impart the information which he claimed to possess, and that General Dix might deem it best to give him employment in his department. Getty also pretended to have valuable information about the movements of the secessionists on the Western Shore of Maryland. Having procured a letter of introduction from Colonel Marcy to General Dix Getty left for Baltimore accompanied by Mr. Hanscomb, of The New York Herald, who has been a very warm friend of Getty ever since his arrival here.

Getty called at my office on the 30th day of September last and stated that he had seen General Dix and the general would like very much to avail himself of his services but that he (General Dix) had no fund provided out of which he could pay him (Getty), and that the general had so stated to Colonel Marcy. After a consultation between Colonel Marcy and myself in reference to Getty it was deemed advisable to telegraph General Dix and learn from him of the truth of Getty's statements. The following is a copy of the dispatch sent to General Dix:

WASHINGTON, *September 30, 1861.*

Major-General DIX, *Commanding, Baltimore:*

Have you seen Mr. Getty? Do you think his services valuable? If so Mr. Allen will employ him and detail him for your use.

R. B. MARCY,
Chief of Staff.

On the following day a reply was received from General Dix of which the following is a copy:

FORT MCHENRY, *October 1, 1861.*

Col. R. B. MARCY:

I sent Mr. Getty to the police who as Mr. Allen will tell you are thorough and efficient. They report to me as follows:

"Mr. Getty is a very bad man, and is a spy of the Confederates. We arrested his paramour, a notorious courtesan, and read his letter to her. We know him well."

JOHN A. DIX.

I was in the company of Colonel Marcy when he received the foregoing dispatch from General Dix and was by him ordered to arrest Getty as a spy, which order was executed by Getty's arrest within an hour after it was given to me, and he has been ever since confined in the prison corner of Thirteenth street and Pennsylvania avenue, northwest, Washington.

Getty upon his arrest denied the charge of being a spy, and I dispatched one of my operatives to Baltimore with letters to General Dix and to Provost-Marshal Dodge and Assistant McPhail for the purpose of obtaining all the evidence which they or either of them might possess bearing on Getty's case. I have further to report that Getty in his conversation with me never alluded to his having had an interview with Marshal Dodge until after the receipt of the telegram from General Dix to Colonel Marcy, and then only when asked by me if he had not seen Marshal Dodge he gave me an affirmative answer, commencing at the same time to use terms of discredit in regard to the marshal aforesaid which were cut short by my arresting Mr. Getty and sending him to the

prison as aforesaid. Upon the arrival of my operative at Baltimore he called upon Provost-Marshal Dodge and every facility in his power as well as in that of Deputy McPhail's was furnished to my operative and no opportunity on their part was allowed to pass that might aid his mission, and I beg leave to say here in my report to you that I feel greatly obliged to both of those able and efficient officers for the many ways in which they have shown their kindness to me personally and to very many of my operatives while employed in the business of this office.

Provost-Marshal Dodge stated to my operative in substance that the information which Getty pretended to have in his possession and for imparting which he asked in return that he should be employed in the service of the United States, and in a most responsible position, was nothing more than what had already been published in The Sun newspaper of Baltimore, and therefore possessing no possible value to the Government. The marshal stated further to my operative that Getty's character was bad; that he was associated with a courtesan named Jennie Smith who with Getty went to Virginia in June last; that the said Jennie Smith was arrested by Colonel Jones, of the Sixth Massachusetts Volunteers, at the Relay House, having at the time on and about her person a large number of percussion caps; that from Getty's own statement the provost-marshal, Mr. Dodge, was satisfied that Getty had been at Richmond and Winchester, Va., and that his sentiments previous to going to Virginia were secession.

I have further to report that Deputy Provost-Marshal McPhail confirmed and corroborated the facts related to my operative aforesaid by Marshal Dodge, and also further stated that only the week before my operative aforesaid went to Baltimore in relation to Getty's case he (McPhail) had arrested the same woman, Jennie Smith, searching her person and the house in which she was found, and finding upon her person several letters from Getty as Jennie herself acknowledged, over different signatures, sometimes signing himself as "Frank" and again as "Will;" that Deputy McPhail gave to my operative two of said letters, one dated at Frederick, Md., Wednesday night, and addressed to "Beckie," who appears to have been another woman who sometimes passed as "Mrs. Getty;" that the last-mentioned letter reads as follows:

DEAR BECKIE: Jennie was arrested on her way up, but I guess she has been released by this time. Even if not nothing can be done with her. If it had been my case I should have fared differently. Tell Jennie to come up by way of Ellicott's Mills. She can get a buggy to take her to the Mills. After she passes the Relay there is no danger whatever. I was sorry she was detained, but it was far better for her to have been arrested than for me. I expect to see her in a few days.

FRANK.

That the other letter which my operative received from Deputy Marshal McPhail was written by Getty to Jennie Smith, the aforesaid courtesan, and reads as follows:

HARPER'S FERRY, VA., *Monday, June 10, 1861.*

DEAREST: It is almost impossible to get a letter to you as bridges are being burned almost every day between this point and the Point of Rocks; and as to receiving your replies I can only advise you to direct to Point of Rocks, and take the chances of friends going up and coming down. Mr. Kappelle is still here. We will probably go down to Richmond this week. If I do I will tell you so before I leave.

In haste,

WILL.

P. S.—You had better write Mr. Minnes and have him get letters from box 581 and forward them to you.

That Mr. McPhail told my operative further that he learned from Jennie Smith while she was under arrest by him, as aforesaid, that herself and Getty while in Virginia were agents of The Baltimore Sun; that Jennie stated to him (Mr. McPhail) that she was in favor of the South, and that she would prefer to help them if she could; that Jennie further stated to him (Mr. McPhail) that she had been in company with General Johnston, of the rebel army, several times. And further Mr. McPhail told my operative that he had heard of Getty's arrival in Baltimore, and was on the lookout to arrest him when he learned that Getty had been to the office of the provost-marshal in Baltimore seeking employment with a letter from General Dix, and that he had in his company Mr. Hanscomb, one of the reporters of The New York Herald, being the same gentleman alluded to before in this report.

I beg further to report while in this connection that when Mr. Getty first applied to me for employment after having been referred to me by Colonel Marcy that he (Getty) offered to act as a secret agent of the Government with no other reward than to be allowed to receive at some point on the Potomac near to Frederick, Md., The Baltimore Sun and pass with it beyond our lines into Virginia. A proposition which upon its face was evidence of his unfitness for so responsible a trust as he sought at the hands of General Dix and Colonel Marcy, as well as of his anxiety for some pretext for communicating with the enemy to no good purpose for this Government.

I have further to report that my operative aforesaid called upon General Dix at Fort McHenry where he was received by the general and aided in every way that my operative could desire. My operative reports to me that Major-General Dix told him that Getty came to Fort McHenry at the time before alluded to when he sought employment of the provost-marshal in Baltimore, and brought letters to him (General Dix) from Colonel Marcy, and that Getty on that occasion was accompanied by Mr. Hanscomb, reporter for The Herald aforesaid, and that he made application to him (General Dix) for employment, he (Getty) stating to him (General Dix) that Colonel Marcy and General Porter were very anxious that he (General Dix) should give him (Getty) employment. He (Getty) had never seen General Porter on the subject. That General Dix further stated to my operative aforesaid that as Getty and Hanscomb left his office that Hanscomb remarked to Getty that they (meaning himself and Getty) should have to go back to Washington.

I also ask to further report that upon my operative leaving Baltimore, Deputy Marshal McPhail gave him a letter from himself (McPhail) addressed to me in which he stated among other things in substance that Getty had been engaged ever since the war commenced in giving aid and comfort to the enemy; that he was the chum and lover of the notorious Jennie Smith, who when arrested in June last at the Relay House was found to have percussion caps and military buttons under her garments, and that his (McPhail's) impression was that Getty was gathering information for the rebels rather than for the Federal Government. In concluding his letter to me, the deputy marshal aforesaid says: "If Getty is not guilty of the charge of being a spy he is certainly not fit to be trusted by the Government on account of his associations." In concluding this already perhaps too lengthy report permit me to add that although the evidence of this case is not as full and complete as might be necessary to sustain the charge against Getty of being a spy yet it goes very far to show that he is a dangerous man to be at large in the present exigency of the Government. His own

loyalty is at least doubtful and his associations are with persons who sympathize with our enemies. He is an active, educated man, possessing in no small degree the elements of character and the use of means which render his safe-keeping in my judgment a military necessity.

All of which is respectfully submitted.

Your obedient servant,

E. J. ALLEN.

COMMISSION RELATING TO POLITICAL PRISONERS,
Washington, March 21, 1862.

W. P. WOOD, Esq.,
Supt. of the Old Capitol Military Prison, Washington, D. C.

SIR: You will please discharge William F. Getty * * * on [his] taking the oath of allegiance to the Government of the United States.

Very respectfully, yours,

JOHN A. DIX,
EDWARDS PIERREPONT,
Commissioners.

I, William F. Getty, of the city of Baltimore, State of Maryland, do solemnly swear that I will support, protect and defend the Union and Constitution and the Government of the United States as established by that Constitution against all enemies whether domestic or foreign; and that I will bear true faith, allegiance and loyalty to the same any ordinance, resolution or law of any State convention or legislature to the contrary notwithstanding; and further that I do this with a full determination, pledge and purpose without any mental reservation or evasion whatsoever; and further that I will well and faithfully perform all the duties which may be required of me by law. So help me God.

WM. F. GETTY.

Sworn to and subscribed before me this 21st day of March, 1862.

EDWARDS PIERREPONT.

Case of William H. Aymar.

William H. Aymar, of New Orleans, claiming to be a British subject, was captured on the 1st of October, 1861, on the schooner Joseph H. Toone, of which he was nominally the owner, off Timblier Island to the southward, apparently endeavoring to evade the blockade and enter the port of New Orleans. The capture was made by Captain Alden, of the U. S. steamer South Carolina. Aymar was detained, as well as the vessel and crew, and was lodged in Fort Lafayette on the 12th of November, 1861. The schooner Joseph H. Toone was an American-built vessel and no information is at hand relative to her transfer to British ownership. It does not appear that any inquiry has been instituted touching the time, place or other circumstances or the good faith of her change of nationality, nor touching the reality of the pretended ownership of Aymar, which he says accrued by purchase just previous to her sailing on this voyage. Aymar left New Orleans on the same vessel on the 25th of August, 1861, and safely evading the block-

ade arrived at Havana, where the vessel was discharged, again loaded and cleared for Tampico, Mexico, and sailed on the 25th or 26th of September, and was captured on the 1st of October, as before stated. On the 23d of November, 1861, Aymar was released from confinement. In Aymar's correspondence are occasional expressions showing the nature of the enterprise in which he was engaged with his vessel when captured. In a letter addressed to Henry L. Church, who appears to be a partner of Aymar, dated December 6, 1861, he says.*—*From Record Book, State Department, "Arrests for Disloyalty."*

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WASHINGTON, *November 19, 1861.*

Hon. WILLIAM H. SEWARD, &c.

SIR: Mr. William H. Aymar, a British subject who is imprisoned in Fort Lafayette, has made an appeal to Mr. Archibald, Her Majesty's consul at New York. I have the honor to request you to cause orders to be given to enable Mr. Archibald to visit the prisoner.

I have the honor to be, with high consideration, sir, your most obedient humble servant,

LYONS.

—

FORT LAFAYETTE, N. Y., *November 19, 1861.*

Hon. W. H. SEWARD, *Secretary of State.*

SIR: On the 1st of October, 1861, the British schooner Joseph H. Toone, Captain Pennington, bound from Havana to Mexico, owned by me (a British subject) and having on board a cargo principally belonging to Spanish subjects, was seized by the U. S. steamer South Carolina, Captain Alden, and myself, captain and crew have been sent to this fort as prisoners of war. Feeling convinced that the United States Government will do me justice and restore my property on proper proof of my innocence of any intention to run the blockade or in any way violate the strict neutrality which I in common with all Her Britannic Majesty's subjects am commanded to observe, I trust that you will give the necessary instructions for a prompt examination, or if that is not practicable allow me to give sureties to remain in the Northern States until my presence is required by the proper tribunals.

I remain, very respectfully, your most obedient servant,

WILLIAM H. AYMAR.

—

DEPARTMENT OF STATE, *Washington, November 21, 1861.*

The Right Hon. Lord LYONS, &c.

MY LORD: I have the honor to acknowledge the receipt of your note of the 19th instant requesting that Mr. Archibald may be enabled to visit William H. Aymar, a British subject imprisoned in Fort Lafayette, and to state in reply that orders have been given for his discharge.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

* This and other quoted extracts from Aymar's intercepted correspondence is here omitted. For full text of letter, see p. 911 *et seq.*

DEPARTMENT OF STATE, *Washington, November 22, 1861.*

Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

COLONEL: You are hereby authorized to discharge from custody William H. Aymar, a British subject, understood to be in confinement at Fort Lafayette.

I am, colonel, your obedient servant,

WILLIAM H. SEWARD.

—

FORT HAMILTON, *New York Harbor, November 23, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: I have the honor to acknowledge the receipt of your letter of the 21st instant directing the release of William H. Aymar. I have to state that Aymar together with ten other prisoners was this morning released in pursuance of your order dated 22d instant and turned over to Marshal Murray.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

—

Intercepted letter of W. H. Aymar, after his release.*

SAINT ANDREWS, NEW BRUNSWICK, *December 6, 1861.*

HENRY L. CHURCH,
(Care Mr. Dyas, Richmond Road, London, Canada West.)

DEAR CHURCH: If you are a regular reader of the New York papers you will have noticed that your humble servant was for a time confined as a prisoner of war in Fort Lafayette. As the statements were very incorrect, I will relate all the circumstances of the case from beginning to end.

On the 25th of August last I left New Orleans as passenger on board the British schooner Joseph H. Toone, bound for Havana, Cuba, and loaded with rice, &c. I was interested in the rice, which was sold in Havana to great advantage. After discharging the schooner was put on the berth for Tampico, Mexico, and was soon laden with a general cargo, arms, &c., for said Mexican port. Circumstances caused me to purchase the J. H. Toone just previous to her sailing for Tampico, and in company with other passengers I sailed in her for Tampico on 25th or 26th of last September. Immediately after leaving Havana we experienced a very strong gale which lasted several days, driving us from our course and preventing the captain taking daily observations. On the 1st of October, when from forty to fifty miles from land and to the southward of Timblier Island we fell in with the U. S. steamer South Carolina, Captain Alden, and much to our surprise (as the J. H. Toone was a British vessel, was owned by a British subject, myself, and was quietly proceeding to her port of destination, Tampico) we were seized on suspicion that it was our intention to run the blockade. She had on board a cargo principally belonging to Spanish subjects, and which consisted of articles frequently sent from Havana to Mexico. This cargo had been properly cleared by the custom-house authorities in Cuba, and invoices and bill of health had been duly approved by the Mexican consul.

*There were other intercepted letters, but only one is used as indicating the tone of the whole.—COMPILER.

For some hours after our seizure I confidently expected the release of my vessel, cargo and passengers and was naturally very much surprised when I was informed by Captain Alden, of the steamer South Carolina, that he had concluded to detain vessel and cargo and should send myself, passengers and crew to New York as prisoners of war. Of course I protested at such extraordinary proceedings, but my remonstrances were of no avail and I in company with Mr. Lewis, a brother of General Lewis, of New Orleans, and others taken from the Toone were transferred to a U. S. steam-ship and after remaining on board of her one month we were with all my crew sent to New York in steam-ship Powhatan, and after being compelled to submit to much indignity we were on the 12th of November safely lodged in that far-famed hotel, Fort Lafayette, where I presume we would all have remained until the end of the war had I not been a British subject and entitled to the protection of my Government.

Immediately on landing from the Powhatan I addressed a letter to the British consul at New York, who at once sent me a legal adviser through whom my case was represented to the proper authorities at Washington and to Lord Lyons. The result was an immediate order for the release of all who had been on board the J. H. Toone, with the exception of three or four who were merely placed on parole until their testimony could be taken by the prize commissioners. Our release took place on 23d of November and since that time I have been busily engaged pushing my claim for value of vessel and cargo. I am now quite confident of success and my lawyer tells me that the case is a clear one and that he has no fears for the result. He (the lawyer) occupies a very high position at the bar and is the legal adviser of the British and Spanish consulate and I have every confidence in him and in his ability. The case will probably be decided in thirty or sixty days. All the evidence or testimony has been taken and it is altogether in favor of the vessel. In fact the United States Government or the captors now admit that they seized us merely on suspicion, but in law we were on the high seas being more than forty miles from any land. The claim will amount to at least $100,000 and I am compelled to be in Havana the latter part of this month in order to have the proper authenticated invoices and certificates forwarded to my attorney in New York.

Before I was released I was handed by the marshal a written obligation* which I was requested to sign. * * * I refused to take any such oath or obligation on the ground that I was a British subject, and my nationality prevented my interfering on either side, as my Queen had commanded me in common with all her subjects to observe a strict neutrality. My objection sufficed and I was allowed to go on my way rejoicing, and when I recover my property or the value thereof I will be still more rejoiced; but I am perfectly satisfied that I shall not only get well remunerated for my vessel and the shippers for their goods but hope also one of these days to get damages for false imprisonment.

When I left New Orleans, August 25, your brother was in good health and spirits and hopeful for the future. Just previous to leaving he and I made a short visit to Rienzi Plantation and spent three or four days with Mr. Richard Allen. I also left James Allen in good health. Last season's business closed very satisfactorily—better than I anticipated, but what of the future? Gloomy for the South? Not so. The Southern ports are certain to be opened before many months. Some of the Atlantic cities may have their harbors closed, but the cotton heretofore shipped

* See Seward to Burke, November 21, ordering Aymar's release.

at those ports must find an outlet—New Orleans. Let me advise you not to be at all uneasy. You will eventually lose nothing by this war. Whatever may be the result I being a British subject the property will be secure. * * * Address me under cover to Mr. B. F. Milliken, Eastport, Me.

Hoping that peace may soon dawn and that we may again all partake of macaroni seasoned with Italian sauce, I am, yours, faithfully,

W. H. AYMAR.

DEPARTMENT OF STATE, *Washington, December 12, 1861.*

ROBERT MURRAY, Esq., *U. S. Marshal, New York.*

SIR: W. H. Aymar, the owner of the Joseph H. Toone, who was recently released from Fort Lafayette is expected to return to New York soon on his way to Havana. If he comes you will please convey him to Fort Lafayette and recommit him to the custody of Colonel Burke.*

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

Cases of Richard H. Stanton and others.

Richard H. Stanton, of Maysville, Ky., was arrested on the 2d day of October, 1861, by order of General Nelson, together with six others whom the general styles "active secessionists," viz: William Hunt, William T. Casto, Isaac Nelson, George Forrester, B. F. Thomas and James H. Hall. In communicating the fact of this arrest to the War Department General Nelson says:†

In pursuance of the said request of General Nelson, Stanton, as well as the persons arrested with him, was soon afterward transferred to Fort Lafayette for safe custody. Stanton by his own representations and through many other persons who interested themselves in his behalf claimed to be loyal and to be guiltless of any act which should have caused his arrest. It has generally happened in the history of arrests made for disloyalty and for precautionary purposes during the present rebellion that persons against whom there has been the most explicit proof or for whose detention the most emphatic reasons existed have made the loudest and most continuous asseverations of loyalty and have marshalled their hosts of personal friends to sustain such asseverations with unexampled unanimity. Although General Nelson did not send forward proofs of the charges which he made against Stanton it was not therefore deemed that the professions of the prisoner and the *ex parte* testimony of his friends ought to be taken as conclusive of his innocence, especially as in his very appeals for discharge he made and reiterated statements quite inconsistent with such loyal regard for the duties of citizenship as can inspire undoubting confidence in cases like this. On the 4th of November, 1861, Stanton addressed a letter to the Secretary of State in behalf of himself and the others above named arrested with him in which speaking for the whole party he alleges that they had never "engaged in the rebellion or intended to do so, never contributed

* No record of Aymar's subsequent arrest.

† Extract omitted here. See full text of Nelson's letter, p. 916.

civil authorities and orders the military not to make any arrests except when the parties are attempting to join the rebels or are engaged in giving aid or information to them, and in all cases the evidence must be such as will convict them before a court of justice. In many cases it is understood that the Home Guards have gone into adjoining counties and arrested and carried off parties who have been quietly remaining at home under the expectation that they would not be interfered with provided they did nothing in violation of the spirit of the proclamation of September 24, issued from these headquarters. Some instances are mentioned of persons having been arrested and taken out of the State. This is all contrary to what the commanding general has declared to be his wish and he trusts it will not be repeated. It is believed that many of those who at one time sympathized with the rebellion are desirous of returning to their allegiance and wish to remain quietly at home attending to their business. A conciliatory, fair course pursued toward such persons will win them to our cause; the reverse may force them into the ranks of our enemies. The commanding general entreats and urges his fellow-citizens to discountenance and endeavor to put a stop to these ill-timed and unlawful arrests and to aid him in keeping peace among ourselves.

By command of Brigadier-General Anderson:

OLIVER D. GREENE,
Assistant Adjutant-General.

A few days later the subjoined correspondence took place between two distinguished gentlemen of Lexington and General Sherman, the successor of General Anderson:

LEXINGTON, *October 11, 1861.*

General SHERMAN.

SIR: Mr. V. B. Young, a Union member of the legislature from Bath County informs us that in the adjoining county of Fleming many persons have been apprehended merely on account of their Southern sympathies and secession opinions, without proof or imputation of any overt act of treason or aiding treason, and he says that apprehending the like treatment many citizens of his county who intended to remain at home, and had done no illegal act, have fled and are joining Breckinridge at Prestonburg. This procedure, though only retaliatory, seems to us to be inconsistent with General Anderson's proclamation, with the spirit of our law and with prudent policy, and if it shall be persisted in and become general we apprehend it will necessarily lead to the augmentation of the Southern force and to the exasperation of the civil war in Kentucky. Mr. Young will explain the object of his visit to you on this important subject. He may be fully accredited and safely trusted. He wants an authentic confirmation of what we believe to be your programme of policy concerning the secessionists in Kentucky so as to be able to assure the neutral portion of his "Southern rights" constituents.

G. ROBERTSON.
RICHD. A. BUCKNER.

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND,
Louisville, Ky., October 18, 1861.

G. ROBERTSON, Esq., and RICHARD A. BUCKNER, Esq.

SIRS: Your note of yesterday is received. My order and practice have been to interfere with no citizen pursuing his usual legitimate business or on account of mere political opinions. I know that arrests have been made improperly by members of the Home Guards, but in every instance the case has been examined by one of the members of your court of appeals, who has promptly released them unless the fact of some overt act of treason was established. I shall endeavor to protect all loyal citizens, and shall molest no one, whatever his political opinions, provided he obeys the laws of the State of Kentucky and of the United States. These shall be my guide, and are as binding upon me as upon any citizen of the State.

With great respect, your obedient servant,

W. T. SHERMAN,
Brigadier-General.

Habeas corpus proceedings in the case of Morehead.

Proceedings of the circuit court of the United States, eighth circuit, for the district of Kentucky, at its regular term begun and held in the city of Louisville on the 23d day of September in the year of our Lord 1861.

Present, the Hon. John Catron, associate justice of the Supreme Court of the United States for the Kentucky district.

Be it remembered that heretofore, to wit, on the said 23d day of September, 1861, in said court, begun and held as aforesaid in the *ex parte* matter of Charles S. Morehead.

The petition and application in behalf of Charles S. Morehead for a writ of habeas corpus and the response made by the marshal to the same before the judge at chambers and now filed in court, being set for hearing this day at noon in court, the hour having arrived and the court being in session, O. F. Sterman, esq., counsel for the accused, appeared in court and demanded of the marshal, A. H. Sneed, the production of the said Morehead in court according to the command of the writ, and the return of the marshal made upon said prisoner's application for the writ. The marshal stated that it was not in his power at this time to produce the said Morehead, and asked him till to-morrow, 10 a. m., to show cause, which is allowed. And it is ordered that he then produce the said Morehead in court or show cause to the contrary. The marshal being present and cognizant of this order no further service hereof is required.

The petition for the writ of habeas corpus is in these words and figures, to wit:

UNITED STATES OF AMERICA.

To the Hon. JOHN CATRON,
One of the Justices of the Supreme Court of the United States:

Your petitioner, John Morehead, on oath states that Charles S. Morehead is now in custody of A. H. Sneed, U. S. marshal for Kentucky, who holds him unlawfully and without right in confinement under authority of the United States. Therefore your petitioner prays for the writ of habeas corpus, that the said Sneed and all others acting under his authority and having the said Charles S. Morehead in custody bring him before you that the cause of said unlawful confinement may be inquired into, and also the causes of his being so held.

Respectfully,

JOHN MOREHEAD.

STATE OF KENTUCKY, *Jefferson County, ss:*

Personally came John Morehead before me, the undersigned, and made oath that the statements made in the foregoing petition are as he verily believes true.

Given under my hand and seal of office this 19th day of September, 1861.

JEFF. BROWN,
Notary Public, Jefferson County, Ky.

The foregoing affidavit was sworn to before me this 19th day of September, 1861, by John Morehead.

J. CATRON,
Associate Justice Supreme Court of the United States.

Upon which petition and application the following writ issued, to wit:

The PRESIDENT OF THE UNITED STATES OF AMERICA:

Whereas John Morehead has presented a petition to John Catron, one of the associate justices of the Supreme Court of the United States, stating that Charles S. Morehead is unjustly and unlawfully held in confinement by A. H. Sneed, U. S. marshal for the State of Kentucky, or by those acting under his authority, the said A. H. Sneed is commanded to bring the said Charles S. Morehead before me with the cause of commitment at the U. S. court room in the city of Louisville at 10 a. m. on the 20th of September, 1861, that the cause of the confinement and commitment of the said Charles S. Morehead may be inquired into, and that the said A. H. Sneed then show by what authority and for what cause the said Charles S. Morehead is so confined by him.

In testimony whereof, &c.,

J. CATRON,
Associate Justice Supreme Court of the United States

To this writ the marshal, A. H. Sneed, made the following return, to wit:

The undersigned, marshal of the Kentucky district, says the within-named Charles S. Morehead is in his charge and custody as such marshal, and that he will have the defendant before the circuit court of the United States at the court rooms at Louisville on Monday next by the hour of noon. September 20, 1861.

A. H. SNEED,
U. S. Marshal for Kentucky District.

At another day of said term, to wit, Tuesday, the 24th day of September, 1861, came S. S. Nicholas, esq., attorney for the accused, and also A. H. Sneed, the marshal of this district, and he failing to produce in court the said Morehead according to the command of the habeas corpus herein and of the order of this court made here on yesterday (he having him in his charge and custody as certified by him to the judge of this court on the 20th instant), but produced in court an additional return to the said writ to which he has sworn in open court, and is filed. The said Sneed also produced as part of his return the affidavit and the original warrant under which the accused was arrested by him, which are also filed. As to the failure of the marshal to produce the said Morehead according to the said writ and order, and as to the sufficiency of his said return, the court is not now advised, and takes time till to-morrow morning, 10 o'clock, to consider.

The additional return of the marshal and other papers mentioned in the foregoing order as filed are in the words and figures following, to wit:

Circuit court of the United States, eighth circuit, Kentucky district, at Louisville

THE UNITED STATES OF AMERICA
vs.
CHARLES S. MOREHEAD.
} On habeas corpus.

Having received information upon which I relied that Charles S. Morehead, of the county of Jefferson, Ky., was actively engaged in stirring up and promoting the rebellion now existing against the Government of the United States by corresponding with the enemy and doing other acts which in law amounted to treason, I caused a warrant to issue for his arrest and he was accordingly arrested the 19th instant, together with M. W. Barr and R. T. Durrett, and to prevent their rescue which I had satisfactory reasons to believe was intended if they were retained in the city of Louisville I caused them to be conveyed across the Ohio River to the town of Jeffersonville, which is opposite to the city of Louisville, for safe-keeping. After they were thus conveyed to Jeffersonville I was informed upon authority which I believed that the persons would be forcibly released, and to prevent it, under the advice of Governor Morton, who was at the time in the city of Louisville, said persons were conveyed to the city of Indianapolis for safe-keeping, from which place they were to be returned when ordered by the court having jurisdiction of the offense charged.

Pursuant to the directions of the Government of the United States issued from the office of the Attorney-General of the United States, in which I was directed to report forthwith all arrests made by me for treason or other offenses involving the stability and integrity of the Government, I notified the Secretary of War of the arrest of the said Morehead, Barr and Durrett. I have been informed upon authority which I do not doubt that the President of the United States through the Secretary of War ordered said persons to be conveyed to Fort Lafayette, in the State of New York, and that they were taken into custody by the military authority of the United States at Indianapolis on Friday the 20th instant and when last heard from were en route for New York. I never did give my consent directly or indirectly for the removal of said persons from Indianapolis. When I was about leaving Louisville for Indianapolis to bring said persons back to Louisville for examination and trial I was informed that the military authorities of the United States had taken possession of said Morehead, Barr and Durrett, and had started with them for New York. But for the interference of the military authorities the persons would have been before this court for examination and trial. The removal of them to the opposite side of the Ohio River was for no other purpose than for safe-keeping and to prevent any violence which might have been gotten up by their friends and sympathizers for their

forcible release. I file herewith as a part hereof the warrant upon which I made the arrest of said Morehead. I regarded said Morehead, Barr and Durrett in my possession and under my control until I was divested of that possession by the military authorities of the United States.

A. H. SNEED,
U. S. Marshal for Kentucky District.

Sworn to in open court by A. H. Sneed, 24th of September, 1861.

CH. J. CLARKE,
Acting Clerk.

The following is the affidavit and warrant of arrest referred to in the foregoing return:

THE STATE OF KENTUCKY, *County of Jefferson:*

This day A. H. Sneed made oath before me, a justice of the peace for said county, that Charles S. Morehead, of said county, has from information received by this affiant been guilty of the crime against the United States of America of aiding and abetting the enemies of said United States, now in open rebellion and making war against the same, and that said Charles S. Morehead has thereby been guilty of treason.

A. H. SNEED.

Subscribed and sworn to before me this 18th day of September, 1861.

JOS. CLEMENT,
Justice of the Peace, Jefferson County.

The following is the warrant of arrest, to wit:

UNITED STATES OF AMERICA,
State of Kentucky, County of Jefferson.

To the U. S. Marshal for the Kentucky District:

Whereas there are good grounds to believe that Charles S. Morehead, of said county and State, has been guilty of the crime of treason against the United States of America in feloniously aiding and abetting the enemies of said United States now in open rebellion and making war against said United States; you are therefore in the name of the United States of America and Commonwealth of Kentucky commanded forthwith to arrest the said Charles S. Morehead and take him before the court having jurisdiction of the offense with which he stands charged, to be dealt with according to law.

Given under my hand as justice of the peace this 18th day of September, 1861.

JOS. CLEMENT,
Justice of the Peace of Jefferson County.

Upon which the marshal made the following return, to wit:

Executed by arresting the within-named Charles S. Morehead, September 19, 1861.

A. H. SNEED,
U. S. Marshal for Kentucky District.

UNITED STATES OF AMERICA, *Kentucky District:*

I, John A. Monroe, clerk of the eighth circuit of the United States of America for the Kentucky district, at Louisville, do hereby certify that the preceding eight pages contain a full and complete transcript of the record and proceedings had in the *ex parte* matter therein stated as the same now remains of record in said court.

In witness whereof I have hereto subscribed my name and affixed the seal of said court at Louisville this 11th day of November, 1861, and in the eighty-sixth year of our Independence.

JNO. A. MONROE,
Clerk.

By CH. J. CLARKE,
Acting Deputy.

UNITED STATES OF AMERICA, *District of Kentucky, Louisville:*

I, John Catron, associate justice of the Supreme Court of the United States of America, and presiding judge of the eighth circuit, Kentucky district, do hereby certify that John A. Monroe is the clerk of said court, duly appointed and qualified, and that his aforegoing attestation is in due form of law, and that he is by law the keeper of the seal of said court.

Given under my hand at Louisville aforesaid this 11th day of November, 1861.

J. CATRON.

CLERK'S OFFICE OF THE COURT OF APPEALS,
Frankfort, Ky., November 12, 1861.

His Excellency ABRAHAM LINCOLN.

DEAR SIR: I understand that efforts are being quietly made by Governor Morehead's friends in the Union ranks to have him released. I most sincerely hope they will not succeed. I do not know what tangible proof you have against him, but I know him well. The most specious, plausible, dangerous of all our Kentucky traitors. A traitor to his country, his native State, his party and his confiding friends. He scattered the evil seed of treason broadcast through the South by his false statements in public speeches as to the loyalty of Kentucky. If he did not advise he stimulated the invasion of Kentucky by his misrepresentations. I have no sympathy for such men, honored too as he has been by Kentucky. Thank God I have neither son nor son-in-law in the rebel army. My two older brothers and all their sons too are loyal.

Very respectfully,

LESLIE COOMBS.

[Indorsement.]

[Hon. WILLIAM H. SEWARD.]

GOVERNOR: The President desires me to send you the within protest of General Coombs against the liberation of Governor Morehead.

Respectfully,

JOHN HAY.

—

LOUISVILLE, KY., *November 12, 1861.*

A. L. SHOTWELL, Esq.

DEAR SIR: At a circuit court of the United States for the district of Kentucky held in the city of Louisville in the month of September last a grand jury was summoned and sworn, and I was designated by the judge as foreman thereof, which was in session ten days, and during that time many witnesses were examined each day and during the whole of the examination not a solitary imputation or charge was made against ex-Governor Charles S. Morehead, of Kentucky, now held as a political prisoner in the harbor of Boston, Mass.

Respectfully,

G. W. MERIWETHER.

—

NOVEMBER 13, 1861.

UNITED STATES OF AMERICA, *District of Kentucky, to wit:*

I, Bland Ballard, district judge of the United States for Kentucky district, state that I was present and presided at the late term of the circuit court of the United States held at Frankfort, Ky., and was present when all the indictments were returned by the grand jury, and that no indictment was returned against ex-Governor Charles S. Morehead. I further state that I heard of no charge against Governor Morehead, and that said court at Frankfort was held since his arrest.

BLAND BALLARD.

—

LOUISVILLE, *November 13, 1861.*

GEORGE D. PRENTICE, Esq., *Washington City.*

DEAR SIR: Understanding that a copy of the proceedings in the U. S. court in relation to the arrest and imprisonment of Governor

C. S. Morehead will be sent you to lay before the President and Secretary of State at Washington with the letter of Mr. Guthrie, &c., we, the undersigned, being ourselves Union men and having acquainted ourselves with the circumstances have come to the conclusion that the release of Governor Morehead on his parole of honor to abide by and conform to the position which this State has assumnd so long as he remained in this State [*sic*]. We know his interest is so deeply affected by the disruption of the Union and no man would find himself so benefited by a reconstruction as Governor Morehead. We believe that injury to Union cause in Kentucky is being produced by the detaining of Governor Morehead in a distant State when there are no charges made or proposed to be made by those who advised his arrest and removal from Kentucky, and therefore hope you will have this matter so presented as to procure the prompt release of Governor Morehead before you leave Washington.

With much regard, yours, &c.,

VIRGIL McKNIGHT.
W. E. EWING.
ISAAC EVERETT.

NEW YORK, *November 22, 1861.*

F. W. SEWARD, *Assistant Secretary of State, Washington.*

DEAR SIR: Having just returned from Fort Warren I hasten to write a note in relation to Governor C. S. Morehead, of Kentucky, because I see that there is on foot a movement in favor of his release.

Mr. Morehead excluded himself from the category of prisoners whose cases I would be called upon to examine with care by taking the position that he could not take the oath of allegiance. Taking that ground I have held to be evidence that a man was disloyal. The governor asserts that he is and always has been a Union man; that his arrest was not warranted by law or policy and that it was a grand political mistake, having done great mischief, &c. All that is past. What to do with him now is the question.

The real reason why his devotion to the Union has always been upon conditions and hampered with impossible terms consists in the fact that he is the owner of cotton property in the South valued while "cotton was king" at $400,000. Of this property a large portion (say 180 negroes) is in the condition of personal estate within the reach of the Confederate power. Under these circumstances Mr. Morehead may if released possibly be a quiet non-combatant but he cannot be loyal until the authority of the United States is established in the State where his property is.

What struck me most in his case was the state of embittered and exasperated feeling growing out of his arrest. If he should go back to Kentucky where he is influential it would be to make unrelenting war upon those who have been the cause of his arrest. In Kentucky I fear he would do mischief. If he is set at liberty I think he would go to his estates in the South. There he would do less harm than elsewhere out of prison. If the rebel authorities value him he would be available as an exchange. Whether they do value him I have no means of judging. I wish by this to direct attention to the probable mischief of so managing his case as to allow him to be at large in Kentucky during the exposed condition of that State.

I am, very respectfully, yours,

S. C. HAWLEY.

FORT WARREN, MASS., *Monday, December 2, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington, D. C.:*

I know not, my dear sir, whether a letter from a political prisoner at Fort Warren will ever reach your individual eyes no matter what the cause of complaint may be. The critical condition of my afflicted wife and the wreck of my financial affairs, however, compel me to write this letter whether you read it or not. If I were alone in the world with no suffering wife and helpless children depending upon me I should not trouble you with this letter, but I owe more to them than to myself and worthy of those in whose cause I write truth and candor shall mark my words.

After midnight the 18th of September last Marshal Sneed with his posse came to my residence in Louisville, Ky., and arrested me under a writ issued by a justice of the peace of said city upon the oath of Sneed himself, directing him to take me before the nearest judge having jurisdiction to try me for treason against the United States. Judge Catron, of the Supreme Court, was then in Louisville, but instead of my being taken before him in conformity with the arrest I was hurried into Indiana, thence to Fort Lafayette and finally to this place, where I now am. A writ of habeas corpus was issued by Judge Catron in my behalf while I was in Indiana, but it was disregarded by the marshal and I was hurried on to the destination already named. Marshal Sneed took me from my residence in summer clothes and without a cent of money, and in this condition I was conveyed to New York, without a change of linen and without clothes warm enough to protect me against the cold days and nights that came upon us. My suffering was intense, but it could easily have been prevented by the marshal allowing me to take from home the necessary clothes or money to buy them.

If it was the intention to deal with me as other political prisoners have been dealt with why the farce of a writ from a justice ordering me before the nearest judge for trial? When I arrived at Fort Lafayette September 25 I was compelled to sleep upon a bag of straw half a foot shorter than myself without a pillow or blanket until I could secure endurable bedding from friends in New York. The food given me there was raw pork, tough beef and bread (the bread was good) served upon a board table which the dirty cook swept with the same broom with which he brushed the floor. I had to endure this fare or pay $1 per day for sitting at the table of an officer of the garrison. I preferred feeding upon the miserable fare already named to contributing to the gain of the officer who I believed made a handsome profit from his table, and had horrid food at the U. S. table for the purpose of driving prisoners to his. But had it not been for some articles of food gotten from New York through friends there and at my own expense I could not have stood the fare at Fort Lafayette.

When I left Fort Lafayette I was crowded with some 800 other unfortunates upon a boat utterly incapable of carrying so many persons. The same dirty cook who desecrated the kitchen at Fort Lafayette fed me while on this boat upon hard crackers and raw pork dealt out from his filthy hands. When the boat reached Fort Warren there was no preparation for the prisoners, and had it not been for the blankets brought with me I should have been compelled to sleep upon the naked floor like many other prisoners who had not purchased their own bedding. But things are better here now and I have no cause to complain of the officers or the fare, so marvelous is the improvement upon Fort Lafayette. Nor do I mean to blame Colonel Dimick nor any one here

for not being prepared to receive the prisoners when they arrived. I know not who was to blame, and only state the fact that the preparations were worthier of hogs than human beings.

The treatment thus briefly stated would seem to indicate sufficient punishment for one who has been used to decent living and who feels in his own heart at least that he has been guilty of no crime. But this treatment is confined to myself, and if it were all of my case I should not trouble you with this letter. I myself can bear all that has been imposed upon me without writing you a letter of complaint, but I cannot bear the sufferings which these wrongs to me inflict upon my wife and children who are dearer to me than I am to myself. It is for them and not for myself that this appeal is made. When I was arrested my financial affairs were in a condition rendered critical by the dangers of the times, but with my own care there was in them a competency above all my liabilities. In my absence, however, personal and political enemies have taken every advantage of me and at length my little fortune is gone. I am now I fear a bankrupt, and my wife and children are thrown upon the charity of friends. But worst of all the peculiar disposition of my wife renders her incapable of bearing these troubles. I am advised that she is breaking down with her load of grief and now prostrate upon a sick bed. To add an overflowing drop to my cup of bitterness it has been published in the papers at home that my wife had lost her mind, but I have been assured this is not true. I was informed by last night's mail, however, that she is very ill and threatened with brain fever. Of course I fear the worst and suspect that I have not been told all.

And now, my dear sir, does not this narrative, however imperfect and incomplete, show that I have already suffered enough and my poor wife too much from this imprisonment? What let me ask have I done to deserve all this or to make it necessary thus to torture into lunacy or death my poor wife? I myself know of no treason that I have committed against the United States, and I frankly state to you that I never did and do not now design to commit any such crime. I am satisfied, my dear sir, that I was arrested and imprisoned at the instigation of personal and political enemies. The Federal Government in my case has been made a mere tool to work out private hate against me.

I have been informed that I was arrested as editor of The Louisville Courier, a paper that was suppressed the night of my arrest. I was not the editor of that paper, and those who had me arrested knew I was not. I had not been editor of that paper for two years, and if my memory serves me well I had not written an article for it for six months or more until within the last day or two before my arrest. I then wrote a few pieces (three in all, I think) in the absence of the editor and at the request of the proprietor, and in accordance with his views not my own. I shirk no responsibility, however, which what I wrote may involve, but am willing to stand or fall by whatever went from my pen into print. I am not willing, however, to have fixed upon me the articles of others and to be made to suffer for their sins.

And now, my dear sir, will you under these circumstances continue to hold me in prison? If you have any charge against me try me for it or let me out upon bail sufficient to insure my appearance to answer the charge at any time you may appoint. If you have no charge against me let me go, for surely I have suffered enough already for nothing. I make this appeal for my liberty in behalf of my wife on whom my incarceration weighs more heavily than upon myself. If you will not release me I hope you will at least grant me a respite of a month

or even three weeks. I will give my word of honor to return here or anywhere you may appoint at the expiration of the time, and if you won't take my word I will give a bond in a sufficient penalty to satisfy you that I ask this respite in good faith. If I had been allowed to converse with my wife when I was arrested I could have reconciled her to my fate, and I think I can yet do so if I am allowed to see her in time.

I also ask this respite in behalf of an infant of whom I am the guardian. Since my imprisonment a suit has been brought in Louisville concerning this guardianship, and as I am now financially ruined this infant must lose heavily if I am not permitted to attend to the case. While I ask no respite for the purpose of attending to my own financial affairs no matter how bad they are I do ask it for the protection of this infant who was left to my care by the will of his father.

I have now, my dear sir, said about all that I can say within the limits of a letter, and possibly I have said too much for my own good. I therefore leave my case with you hoping that you will find time to act upon it at once, so that if I am so fortunate as to get outside of these walls it may not be when it is too late to do the good which I could now most surely accomplish if I were at home.

I am, dear sir, yours, &c.,

R. T. DURRETT.

DEPARTMENT OF STATE, *Washington, December 5, 1861.*

Col. JUSTIN DIMICK, *Fort Warren, Boston.*

SIR: Let R. T. Durrett, a prisoner confined in Fort Warren, be released on taking the oath of allegiance to the Government of the United States stipulating that he will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State; and also that he will not do anything hostile to the United States during the present insurrection. You will please make the stipulations a part of the oath. I transmit this order to John S. Keyes, esq., U. S. marshal, who has been instructed by this Department to cause a police examination to be made in some cases of the persons and baggage of prisoners discharged from custody to the end that no correspondence or other improper papers be conveyed by them to persons outside the fort.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

I, R. T. Durrett, of Kentucky, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States against all enemies whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same any ordinance, resolution or law of any State convention or legislature to the contrary notwithstanding; and further that I do this with a full determination, pledge and purpose without any mental reservation or evasion whatsoever; and further that I will well and faithfully perform all the duties which may be required of me by law, hereby stipulating that I will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever

with persons residing in those States without permission from the Secretary of State, and also that I will not do anything hostile to the United States during the present insurrection. So help me God.

R. T. DURRETT.

Subscribed and sworn to this 9th day of December, A. D. 1861, before me at Fort Warren, Boston Harbor.

J. DIMICK,
Colonel Second Artillery and Brevet Colonel, Commanding Post.

—

DEPARTMENT OF STATE, *Washington, December 30, 1861.*

Col. J. DIMICK, *Fort Warren, Boston.*

SIR: Let W. S. [M. W.] Barr, a prisoner confined in Fort Lafayette, be released on taking the oath of allegiance to the Government of the United States stipulating that he will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State, and also that he will not do anything hostile to the United States during the present insurrection. You will please make the stipulations a part of the oath. I transmit this order to John S. Keyes, esq., U. S. marshal, who has been instructed by this Department to cause a police examination to be made in some cases of the persons and baggage of prisoners discharged from custody to the end that no correspondence or other improper papers be conveyed by them to persons outside the fort.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

NATIONAL HOTEL, [*Washington,*] *December 31, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: Having already had the honor of speaking with you on the case of the Hon. C. S. Morehead, now imprisoned in Fort Warren by order of the Government, I have no intention of troubling you here with any discussion of its merits. I wish only to submit some suggestions in his behalf and to leave them to your own consideration.

Since Mr. Morehead's arrest in Kentucky two sessions of the Federal court have been held in that State, the one at Frankfort, the other at Louisville. At both extensive inquiries were made by grand juries impaneled for the purpose of treasonable and other offenses against the United States, and many indictments were found. Though the arrest of Mr. Morehead was notorious and must have turned the attention of those juries to him yet they found nothing against him. He protests his innocence of any offense against the United States, and nothing has appeared to contradict his assertion. He is in possession of a large estate in the South, but it is under embarrassments and incumbrances that will in all probability consume it without his personal attention and exertions. His family, and especially his wife, is in deepest distress. He has already suffered a wearisome and painful imprisonment. Everything around him is of a character to make further imprisonment peculiarly calamitous to him. He informs me and I have no doubt truly that his condition requires a surgical operation that cannot be so well submitted to in a prison.

He is of course most anxious to be released from his imprisonment; but anxious as he is he had rather suffer more than to obtain it by taking an oath of allegiance to the United States, because thereby he would in all probability cause the confiscation of his estate in the South. But he is willing if it is required to give his parole to take no part in the present rebellion or war. This would be adding his word of honor to the oath of allegiance that he has often [taken] as Member of Congress and as governor of Kentucky. I have myself but little confidence in terms made under such circumstances. The faithless will make any effort for their liberation. The honorable man would probably feel the obligation imposed on him by an unconditional discharge more effectually and usefully than he would any terms that might be exacted from him. Mr. Morehead I think is one of those upon whom the most liberal and confiding treatment would have the most and best effect.

I hope that you will consider it proper to exact if anything no more than his parole as the condition of his liberation. But if this cannot be granted to him then I ask in his behalf that he may on his parole be permitted to spend the winter in New York where the surgical operation before alluded to can be better attended to. Rather than stay in prison Mr. Morehead would even agree to banish himself to Europe if the Government will grant him his liberty on terms no less onerous.

I regret that this letter is so long, but I beg you to read it and to notify me of your decision as early as possible.

I have the honor to be, very respectfully, yours, &c.,

J. J. CRITTENDEN.

—

DEPARTMENT OF STATE, *Washington, January 2, 1862.*

Col. MARTIN BURKE, *Fort Hamilton, N. Y.*

COLONEL: You are authorized to discharge C. S. Morehead, a political prisoner at Fort Lafayette, upon his giving his parole in writing that he will not enter the State of Kentucky or any other State where an insurrection may exist against the Government of the United States and that he will do no act and enter into no correspondence adverse to the authority of the Government, and that he will hold himself at the disposition of the Secretary of State of the United States until otherwise directed.

I am, your very obedient servant,

WILLIAM H. SEWARD.

—

FORT HAMILTON, *New York Harbor, January 3, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington, D. C.*

SIR: I received your letter dated State Department, Washington, January 2, 1862, directing the discharge of C. S. Morehead. I thought it would facilitate your object to transmit the same direct to Colonel Dimick, the commanding officer of Fort Warren, the post to which the prisoner was transferred on the 29th of October in obedience to your orders to that effect. I have accordingly done so and hope it will meet your approbation.

Very respectfully, your obedient servant,

MARTIN BURKE,

Lieutenant-Colonel, Commanding.

FORT WARREN, *January 4, 1862.*

D. H. CRAIG, Esq.

DEAR SIR: My release was tendered me yesterday on condition of taking an oath of allegiance and that I would not go to any of the seceded States or correspond with any one therein. I presume I am under obligations to you for this favor and I thank you. It is needless to argue further.

It is plain that the course which you are kind enough to advise me to take and that which I think self-respect and self-interest imperatively command me to follow are so widely apart that there is no middle path. I hold this plain ground: I am a citizen of Kentucky; I have been illegally taken from my State. The power that holds me and proposes terms has no just right to hold me or release me. If I am convicted in a Kentucky court and sentenced the President may pardon me. His power begins and ends there. I think justice will shortly be done me. I have more confidence in the vitality of justice in this country than you seem to have. It will not be necessary for you to answer madam's last letter. She will expect no further assistance from you.

Respectfully,

M. W. BARR.

[Indorsement.]

From what I know of Barr I should say that his past conduct entitles him to expect nothing better than he has received, and I would rather see him hanged than released without conditions.

D. H. C.

FORT WARREN, *Boston Harbor, January 6, 1862.*

I, C. S. Morehead, prisoner at Fort Warren, do pledge my word of honor that I will not enter the State of Kentucky or any other State where an insurrection may exist against the Government of the United States; that I will do no act or enter into any correspondence adverse to the authority of the United States Government, and that I will hold myself at the disposition of the Secretary of State of the United States until otherwise directed.

C. S. MOREHEAD.

I attest the signature of C. S. Morehead.

J. DIMICK,
Colonel First Artillery and Brevet Colonel, Commanding Post.

FORT WARREN, *Boston Harbor, January 7, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: * * * I have also to report that W. S. [M. W.] Barr declines to take the oath of allegiance as required by your letter of December 30.

I am, sir, very respectfully, your obedient servant,

J. DIMICK,
Colonel First Artillery and Brevet Colonel, Commanding Post.

FORT WARREN, *January 9, 1862.*

Hon. W. H. SEWARD, *Secretary of State.*

SIR: I was arrested in Louisville, Ky., on the 19th of September and have been a prisoner since. I was acting as telegraphic correspondent of the New Orleans Associated Press when arrested and am a practical telegrapher. My release has been tendered me on condition of my taking an oath. For reasons aside from political considerations I do not deem it to my interest to take the oath. There are doubtless persons in the South particularly among telegraphic experts who would gladly come North if they had an opportunity to do so. You are aware that telegraphic implements as well as experts are contraband. I would gladly be sent South under any parole proper under the circumstances, the parole to be binding until I have sent North in exchange a person satisfactory to your Department.

Very respectfully,

M. W. BARR.

—

FORT WARREN, *January 9, 1862.*

Hon. ROBERT MALLORY, *Member of Congress.*

MY DEAR SIR: I have to-day written to Mr. Seward and also to Mr. Crittenden. I wish to be allowed to go South and send North some disaffected telegrapher in exchange. You are aware that that class of persons are not allowed to enlist and I think are not allowed to leave. I might be allowed to go under a special parole. I had hopes of being taken home for trial but am losing hope. I cannot for reasons which will readily suggest themselves to a high-minded gentleman take the oath, and a parole without the privilege of going South would throw me on the world without employment. I am indebted to you for many kind words and feel assured you will add to my obligations by aiding me in this matter. You are aware that I am without means and prison rations are ruining my health. In the name of my wife whom I know you love I appeal to you to have me sent South. Please answer.

Very respectfully,

M. W. BARR.

—

DEPARTMENT OF STATE, *Washington, January 10, 1862.*

J. J. CRITTENDEN, *National Hotel, Washington.*

DEAR SIR: I ask your pardon for omitting to acknowledge the receipt of your letter of the 31st ultimo on the subject of Governor Morehead. My intention was to have acknowledged it at once, but handing it to a clerk with directions to prepare an order for the release of the governor the letter was not returned to me, and accidentally through pressing avocations escaped my attention. The governor's release was not accompanied by a condition requiring him to take the oath of allegiance to the United States.

I have the honor to remain, dear sir, your obedient servant,

WILLIAM H. SEWARD.

—

HOUSE OF REPRESENTATIVES, *January 28, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to request you to furnish a passport to Richmond, Va., to Mrs. Julia Nicholas Johnston, of Louisville, Ky. She

wishes to join her husband, Mr. James Johnston, who resides in Richmond. She informs me that she is willing to take any oath that may be presented.

I also inclose a letter from M. W. Barr, a prisoner in Fort Warren, asking that he be allowed to go South and obtain some person willing to be exchanged for him. He is an expert in telegraphing, and acting in that capacity in Louisville, Ky., in the interest of the so-called Confederate States of America subjected himself to arrest. I regard him as worthless and his detention a useless expense to the Government; and whether he obtains an exchange or not should be released. I ask this of the Secretary of State. If a passport be granted to Mrs. Johnston I wish it inclosed to Maj. Carey H. Fry, U. S. Army, Washington.

Very respectfully, your obedient servant,

R. MALLORY.

[Indorsement.]

Acknowledge and tell him Colonel Dimick has been directed to release him on taking oath of allegiance.

[Inclosure.]

FORT WARREN, *January 25, 1862.*

Hon. ROBERT MALLORY.

DEAR SIR: I wrote you some two weeks since in reference to being sent South in search of some proper person to be exchanged. On the same date I addressed Mr. Seward and Mr. Crittenden. Will you please answer whether there is any prospect of success in this application?

Very respectfully,

M. W. BARR.

DEPARTMENT OF STATE, *Washington, January 29, 1862.*

Col. JUSTIN DIMICK, *Fort Warren.*

SIR: Let M. W. Barr, a prisoner confined in Fort Warren, be released on taking the oath of allegiance to the Government of the United States stipulating that he will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State; and also that he will not do anything hostile to the United States during the present insurrection.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

FORT WARREN, *January 31, 1862.*

Hon. W. H. SEWARD, *Secretary of State, Washington.*

DEAR SIR: Some time since I troubled you with a letter asking to be allowed to go South in search of a telegraph operator or newspaper reporter or other person with whom your Department would be satisfied as an exchange. To-day I have again been tendered my release on condition of taking the oath. In the hope that by some mistake the oath has been sent instead of the parole I take the liberty of troubling you again. If impossible to allow me to go South can you consistently allow me to go to Canada to remain during the war?

Very respectfully,

M. W. BARR.

DEPARTMENT OF STATE, *Washington, February 4, 1862.*

ROBERT MALLORY, *House of Representatives.*

SIR: Your letter of the 28th ultimo with its inclosures has been received. In reply I have to state that Col. Justin Dimick, commanding at Fort Warren, has been directed to release M. W. Barr on his taking the oath of allegiance.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

WAR DEPARTMENT, *Washington, February 21, 1862.*

Col. JUSTIN DIMICK, *Fort Warren, Boston Harbor.*

COLONEL: You will please release on the 22d day of February, 1862, the following prisoners confined in Fort Warren upon their engaging upon honor that they will render no aid or comfort to the enemies in hostility to the Government of the United States: * * * M. W. Barr.

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

—

FORT WARREN, *Boston Harbor, March 17, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War, Washington.*

SIR: In reply to yours of the 15th I have the honor to report that the following-named persons have taken their parole and left agreeably to your order of the 21st ultimo: * * * M. W. Barr. * * *

I am, sir, with highest respect, your obedient servant,

J. DIMICK,
Colonel First Artillery and Brevet Colonel, Commanding Post.

—

WAR DEPARTMENT, *Washington, March 18, 1862.*

The SECRETARY OF WAR:

The undersigned requests that Governor Morehead, now on parole at New York, be unconditionally discharged, and represents that in his opinion an order for his discharge unconditionally would be for the benefit and advantage of the Government of the United States.

J. J. CRITTENDEN.

—

WAR DEPARTMENT, *Washington, March 18, 1862.*

Mr. Webster is directed to discharge Governor Morehead, now on parole at New York, unconditionally.

EDWIN M. STANTON,
Secretary of War.

Deliver the certificate of discharge care of Hon. J. J. Crittenden, National Hotel.

WAR DEPARTMENT, *Washington, March 19, 1862.*

CHARLES S. MOREHEAD.

SIR: I am directed by the Secretary of War to discharge you from the conditions of the parole given by you at the time of your release from Fort Warren.

Very respectfully, yours,

E. D. WEBSTER.

CONFEDERATE CORRESPONDENCE, ETC.

NEW ORLEANS, *January 24, 1862.*

Hon. J. P. BENJAMIN, *Secretary of War, Richmond, Va.:*

The undersigned composing the Associated Press of New Orleans desire to represent that M. W. Barr, who resided in Louisville, Ky., and who was the telegraphic agent of the Associated Press for the Southern States has been arrested in Louisville whilst in the performance of his duty and is now incarcerated in Fort Warren. No charge has been made by the United States Government against Mr. Barr and he was arrested solely in consequence of his zeal in the cause of the independence of the Southern Confederacy. Mr. Barr has a large family who are dependent upon him for their support. His usefulness to the press of the Confederate States as a telegraphic operator cannot be exaggerated. We beg that you will exert your influence to have Mr. Barr liberated and restored to his family and to his country.

Respectfully submitted.

HENRY J. LEON,
Of The Delta.
J. V. R. ADAMS,
Of The Crescent.
WM. J. SEYMOUR,
Of The Bulletin.
JOHN MAGINNIS,
Of The True Delta.
G. P. WUSSE & CO.,
Of The New Orleans Bee.
A. M. HOLBROOK,
Of The Picayune.

Cases of Messrs. Gilchrist, Haig and Wyatt.

William Gilchrist was arrested by order of the Secretary of State September 20, 1861, in Philadelphia, Pa., and committed to Fort Lafayette and from thence transferred to Fort Warren, Boston Harbor. Gilchrist was charged with having been an agent of the rebels, supplying them with contraband goods, caps, primers, surgical instruments, &c. The evidence of his guilt was contained in affidavits made by L. C. Baker, Government detective, who representing himself to be an agent of the Southern Confederacy drew from Gilchrist statements to the effect that for nearly three months he had been purchasing contraband goods and shipping them to one Haig at Baltimore to be forwarded to the Confederate States; knew all goods so purchased and forwarded to Haig had been transmitted to said States; that he pointed out several large boxes which he said contained cannon primers, percussion caps, surgical instruments, &c., purchased for said Haig. Letters to and

from Gilchrist [were found] showing his suspicious dealings with Haig and others in war materials. An order was issued from the Department of State dated November 2, 1861, directing Colonel Dimick to release Gilchrist from custody at Fort Warren, he having been indicted in the U. S. district court for treason at Philadelphia, Pa. He was accordingly released from Fort Warren, and taken into custody by the civil authorities under the indictment aforementioned.

James M. Haig was arrested by order of the Secretary of State September 21, 1861, in Philadelphia, Pa., and committed to Fort Lafayette. He was charged with having been an agent of the rebels, supplying them with contraband goods, caps, primers, surgical instruments, &c. The evidence of his guilt was contained in the affidavit of L. C. Baker, Government detective, who representing himself to be an agent of the Southern Confederacy drew from one Gilchrist who was concerned with Haig statements that for nearly three months he (Gilchrist) had been purchasing contraband goods and shipping them to Haig at Baltimore to be forwarded to the Confederate States. Numerous letters to and from Haig support the above-mentioned evidence and show his suspicious dealings in war materials. An order was issued from the Department of State dated October 26, 1861, directing Marshal Robert Murray to release Haig on the ground of insanity and to deliver him to his friends in New York. Afterward Haig having recovered from his insanity and having applied to be finally released from custody an order was issued from the Department of State dated December 9, 1861, directing General John A. Dix to release him on his taking the oath of allegiance and giving his parole of honor to do no hostile act.

This man [Felix Wyatt] was arrested by order of the Secretary of State September 21, 1861, in Philadelphia, Pa., and committed to Fort Lafayette and from thence transferred to Fort Warren, Boston Harbor. He was charged with having been an agent of the rebels, supplying them with contraband goods, caps, telegraph wire, &c. The evidence of his guilt was contained in the correspondence, bills and memoranda found on his person and premises showing his negotiations for telegraph wire, 6, 12 and 24 pound shot, &c.; also showing his connection with certain parties named Haig and Gilchrist in suspicious dealings in war materials. The said Felix Wyatt remained in custody at Fort Warren February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

—

OFFICE CHIEF DETECTIVE, DEPARTMENT OF POLICE,
Philadelphia, September 19, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR:

* * * * * * *

Mr. Baker and myself are now busy in working up the case of the cannon primers I seized some time since consigned to Baltimore. We arrested one of the parties this afternoon, a Mr. Haig, and expect to arrest Gilchrist and Wyatt to-morrow morning, Haig's confederates, and will then seize the caps and instruments amounting to several thousand dollars in value and will thereafter make a full report of our proceeding to you.

B. F[RANKLIN].

SEPTEMBER 19, 1861.

MR. MUNSON.*

DEAR SIR: I can not and will not co-operate with you in your schemes against the North for aid of the rebels and you will therefore save yourself any further trouble upon the subject. My sentiments are purely Union and nothing else.

Yours, &c.,

F. WYATT.

PHILADELPHIA, *September 20, 1861.*

SECRETARY OF STATE:

Please send me an order to arrest and convey to Fort Lafayette James M. Haig, F. Wyatt and William Gilchrist for supplying ammunition to the rebels. All right. I have full evidence. Do it immediately.

WILLIAM MILLWARD,
U. S. Marshal.

DEPARTMENT OF STATE, *Washington, September 20, 1861.*

WILLIAM MILLWARD, *U. S. Marshal, Philadelphia:*

Arrest James M. Haig, F. Wyatt and William Gilchrist and send them to Fort Lafayette, N. Y.

WILLIAM H. SEWARD.

PHILADELPHIA, *September 20, 1861.*

W. H. SEWARD:

Wyatt and Gilchrist are arrested. They are contractors for the Confederacy. The proof is positive.

L. C. BAKER.

FORT MCHENRY, *September 21, 1861.*

WILLIAM H. SEWARD:

* * * Haig has been arrested. I had to send to Philadelphia to take him. * * *

JOHN A. DIX.

PHILADELPHIA, *September 21, 1861.*

Hon. W. H. SEWARD.

DEAR SIR: My time has been so much taken up with the late important arrests in this city that it has been impossible as yet to make any detailed statements as to the several parties arrested. I have had a long conversation to-day with James M. Haig. He has given me the names of a large number of persons in Baltimore, Philadelphia and New York who are engaged in purchasing and forwarding contraband goods on a large scale. Some of these persons are filling contracts at this time for our Government. There was a company formed composed of leading bankers and merchants for the purchase of $300,000 worth of goods. The steamer is purchased and was to clear for California

* Munson was an assumed name of Col. L. C. Baker, a Government agent. See Gilchrist to Archibald, October 6.

and run the blockade. George Law, of New York, is in this enterprise. If we can keep the fact of the arrest of the Philadelphia partners quiet for a few days I am confident we can arrest many more. Baltimore seems to be the fountain head of the enterprise. Messrs. Johnston Bros. & Co., bankers of Baltimore, are deeply implicated. They hold a pass from the Secretary of War which enables them to pass to and fro whenever they think proper. This statement I have from Haig and others. We have the most damning proof against the parties now under arrest, having found all their correspondence. I will forward a full statement as soon as time will permit.

Very respectfully, yours,

L. C. BAKER.

BALTIMORE, *September 26, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington, D. C.*

DEAR SIR: Pardon the liberty of an utter stranger in addressing you a few lines. My only excuse is a deep-seated, earnest feeling in behalf of my beloved country. My only object is to give correct information and make a timely warning. I observe by the public prints that James M. Haig, a resident of this city, has been arrested in Philadelphia and transferred to Fort Lafayette charged with treason and rendering aid and comfort to the rebels at the same time he was representing himself a loyal citizen and had a contract with the Government for furnishing hay. I desire to caution you particularly in reference to this man Haig. He is one of the most consummate scoundrels to be found in the whole country, and I wish to say to you do not take any statements whatever in reference to this man's innocence or in mitigation of his offense and thereby grant him his liberty again. Now that you have him hold on to him. No oath of allegiance made by him would be worth one straw. There is abundance of testimony against him, and a vast number of the people of this city would not believe him on his oath. I state this to show the folly of granting him his liberty by his taking the oath of allegiance to our Government. As efforts are being made by some friends of his to obtain for him his liberty let me caution you to listen to no reasons they may offer, no representations they may make whatever, but as you have the scoundrel hold on to him until the end of our unfortunate troubles and then deal with him as he deserves.

In conclusion pardon the liberty I have taken in addressing you these few lines. Continue the good work in the city of Baltimore until every rebel has received his just deserts and made to feel as they deserve the fruits of their ignominious doings.

With sentiments of the highest esteem, I am, my dear sir, very truly, your obedient servant,

H. G. WILSON.

FORT LAFAYETTE, *September 30, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington.*

DEAR SIR: I desire to call your attention to my case of imprisonment. I was arrested on the 20th instant in Philadelphia without warrant and incarcerated here without a shadow of charge and certainly without being guilty of any crime against the Government or any infringement of the laws of the United States. I most earnestly beg

your consideration and my discharge, and to manifest my loyalty am willing to take any oath to faithfully obey the laws and the Constitution of the United States Government.

Trusting to have the honor of your early reply, I remain, very truly, your most obedient servant,

F. WYATT.

FORT LAFAYETTE, *October 1, 1861.*

Hon. WILLIAM H. SEWARD, *Washington.*

DEAR SIR: I have been here over a week and have refrained from troubling you, relying on perhaps a misunderstood promise of Marshal Millward, of Philadelphia, and a belief in my mind that my arrest was intended to shield me from the suspicion of being the cause of the arrest of my companions, as the whole of this arrest was evidently premature and caused by the unwise action of Mr. Franklin, Philadelphia detective, and of Mr. Baker (if that is his name), Government detective, interfering with Mr. Millward's plans and way of using me. It is a matter of as deep grief to me that Messrs. Haig and Wyatt should be here as myself, for it never was my intention to lead them into such a situation. My whole object was to learn the plans of Governor Letcher and Jeff. Davis and to get their plans to work through me. I believe if Mr. Millward and I had not been interfered with that we would verily have succeeded, and these gentlemen I should have claimed and did claim as my aids. I have no doubt and can prove I think that I should have ascertained all their secret plans, have been able to point out their resources for at least half a million in money and enabled the Government to strike a heavy blow where it would have been felt. By this interference of detectives that has all been prevented and the barren arrest of three individuals the only result.

I presume that Marshal Millward has sent you a voluntary statement which I made to him in Moyamensing Prison which is a true statement of all I have ever done in this way; and as I presume my case is not by any means the only business you have under consideration I will take the liberty to state concisely my every step, all of which statement can be verified by officers of the Government in Washington or Philadelphia.

First. The only lot of goods I ever bought was perhaps over two months ago and is the lot I referred to in my voluntary statement to Mr. Millward above referred to, and was before any intimation of such goods being forbidden. Baltimore was given, but when I was in New York buying this lot of goods I addressed you from Sweeny's Hotel, New York, saying that I was buying army goods for the Baltimore market on commission, and would not forward the same if instructed by you not to; that I was a British subject, a long time blessed by your Government, having less right to strain your laws than a native born; that I presumed there was nothing wrong in my buying, &c., but that your objection addressed to my office in Philadelphia would be obeyed. I received no reply.

Second. I was assured by Mr. Haig, my Baltimore principal, that these goods were for loyal and legitimate trade. I had no reason to doubt him and did not. In fact I had many reasons to believe that there was a large, profitable and legitimate trade in Baltimore and Washington for these goods. But on being applied to a second time I made up my mind that these goods might be intended for the enemy.

My suspicions were aroused by the amount that was said to be needed and the certainty of such a large amount of money being forthcoming and yet some delays in getting a mere percentage—$200,000 being named and $500 hard to get; also from some memoranda of names, &c., being shown me hailing from Saint Mary's, which I supposed but did not then know was on the Chesapeake. I immediately determined in place of utterly refusing, which I should have done, that the best way I could serve the country of my wife and children was to appear to fall into the plan, get all knowledge of its ramifications for the Government's use, and I set about it in what I thought was the best way, but which eventuated most unfortunately for me.

Third. A friend procured for me a letter of introduction to Mr. Cameron, Secretary of War, from Collector Thomas, of Philadelphia. I tried to get other letters to him, but concluded that as my business was secret the less noise I made about it the better, so did not try very hard. I proceeded to Washington and called at the War Office; could not obtain an interview but was referred by Mr. Scott to General McClellan. Captain Williams, his aide, received me and heard my story. He seemed pleased and interested and spoke encouragingly, and requested me to put it in writing which I did, expressing the desire that I might be allowed to encourage the trade through this channel under full knowledge of the Government, and suggesting as one means that I be allowed to furnish a large order of caps and cannon primers made on purpose, utterly worthless, which could easily have been done, offering my services as the Government's secret agent and suggesting that I should want at least one aid. I returned home and waited some time for a reply. After some days' delay Captain Williams wrote to me (which letter is doubtless among my papers) that the Government had instituted a secret-service department under the head of General Porter and asking permission to hand my letter over to him, which I immediately assented to. Captain Williams in our conversation recognized the delicacy of my proposed operations and the necessity that might arise of my actually operating some.

Fourth. It was some few weeks after this that not hearing from General Porter and being forced to keep up the correspondence and promise of buying goods, that I procured a letter of introduction from General Curran, of Illinois, to Mr. Nicolay, the President's private secretary, to same end. I forwarded this by mail and waited anxiously for a reply which after at least a week's delay reached me stating that my letter, &c., had been handed over to General Porter.

Fifth. Just about now some more goods were wanted and money put in my hands to purchase same ($900), and I was bothered to know how to act. I succeeded in persuading my principal that such goods would be unsafe in Baltimore and suggesting that Philadelphia was the best depot, which agreed with his wishes and plans; being about to undertake some hay contract with the Government so I did not hesitate to spend that money and put the goods in my loft. I intended to write to General Porter as soon as I had the goods referring to my former action above named, and informing him of the goods I had on hand and ask instructions.

Sixth. On my way down to the Mercantile Library to read the afternoon papers I noticed for the first time the sign of U. S. marshal. I was ashamed and surprised that I had never thought of this officer before and that I had been unwise enough to go to Washington when I might have staid home. I called on him early next morning and showed him the only credential I had (Captain Williams' letter), and

explained what I had to say. He said that I was just in time; that I had been informed on and that he was glad I had come to him; he would protect me, &c. That evening I received the goods above named and the next morning called at Mr. Millward's house before 8 o'clock and informed him of the fact and in the course of the day showed him the goods, where they laid until the day of my arrest some two weeks perhaps, and perhaps are there yet. The total value of these goods is less than $800 and is reported in the newspapers at $10,000. From that time up to my arrest I reported everything to Mr. Millward, and during his absence to Mr. Franklin as per his request. I proposed a plan to him which involved my going to Richmond and which certainly would have resulted in the discovery of the secret agents of the enemy in Philadelphia and New York and the attaching of certainly a very large amount of money, all of which he has doubtless reported to you. The risk I incurred if discovered in Richmond was certain death, but so confident of success was I that I cheerfully accepted it.

Seventh. The arrests of others that are here have been caused I doubt not by my communication to Captain Williams and my information to Marshal Millward. The plan adopted by the man Baker who decoyed Mr. Haig by the promise of $50,000 of profit was all based on my information, and was grossly mismanaged by him and Mr. Franklin, who evidently desire a reputation for ability they do not possess.

Eighth. For the truth of all these statements, without calling particular attention of any one to any one part, I beg to refer to Assistant Secretary of War Scott; Captain Williams, aide to General McClellan; Mr. Nicolay, His Excellency the President's private secretary; Rev. George Collins, Baxter's Fire Zouaves, all in Washington; to Mr. Robert Wade, William Knight and Edwin Clinton, merchants of Philadelphia; also to Mr. Kettle, 802 North Nineteenth street, Philadelphia, and my wife. None may perhaps know of this plan in detail (in fact none do) except Captain Williams and Marshal Millward, but each will be able on reading this to point out some place they can corroborate.

Ninth. Marshal Millward has hinted a complaint that I was not acting fairly by him, but has not specified; but Mr. Franklin complains that I sent down a box of cannon primers to Baltimore the day before I called on Marshal Millward. This is true; but, first, I had, as Captain Williams and I talked it, to appear to fall into the business; second, I sent the goods to a new and wealthy house, F. W. Bennett & Co., who might be the enemy's agent; third, I could and would have telegraphed the Government in time to prevent their leaving Baltimore. Such was my intention if I failed to have Mr. Haig order them back; and fourth, I persuaded him to so order them back the first thing next morning and it was done. I sent the box to Adams Express under a fictitious name which Mr. Franklin complains of, but this was done to show my principal how cautious I was, for with my supposed relations with the Government there was surely no such necessity and doubtless any other seemingly disloyal acts are as easily explained.

Tenth. As I have never been naturalized or voted my opinions on the questions of the day can be of but little importance. I should have more contempt for an American who would forswear his country than for any other man, but for any one to do so is in my opinion on a par with forswearing one's mother. I have no great faith in republican institutions being very much an admirer of Alison as expressed in his History or Europe. Consequently my notions of political economy are anti-American, yet as a resident here, as the husband of a Yankee wife and father of American children I have never known a disloyal feeling to the

Government and expecting to spend my days under it have been ready and willing to do my share toward its support. I offered it my son as a petty officer in the navy or assistant surgeon in the army for both of which he is competent, and had I seen an opening for my services would gladly have offered them. I have never wanted in love and loyalty to the Government, only faith that it was fit for mortals. Between the North and the South I have thought that the rebels had the best of the letter of the law and the North of the spirit, and I have only complained that our Government did not use stronger means and put the whole land under martial law. My residence here has strengthened that regret.

I declare solemnly before God, my maker, that all above stated is true and that I never meant to help the enemy the value of a wish and would be happy to swear to the truth of all here stated.

Eleventh. I am willing and desire to serve the Government. I am reputed to be and (without egotism) am very smart and intelligent. I would not be willing to enter the ranks of the army for I could not support my family at it. I have had some military experience and been under fire in Canada during the rebellion over twenty years ago, and every one who knows me will say that I am cool, brave and accustomed to manage men. I have an idea that I can now be turned to large advantage of the Government in consequence of this imprisonment and would court a chance of personally explaining. My wife's brother is General Cox, of the Kanawha division, under whom with a Colonel Baxter, of Philadelphia Fire Zouaves, I would like to be if in a military capacity. I ask the liberty of reporting myself at Washington and in half an hour's conversation I pledge myself to prove my innocence and to suggest an employment and a duty that you will certainly desire me to perform. If not, your wish that I shall remain at Fort Lafayette shall be my law. I beg to repeat that my companions being here is my most painful thought.

May I beg an intimation of your intentions toward me. I have aimed to say no unnecessary word and this is as short as I can write. My family, used to be comfortably taken care of, are penniless almost and unprotected. I can't believe your design is to inflict unnecessary injury and regret the trouble my inexperience has undoubtedly already given you and pray for the success of your cause.

Respectfully,

WILLIAM GILCHRIST.

P. S.—I understand that my friend Mr. Wyatt's friends have proceeded to Washington with good prospects of effecting his release. The officers in Philadelphia made unnecessary remarks to him implicating me in his arrest. May I beg that you will order that such information as I have furnished may be confidential, so that I may have no enemy unnecessarily made.

W. G.

FORT MCHENRY, *October 2, 1861.*

[HON. WILLIAM H. SEWARD.]

MY DEAR SIR: Mrs. Haig, the wife of Mr. Haig who is incarcerated at Fort Lafayette, is desirous of seeing you in regard to her husband, who was arrested for carrying on a trade in contraband articles with the Confederate States. There is no doubt of the fact, as several lots of valuable goods have been taken and confiscated. I suppose the

question will be—assuming that he has had pecuniary profit alone in view and has not only signally failed but been a serious loser—what should be the extent of his incarceration.

Begging to commend Mrs. Haig to your kind consideration, whatever you may think proper to do with her husband, I am, very truly, yours,

JOHN A. DIX.

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FORT LAFAYETTE, *October 5, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: I take the liberty of calling your attention to my case, as I understand that I am confined by your order in this garrison. I beg here to state that I have committed no offense against the United States Government; that I am a naturalized citizen, having resided in the city of Baltimore since I was fourteen years of age and am now thirty-five, and have always been as far as I know a good, peaceable citizen, and have supported the laws and all the institutions of my adopted country.

I am charged I understand with giving aid and comfort to the enemy. I beg leave to state that I have never bought, sold or delivered any goods to the Southern States since the war or to any of its agents or to the rebels, I knowing them to be such. I keep a store in Baltimore and do not know many of my customers, as my goods are always sold for cash, and I purchase the most of the goods I sell in Philadelphia and New York, where I have been dealing these twenty years. If I am selling any goods that the Government is opposed to my selling I will give my word of honor to sell no more of such goods that the Government is opposed to. It is true I was called upon by a person who I afterward found was a Government detective and applied to to purchase goods, but I will here most solemnly assert that I never purchased, sold or delivered any goods to said agent or even priced any goods for the said Government detective, and had he not called upon me I should not have been confined in this fort.

I think it is a very hard case for me that the Government should have offered me a commission of 25 per cent. on $200,000 through its detective and then arrest me for it and take me away from my business and family. I should never have thought of such a thing had the Government detective not called upon me.

I am perfectly willing to take the oath prescribed by the Government to support the Government and obey its laws, and sincerely hope you will grant me my release from here so I can go home, be with my wife and helpless children and be able to attend to my business which is suffering by my absence. I am willing to give bond to the Government if they will give me my release on my parole of honor to stand my trial whenever called upon by the Government to do so. I will give bond in the city of Baltimore where I am best known.

Hoping, my dear sir, you will give my case a favorable consideration and allow me to return to my business and my family, who are suffering severely from my detention here (I have just received a letter from my wife in which she states that she is very ill); if you will grant me my release either by giving bond or on parole of honor to stand my trial at any time the Government may appoint to try my case, or grant me my release by taking the oath to support the Government which I will cheerfully do I shall feel under lasting obligations to you, and so will also my wife and infant children.

I am, very respectfully, your obedient servant,

JAMES M. HAIG.

FORT LAFAYETTE, *October 6, 1861.*

E. M. ARCHIBALD, Esq., *British Consul, New York.*

DEAR SIR: I am a native of Canada, the son of a British soldier; have been a resident of the United States about twenty-three years; have never been naturalized or declared my intention of becoming an American citizen. Mr. W. H. Duane, 58 Maiden Lane, can assure you of above facts as much as anybody I know of. I have written him to call upon you, and if it is not objectionable would be very much obliged if you would allow him to read this letter.

I was arrested in Philadelphia (where I reside to do business) on 20th of September and brought here Monday morning, 23d. A monstrous invention, purporting to be an account of my case, was published in New York Herald, 24th. I was reluctant to trouble you, as I thought that the Government would release me without and had been led to suppose so by the officers who arrested me. So after waiting a week I directed a letter to Hon. W. H. Seward, Secretary of State, at Washington, on October 1. Not having received any reply I now appeal to you, and beg in as concise a way as I can to submit all the facts in my case, premising, however, that I have never had any distinct charge made against me; that I was in Philadelphia prevented from holding communication with any one; was refused counsel or appeal to British consul, and that a young man in my office was kept in prison as I was informed merely for having my card case which contained my consul's certificate, which I suppose he was carrying to my attorney. The U. S. marshal showed me this certificate in his own possession; refused to give it up to me, so that he had every reason to know that I was a British subject.

I had been thrown out of business by these troubles, was comparatively idle when some two or three months ago I was offered a commission for buying India-rubber overcoats, blankets, &c., Colt's pistols, percussion-caps, army cloth and other army goods by a merchant of Baltimore who was not familiar with the trade (Mr. James M. Haig). He told me there was a good demand for such goods in his place and in Washington and assured me they were for no disunion purpose but for a legitimate Union trade, which to me seemed very plausible, and I undertook the commission and came to New York to buy the goods, which I could not get in Philadelphia.

Up to this date (which I cannot state) I had heard of no prohibition of forwarding any kind of goods to Baltimore; had heard of some pistols having been stopped in New York but immediately sent on again, but still when there in New York I wrote to Secretary Seward from Sweeny's Hotel that I had a commission to buy army goods for a Baltimore house which I was then executing and which I would fill and forward if he did not advise me to the contrary and gave him my Philadelphia address. I got no answer and bought and forwarded goods to the value I think of $3,700. I am since assured by Mr. Haig that these goods were all sold in a legitimate and proper manner and that he really wanted them for Union purposes. However, that trade was finished and is I believe a loyal one to say the least or worst of it.

Some time after this same gentleman proposed I should buy more for him and from the magnitude of his talk and some memoranda I concluded that the trade was illegitimate. I ought to have stopped here but judging that this proposition was actually from headquarters in the Confederate authorities I foolishly deemed that I could be of service to the Government by encouraging it. Consequently I did not

refuse the commission and ordered goods to the value of about $2,400. For reasons which appear hereafter I never filled this order or received the goods. I immediately procured a letter of introduction to Secretary of War Cameron and went to Washington to see him; could not but was referred to General McClellan whose aide, Captain Williams, received me and heard my story and my offer to enter the secret service of the United States in this matter looking to the encouraging of the Confederate supplies being ordered through me and my agents by which I intended to protect Mr. Haig. Captain Williams gave me an audience of over an hour; was pleased with my suggestions, acknowledged the importance of the movement, &c., and requested me to reduce all to writing which I did in a letter to him and left for home. After waiting quiet some time I received a letter from Captain Williams stating that General Porter had been appointed chief of a secret service department and asking permission to hand my letter over to him which I by return mail acceded to. I received no word from General Porter, in consequence of which I got rid of the filling of the $2,400 [order for] goods above named. I made one more attempt to get at the Government by getting a letter of introduction to Mr. Nicolay, the President's private secretary. I forwarded the same to him by mail saying what I wished and after perhaps a week's delay received answer from him that he had handed my letter, &c., to General Porter with his recommendation, and here my efforts to get service from Washington ceased, still being in daily expectation of hearing from General Porter.

Again I was asked by same party to buy more goods, and acting under Captain Williams' advice I still held on and then called on the U. S. marshal in Philadelphia, telling him all up to then and asking his advice. He astonished me by saying that I had been informed on; that he was glad I had called and that he would protect me; to go ahead and buy the goods, keeping him advised of all. Consequently I bought about $700 or $800 worth of goods, put them in my loft, and as they came in immediately informed him, showed bills, &c. This is the amount of goods reported in The Herald as of value of $10,000. Marshal Millward entered into our plans, but here another actor came on in person of Mr. Benjamin Franklin, Philadelphia city detective, who was acting independent of the United States. He claimed that he was after me and conjointly with Marshal Millward entered into our confidence. This $700 or $800 of goods I of course held in Philadelphia, having satisfied Mr. Haig to that end.

At this time, perhaps two weeks after my calling on Marshal Millward, a Government detective called Munson, alias Baker, went to Baltimore and under the former name sent for Mr. Haig to call on him at Barnum's Hotel. He called and then was offered $50,000 for buying $200,000 of army goods for the Confederates, showing as his credentials letters from several of the Southern dignitaries. Mr. Haig fell into his trap and came on with him to Philadelphia; called on me and I agreed to buy what goods he wanted up to $200,000 and forward same to Philadelphia, no more, for $1,000. He left me with that bargain to call with this detective on a friend who knew the signers of these credentials and did not again call on me. The next morning the same detective called on me and introduced himself as Mr. Munson for whom I was to buy goods, and showed me credentials which I did not read further than to see they were signed by R. Toombs, Walker and others whose names only were familiar. I declined acting as his or their agent; said I was retained by Mr. Haig and no higher commission

would tempt me, an introduction or credentials from Mr. Haig being what I wanted. He said Mr. Haig had been telegraphically called to Baltimore but his friend Mr. Wyatt could assure me he was his messenger. I walked with him to Mr. Wyatt's office and he assured me that Mr. Munson was all right and we came away after arranging that such goods as I bought should be forwarded to Mr. Wyatt's store and address. He then wanted me to go right ahead and buy goods which I was willing to do on receipt of the money. He said he would give me $6,200 at 4 p. m., but finally agreed to give me $25,000 at 11 a. m. so that I could go to Hartford that day, and left me about 10.30 a. m.

I immediately reported myself at U. S. marshal's office, who the day previous was at Washington and at whose dwelling I had called early in the morning, to inform him of all these circumstances and then told him all that had transpired; how that this man Munson claimed to have $200,000 at Adams Express and was to give me $25,000, seeking his instructions whether I should spend the money or not, and in his office after some little humbugging he arrested me. I shall complain of nothing since as that is the act causing all the rest.

The whole of this being necessarily a secret business these facts cannot be proved in detail but they can be circumstantially substantiated by Robert Wade and William W. Knight, of Philadelphia; also E. Clinton, L. A. Kettle and my wife, same place; by Rev. George Collins, chaplain to Baxter's Fire Zouaves; by Captain Williams, aide to General McClellan, and Mr. Nicolay, President's private secretary, all in Washington. The substance of the above I have written to Mr. Seward.

Allow me to add apologetically—first, that my wife and children are Americans and that I deemed it a privilege to do their Government a service which I believed I had the opportunity and qualification for; second, that my object was not mercenary. Marshal Millward and Mr. Franklin both suggested to me that as an informer I was entitled to half the property and so did Captain Williams. To each I distinctly said that I would rather be in employ of the United States which would prevent this, and said I did not do this for money. Furthermore I am the most pained at the arrest of Mr. Haig and Mr. Wyatt, having the appearance of being brought about by my treachery, which was the farthest from my thoughts and intentions. The officers in Philadelphia did not scruple to insinuate this to these men. I could explain all these things to you better if you could call on me.

I am very sorry to trouble you with such a long letter and repeat that I would be much obliged if you would allow Mr. Duane to read this and also Captain Brainard, habor master of New York, who is an uncle of my wife and whose good opinion I would like to have.

Again apologizing for this long communication and begging you will assist me, I remain, sir, yours, very respectfully,

WILLIAM GILCHRIST.

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FORT LAFAYETTE, *October 8, 1861.*

Hon. W. H. SEWARD, *Secretary of State:*

We hereby solemnly promise to sustain the Government of the United States to the utmost of our ability in the present struggle; and further that we will not have any association or intercourse whatever with the enemies of said Government.

F. WYATT.
JAMES M. HAIG.

WASHINGTON, *October 12, 1861.*

Hon. THOMAS A. SCOTT, *Assistant Secretary of War.*

SIR: The accompanying letter was sent to me by my uncle, C. E. Smith, with the request that I would place it in the hands of some such person as yourself to whom he is known and with whom his statements might have some weight. As we are under orders to hold ourselves in readiness to move at a short notice I am prevented from presenting it in person.

I am, sir, very respectfully, your obedient servant,

FRANK G. SMITH,
Second Lieutenant, Fourth Artillery.

[Inclosure.]

OCTOBER 8, 1861.

F. Wyatt was arrested in Philadelphia in September for sending supplies to the South. I know him well and I have no doubt that the Government got the right man. He is a Virginian, I think from Richmond, brought up by Jos. R. Anderson, Tredegar Iron Works. He spent the winter of 1859-'60 in traveling through the South spreading the tale that M. W. Baldwin and Mr. Whitney were abolitionists and ought not to receive orders from "true-hearted Southerners." I met him there. He tried by talking against the South to draw me in also but he failed.

CHARLES E. SMITH.

PHILADELPHIA, *October 14, 1861.*

W. H. SEWARD:

Has Gilchrist been released yet? If so, when? It is important for me to know as he may leave for Canada without coming to this city. The warrant for his arrest is ready.

L. C. BAKER.

L. C. Baker being duly sworn according to law deposes and says: That he called at the place of business of William Gilchrist in Commerce street, Philadelphia, on the 19th day of September, 1861, and had a conversation with him then and there. This deponent said to the said Gilchrist that he had been sent by one James M. Haig to say to the said Gilchrist that he (Haig) could not keep his appointment to meet him that morning, to wit, the 19th day of September, as he was compelled to go to Baltimore, and this deponent was the person who had been mentioned by the said Haig to him (Gilchrist) as the agent of the Southern Confederacy. The said Gilchrist at first hesitated to communicate freely with this deponent, but upon showing him certain letters purporting to have been signed by one Howell Cobb, Robert Toombs and L. P. Walker, indorsing this deponent as the authorized agent of the Southern Confederacy to act in their behalf in the purchase of goods, the said Gilchrist communicated and talked with this deponent freely and stated that he had been an agent for the purchase of contraband goods for nearly three months, and that he has been shipping the said contraband goods to the said Haig for the purpose of being transported from Baltimore to the States of the so-called Southern Confederacy. The said Gilchrist further said at the time and place aforesaid that in consequence of the immense profit made by the said Haig in and from the sale of the said contraband goods he (Gilchrist) would not supply any more of the said goods at a less price than 25 per cent. commission

on the purchases made here in the city of Philadelphia, 10 per cent. commission being the compensation agreed upon between the said Haig and him (Gilchrist) for the said purchases; that he (Gilchrist) was satisfied he was being watched by Lincoln's detectives, and that he was not willing to take his chances of being sent to Fort Lafayette for the price of 10 per cent. on the value of the goods which he might send to the said Haig, but proposed to this deponent to purchase all the goods which this deponent needed for the said Southern Confederacy at the commission of 25 per cent.

This deponent then asked the said Gilchrist if he had any contraband goods on hand for sale. He replied that he had some goods intended for Haig but that he considered them his (Gilchrist's) until Haig had paid him, but he proposed to sell them to this deponent for cash down and said that he would buy others for Haig. This deponent then asked Gilchrist to show him the goods to which he referred and he pointed out certain large boxes containing as the said Gilchrist said cannon primers, percussion-caps and surgical instruments. The said Gilchrist seemed very desirous to close the trade immediately. The said Gilchrist further stated to this deponent that he was a British subject and ran less risk in engaging in this service than an American citizen, as in case he got in any difficulty he could claim British protection. The said Gilchrist further stated explicitly to this deponent that he had sent goods as the agent of the said Haig to Baltimore which he knew had been transmitted to the States of the said Southern Confederacy by the said Haig. That the said Gilchrist further said that all the goods which he had sent to the said Haig and which had been transported to the States of the said Southern Confederacy were sent by him (Gilchrist) for the purpose of transportation to the said States by the said Haig. That the said Gilchrist believed that this deponent was at the time of said conversation an agent duly authorized to buy goods for the said Southern Confederacy. This deponent therefore charges the said Gilchrist with treason, in this, that he did levy war against the United States and did give aid and comfort to their enemies contrary to the act of Congress.

L. C. BAKER.

Sworn to and subscribed October 14, 1861.

CHARLES F. HEAZLITT,
U. S. Commissioner.

FORT LAFAYETTE, *October 14, 1861.*

THOMAS H. MADDOX, Esq., *Washington.*

DEAR SIR: You will do me the favor to employ counsel in the case of myself and F. Wyatt, and if he effects the desired ends I will pay him the sum of $500. Should he not accomplish the object we desire at once call on Hon. R. Johnson to whom I have previously written. Thank you, dear sir, for your kindness, and won't forget it.

Yours, very truly,

JAMES M. HAIG.

DEPARTMENT OF STATE, *Washington, October 16, 1861.*

WILLIAM MILLWARD, Esq.,
U. S. Marshal, Philadelphia, Pa.

SIR: Will you please forward to me by post as soon as possible all letters, papers and other things in your possession found upon the

person or among the baggage of the prisoners James M. Haig, William Gilchrist and Wyatt.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

—

FORT LAFAYETTE, *October 16, 1861.*

Col. MARTIN BURKE, *Commanding Fort Hamilton.*

DEAR SIR: Since my incarceration here your course toward me and those who have called to inquire about me has been marked with great courtesy and kindness. I pray you accept my thanks. I desire a favor at your hands which if not incompatible with your duty I beg that you will grant. I wish a copy (exact) of my committal handed you on the 20th ultimo by Deputy U. S. Marshal Jenkins.

Your attention will oblige your most obedient servant,

F. WYATT.

—

PHILADELPHIA, *October 17, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Yours of 16th instant has been received in relation to the papers, &c., of Gilchrist, Wyatt and Haig. I have sent them per post (as directed) in Wyatt's trunk, the key of which is inclosed in this letter. I have also nine cases (about a dray load) of cannon primers, percussion-caps and surgical instruments taken from the loft of the building in which Gilchrist had his office.

Very respectfully, &c.,

WM. MILLWARD,
U. S. Marshal.

—

WASHINGTON, *October 17, 1861.*

Hon. W. H. SEWARD, *Secretary of State:*

Your petitioner, Thomas H. Maddox, of said city, has been requested by James M. Haig, of Baltimore, and by F. Wyatt, of Philadelphia, now confined as prisoners at Fort Lafayette, in the harbor of New York, and fully authorized by them respectively to present to the Government their application for a release, and in pursuance thereof he makes the following statement in their names:

Said Haig is a merchant in said city of Baltimore and as such dealt extensively for various articles in his line of business with merchants and others in Philadelphia among whom was included said Wyatt. On a visit of business to Philadelphia in September last he was engaged in making various selections and purchases of stock and was engaged in the same with said Wyatt when they were both arrested and ordered into confinement as above stated. They were not informed of the cause of the arrest and can only conjecture that it was based on a belief that the stock negotiated between them for transportation to Baltimore by said Haig was intended ultimately to be sent for sale into some one of the seceded States. Said Wyatt declares that he knew of no such design on the part of Haig and that he does not believe any such design existed. Said Haig for himself declares that he is entirely innocent of any such intention, and avers that all and every article which he purchased or designed purchasing was solely intended for the Maryland market in his usual course of business at Baltimore.

ıey appeal to the justice of the Government as well as to its lenity. ...y are men of families who need their protection and presence. They are engaged in business and are suffering heavy losses and injuries by being thus cut off from its management. They are innocent of all offense against the law. They are willing to show their loyalty to the Government by taking the oath of allegiance and by giving their parole. They respectfully petition to be released from confinement.

T. H. MADDOX,
Counsel for Petitioners.

—

FORT LAFAYETTE, *October 20, 1861.*

Hon. A. LINCOLN,
President of the United States, Washington, D. C.

MR. PRESIDENT: I desire most respectfully to call your attention to my imprisonment and beg most earnestly your kind consideration of my case. On the 20th of September (one month to-day) I was arrested in Philadelphia and without notice taken from my family and brought here and incarcerated. By this procedure I was deprived of a situation by which I was enabled to support my family, who are left entirely without means and at the mercy of a cold and uncharitable world, having no relations to whom they could look in an emergency like this for support.

On the day of my arrest I asked permission to procure counsel which was refused me, and on making inquiry as to the cause of my arrest was informed that I was arrested on suspicion and would be held prisoner upon the same grounds. The officers took possession of my house, grossly insulted and maltreated the female portion of my family, removed everything portable to a distant part of the city, broke locks of the furniture in the house, indiscriminately scattering the contents over the floors, and committed sundry other high-handed and unwarrantable acts, which I well know when brought to your attention would meet your just condemnation.

I am and have ever been a firm supporter of the Union which thousands of persons can attest, and have advocated that cause both by talking and writing. I have never at any time or under any circumstances given aid to the rebels, either directly or indirectly. Being a Southern man by birth, and refusing to return to my native State (at the earnest solicitation of all my relatives) when this rebellion broke out, I am disfranchised by them and now incarcerated by those with whom I have acted, and for whom in this bold strike for liberty and Union I boldly combatted against the high-handed measures of secession and disruption of the Government. I am informed of the sickness of my family and now have no recourse left but your just clemency, and beg you in behalf of my family that you will order my speedy release so that I may join my family.

I am willing further to attest my loyalty (if doubted) by taking the oath to support the Constitution and laws of the United States Government and in no way to hold intercourse with persons in the seceded States.

I have the honor, dear sir, to be, your most obedient servant,

F. WYATT.

FORT LAFAYETTE, *New York Harbor, October 22, 1861.*

Lieut. Col. M. BURKE,
Commanding Forts Hamilton and Lafayette.

COLONEL: I respectfully ask that James M. Haig, prisoner confined at this post, be removed from here immediately as he is a perfect maniac, and if he remains here will do himself some damage. He was so violent last night that I was obliged to place him in stiff irons.

I am, colonel, with respect, your obedient servant,

CHAS. O. WOOD,
Second Lieutenant, Ninth Infantry, Commanding Post.

[Indorsement.]

WAR DEPARTMENT, *November 1, 1861.*

Let him be discharged.

SIMON CAMERON.

—

NEW YORK, *October 25, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State:*

James M. Haig, a prisoner confined in Fort Lafayette, is deranged; in double irons. Shall I send him to the lunatic asylum at Blackwell's Island?

ROBT. MURRAY,
U. S. Marshal.

—

DEPARTMENT OF STATE, *Washington, October 26, 1861.*

ROBERT MURRAY, Esq., *U. S. Marshal, New York.*

SIR: You will please release James M. Haig and deliver him to his friends at New York or Baltimore. If they are not prepared to receive him convey him to the lunatic asylum at Blackwell's Island. Let his treatment be as kind as possible consistent with his safety.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

—

BALTIMORE, *October 29, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington.*

DEAR SIR: I notice a paragraph in the morning prints of this city to the effect that a certain James M. Haig, who was arrested some time since and placed in Fort Lafayette on the charge of treason to our Government, had become a raving maniac and his release from confinement directed by your orders. I beg that you will pardon me for annoying you about this matter when I am so well aware that you are already overtaxed with business and I trust you will not deem it impertinent in me in addressing you. My only object is to guard the Government against deception.

This man Haig is by birth an Englishman but for the past thirty years or thereabouts has been a resident of this city, and is one of the most consummate rascals that ever walked the streets of our city, ready and willing at all times to do anything for money. There is no scheme of villainy but that he is ready to join in and lend a willing hand for gain, and he has been remarkably successful in managing to evade the clutches of the law in all his nefarious operations. He is a scheming,

artful villain, and I have no doubt whatever that his insanity is altogether feigned. Take care now that he don't cheat you. He knows well how to act and carry out any purpose that he adopts and is fully competent to play the maniac to perfection. I warn you against this man. He deserves punishment and has no claim whatever for clemency. I should regret to see any injustice done him and I am far from desiring anything of that sort. I have learned to know that vengeance is with the Lord. He will in His own good time and His way punish all these traitors, and His ways are past finding out. It is only the baneful influence of Haig's liberty that I fear. Traitors here will be emboldened by finding a man like Haig released. None here for one moment believe anything else but that his insanity is altogether feigned. Take care, my dear sir, that you are not deceived in this matter.

With considerations of the highest order, I am, my dear sir, very respectfully, your obedient servant,

H. G. WILSON.

1902 MOUNT VERNON STREET, PHILADELPHIA.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

RESPECTED SIR: Will you be pleased to spare a few moments of your valuable time to listen to the plea of a desolate wife? My husband, William Gilchrist, was arrested on the 20th of September and sent to Fort Lafayette, where he now is. In having him removed from us myself and four children are suddenly deprived of all means of support and know not how to get through the coming winter. I, my children and nearly all my family are native-born and loyal citizens, General Cox, now in Western Virginia, being my brother, who would sacrifice every earthly thing for our dear country at this time, and I cannot believe that my husband is guilty of the accusation against him or that the cause of justice or of the Union will be in the least injured by his release. If it be possible to restore him to his family pray do so and receive the lasting gratitude of one who would not wish to be made happy at the expense of her country's honor.

Very respectfully,

REDELIA A. GILCHRIST.

DEPARTMENT OF STATE, *Washington, November 2, 1861.*

Col. JUSTIN DIMICK, *Fort Warren, Boston, Mass.*

SIR: Let William Gilchrist, a prisoner confined in Fort Warren, be released. I transmit this order to John S. Keyes, esq., U. S. marshal, who has been instructed by this Department to cause a police examination to be made in some cases of the persons and baggage of prisoners discharged from custody to the end that no correspondence or other improper papers be conveyed by them to persons outside the fort.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

BOSTON, *November 7, 1861.*

Hon. W. H. SEWARD.

DEAR SIR: I was released from Fort Warren yesterday and again arrested.* I have waived everything here and have now to request

* On civil process for treason.

that you will allow me to go to Washingto and see you, and if I do not satisfy you of my perfect innocence and good will to the Government to be sent back without any process but your order. I can do this in Washington easily, and have a hearty desire to spare the Government any trouble on my account. I do not believe any injustice is meant me. I do not wish to trouble you with long letters or the courts with trials but wish to put myself unreservedly in your hands.

Very respectfully,

WILLIAM GILCHRIST.

Memorandum in reply to that of Lord Lyons of the 9th instant in regard to political prisoners alleged to be British subjects.

DEPARTMENT OF STATE, *Washington, November 11, 1861.*

William Gilchrist.—Released from Fort Warren on the 6th of November by order of the Secretary of State. He was rearrested on the same day on a warrant issued out of the court in Pennsylvania. He has been indicted for treasonable practices and his case is now undergoing judicial investigation. If innocent he will be acquitted.

OFFICE OF U. S. ATTORNEY,
Philadelphia, November 20, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I learn from the U. S. marshal for this district that he transmitted to the State Department all letters and papers found in the possession of the man Gilchrist at the time he was apprehended for treasonable practices against the United States. I will be compelled to make use of those documents in the progress of the case which is being prepared against that person, and if you have no further use for them I will be obliged to you if you would direct them to be sent to the district attorney. The papers were sent to the State Department in connection with those of some other parties supposed to be implicated with Gilchrist in his treason, and it would probably be better to send them all if they are no longer of use to you.

I have the honor to be, very respectfully, your obedient servant,

J. HUBLEY ASHTON,
Assistant U. S. Attorney.

DEPARTMENT OF STATE, *Washington, November 21, 1861.*

J. HUBLEY ASHTON, Esq.,
Assistant U. S. District Attorney, Philadelphia, Pa.

SIR: Your letter of the 20th instant has been received. The cases of William Gilchrist, James M. Haig and F. Wyatt are being investigated and the papers and letters found upon these parties are for the present needed at this Department. If it should be necessary to the proper preparation of the case you are prosecuting against Gilchrist that the papers be sent to you before the 1st proximo you will please so inform me; otherwise all the papers in the case will be forwarded to you about that time.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

FORT WARREN, *Boston Harbor, November 28, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington.*

SIR: I have the honor to forward herewith a list of prisoners of state, mentioning the time of arrival here, also the date according to their own account of confinement and their residence. I beg to mention the case of Mr. F. Wyatt, of Philadelphia. Though a stranger to me his appearance of ill health led me to ask him some questions. In conclusion he said he was willing to take the oath of allegiance with the usual stipulations required of all those who have been released. I learn that he has a family in Pennsylvania. * * *

I am, sir, with the highest respect, your obedient servant,

J. DIMICK,
Colonel First Artillery, Commanding Post.

—

OFFICE OF U. S. ATTORNEY,
Philadelphia, November 28, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have appointed Tuesday next, 4 p. m., for a preliminary hearing in the cause of the United States against William Gilchrist. I do not think that the papers relating to that case which were in the possession of your Department will be necessary for the purposes of that hearing. I wish, however, to examine them before preparing the indictment. If they can be transmitted to me conveniently in a few weeks from the present time it will be all that I desire.

I have the honor to be, very truly and respectfully, your obedient servant,

J. HUBLEY ASHTON,
Assistant U. S. Attorney.

—

DEPARTMENT OF STATE, *Washington, December 9, 1861.*

Maj. Gen. JOHN A. DIX, *Baltimore.*

GENERAL: Mr. James M. Haig, of Baltimore, has applied to this Department for permission to surrender himself to you under arrest and to be discharged from further prosecution on the charge of disloyalty. If you see no reason why this should not be done you will please release him on taking the oath of allegiance to the Government of the United States stipulating that he will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State, and also that he will not do anything hostile to the United States during the present insurrection.

I remain, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

DEPARTMENT OF STATE, *Washington, December 12, 1861.*

J. HUBLEY ASHTON, Esq.,
Assistant U. S. District Attorney, Philadelphia, Pa.

SIR: I have to inform you that all the letters and papers taken from William Gilchrist, James M. Haig and Felix Wyatt have been sent by express to-day to your address. When you have made such use of

them as you may deem necessary in the prosecution of the case against Gilchrist I will thank you to return the papers to this Department.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

PHILADELPHIA, *December 17, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington City.*

SIR: I have been retained by William Gilchrist as his counsel in the matter of the charge of treason against him in the U. S. circuit court for this district. He informs me that there are several important papers now in your office which bear upon his defense. I herewith inclose a memorandum of them and would respectfully ask that they be placed in my hands or in those of J. Hubley Ashton, esq., the attorney of the United States in this city, or in those of some one else with directions to permit access to them by Mr. Gilchrist or his counsel. I make this application with the more freedom as your long experience at the bar will enable you to appreciate the propriety of the request. An early answer will oblige,

Very respectfully, your obedient servant,

JOHN C. BULLITT.

[Inclosure.]

Memorandum of papers made by William Gilchrist.

My letter to Secretary W. H. Seward from Sweeny's Hotel, New York, informing him that I was commissioned to buy army goods for a merchant in Baltimore, as he assured me and I believed for strictly legal trade, declaring that I was not a citizen and therefore he had no right to strain the laws, requesting that if my purchasing these goods was contrary to the wishes of the Government to be so informed by letter addressed to me at my office, Philadelphia, and promising to obey any wish expressed in such advice.

Captain Williams' letter to me, written perhaps some two weeks after, asking permission to lay my letter before General Porter. This letter has been sent with my papers, &c., to Washington by order of Secretary Seward.

Mr. Nicolay's answer to my letter dated early in September stating that he had handed General Curran's and my letter to General Porter with his recommendation. This has also been sent to Washington by Marshal Millward.

A press-copy book of letters written by me in course of my business.

A note case containing a few business memoranda, &c.

The possession of my press-copy book and note case or even access to them would enable me to give dates and otherwise refresh my memory greatly to my assistance. They have been sent to Washington by Marshal Millward.

WILLIAM GILCHRIST,
Philadelphia, Pa.

DEPARTMENT OF STATE, *Washington, December 19, 1861.*

JOHN C. BULLITT, Esq., *Philadelphia, Pa.*

SIR: Your letter of the 17th instant has been received. In reply I have to inform you that all the letters, papers and books belonging to

William Gilchrist which were received at this Department from U. S. Marshal Millward have been sent to J. Hubley Ashton, esq., assistant U. S. district attorney for the eastern district of Pennsylvania.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

BOSTON, *January 9, 1862.*

Hon. CHARLES SUMNER, *Washington.*

DEAR SIR: My faith in your justice and humanity impels me to ask your attention to the case of my friend Mr. F. Wyatt, of Philadelphia, now imprisoned at Fort Warren by order of the Secretary of State. The inclosed extract of a recent letter received by me from Mr. Wyatt will make you familiar with the particulars thereof. I am aware that the prisoners at Fort Warren have been informed that any effort to effect their release through the influence of outside parties would be fruitless and prejudicial, and that they were directed to apply directly to the State Department. Mr. Wyatt complied with this order by twice addressing Mr. Seward and writing once to the President* without reply in either case, although his communications contained a detailed statement of his case, including the time and manner of his arrest as set forth in the inclosed extract. I have no doubt whatever of the accuracy of my friend's statements, and I have no hesitation in denouncing his imprisonment as an arbitrary and outrageous exercise of power unworthy a Christian nation. I doubt often that we are a Christian people. If we are we deserve the chastisement of God.

I should be gratified (and grateful too) if you would present Mr. Wyatt's case to the notice of Mr. Seward. He is in feeble health and moreover unless he can personally attend to his private affairs they will be involved in irretrievable ruin. If Mr. Seward refuse to release Mr. Wyatt unconditionally he may be willing to release him for thirty or sixty days on parole during which time he will if allowed visit Washington to attend to his cause in person. He says he is certain of being successful with Mr. Seward if he can only have an opportunity of conversing with him. You will, however, pardon my application to you. I know of no one else to hope aid from for my oppressed and suffering friend. God forbid that I should regard myself as a citizen of any nation in which for no sufficient reason—upon mere suspicion only—my fellow-man can be deprived of his liberty without trial, without appeal, without hope itself, to the sacrifice of his health and all his material, domestic and personal interests.

With great regard, dear sir, your constituent,

JOSEPH F. MORTON.

P. S.—I had some correspondence with you directly after you delivered your Worcester speech. Mr. Wyatt is perfectly willing to take the oath of allegiance.

[Inclosure.]

On the 20th day of September, 1861, I was arrested in Philadelphia by the U. S. marshal upon an order from the Secretary of State. When asked for the charges against me the only reply was that I was arrested on suspicion of holding correspondence with persons in the seceded States, to which charge up to the 1st of May I plead guilty as I wrote

* See Wyatt to the President, October 20, 1861, p. 844; Wyatt to Seward, September 30, p. 832.

and received letters from my brothers and sisters in Virginia but from no other source. I was thrown into the miserable felon's prison at Philadelphia, refused counsel or communication with any friend, and from thence removed to Fort Lafayette, New York Harbor. While in prison at Philadelphia the detectives ransacked my rooms, broke locks off furniture which happened to offer any resistance and removed every portable article (even my portrait which hung up in my parlor) to a distant part of the city, abstracting from my trunk a small sum of money which I had placed there to cancel a small debt nearly due at the time, and when requesting a return of the amount was told if I would give up the diamond breastpin I wore and a watch in my pocket the sum of money would be given up. This remark was made by the U. S. marshal and an ex-Member of Congress of the United States.

Since my arrest I do most solemnly assure you that I am as ignorant of the charges against me as you are, though I have asked for them again and again. I have signified my willingness for a trial or to accept my release on parole not to go south of Baltimore or Washington, and to hold myself ready for trial whenever called upon.

F. WYATT.

—

OFFICE OF U. S. ATTORNEY,
Philadelphia, January 25, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: The case of United States *vs.* William Gilchrist has been postponed till Wednesday next (January 29) at 11 o'clock. I desire if possible to have Mr. Baker in attendance upon that day. The Department will probably direct him to be notified of the fact of the postponement of the cause and that it is for the interest of the Government that he should be present in court at the hearing.

I have the honor to be, with great respect, your obedient servant,

GEO. A. COFFEY,
U. S. Attorney.
Per J. HUBLEY ASHTON,
Assistant.

—

DEPARTMENT OF STATE, *Washington, January 27, 1862.*

GEORGE A. COFFEY, Esq.,
U. S. District Attorney, Philadelphia.

SIR: Your letter of the 25th instant has been duly received. In reply I have to inform you that Mr. L. C. Baker who is now in this city has been directed to proceed to Philadelphia and be present in court at the hearing of the cause of the United States *vs.* William Gilchrist on Wednesday, the 29th instant.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

BOSTON, *January 31, 1862.*

Hon. CHARLES SUMNER, *Washington, D. C.*

DEAR SIR: A few weeks since I addressed a communication to you on behalf of my friend Mr. F. Wyatt, of Philadelphia, a political prisoner confined in Fort Warren, inclosing also a brief statement of the circumstances attending his arrest. I have not as yet been favored

with your reply. If I erred in doing this I beg to apologize and to ask the favor of your prescribing the correct course to be pursued to effect the liberation of my friend whose health is in a precarious state and whose material interests will be seriously injured if not totally ruined by protracted confinement in prison.

Your kind advice will be gratefully and thankfully received by, sincerely, yours,

JOSEPH F. MORTON.

OFFICE OF U. S. ATTORNEY,
Philadelphia, February 1, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to inform you that William Gilchrist who is charged with high treason was on yesterday morning remanded for trial after a somewhat prolonged examination of his case upon a writ of habeas corpus. Upon the argument of the cause the learned judge of the district court expressed a very decided opinion that the difficulty of prosecuting him successfully for high treason was very great, the difficulty growing out of the constitutional requirements as to the evidence on a trial for this crime. The overt act must be proved by the testimony of at least two witnesses, and confessions not made in open court cannot be given in evidence against the defendant. The larger portion of the testimony upon which the Government relies in this case consists of the prisoner's own declarations or admissions. And while upon a preliminary hearing such as has just taken place, the rule of law permits the confessions of a party charged with treason to be given in evidence it is more than questionable whether much of that species of testimony which was so potent on the hearing of the habeas corpus will not be entirely rejected when the case comes before a traverse jury.

There is a late act of Congress (that of July 31, 1861) under which a prosecution may well be based against the defendant. The charge would be conspiring to levy war against the United States. That offense is a misdemeanor under the statute. If the Government should elect to send a bill to the grand jury for that crime the difficulties which would be encountered in a prosecution for treason would be avoided. Inasmuch as the case has been before your Department I would like an expression of opinion if it be agreeable to you upon the propriety of electing to prosecute for the lesser offense. I am of opinion that it would be inadvisable to indict the prisoner for treason unless the Government should be confident of meeting fully the requirements of the Constitution and of the act of 1790 as to the testimony upon the trial.

I have the honor to be, with all submission, your obedient servant,

GEO. A. COFFEY,
U. S. Attorney.
Per J. HUBLEY ASHTON,
Assistant.

—

WASHINGTON, *February 1, 1862.*

Hon. WILLIAM H. SEWARD.

DEAR SIR: The case of William Gilchrist under writ of habeas corpus was decided before Judge Cadwalader last evening. The judge remarked upon giving his decision that the prisoner or counsel for the defendant could expect no favors at the hands of the Government as

it was a case in which the neck of the prisoner was in danger. Gilchrist was affected to tears and says he has never before realized his real condition. It is now only necessary to go before the grand jury with our witnesses for an indictment. In the meantime what shall be done with the prisoner? I am much afraid he will escape from the local authorities and when wanted will be *non est*

Yours, truly,

L. C. BAKER.

DEPARTMENT OF STATE, *Washington, February 4, 1862.*

GEORGE A. COFFEY, Esq.,
U. S. District Attorney, Philadelphia, Pa.

SIR: I have to acknowledge the receipt of your letter of the 1st instant relative to the case of William Gilchrist. In reply I am directed by the Secretary of State to say that if in your judgment a conviction is more certain on an indictment for the lesser crime than that of conspiracy to levy war against the Government of the United States he would advise a prosecution therefor. Mr. Felix Wyatt was engaged in the same proceedings with Gilchrist and I am directed to suggest to you the propriety of his indictment and prosecution for the same offense. He is at present confined at Fort Warren, Boston Harbor.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

OFFICE OF U. S. ATTORNEY,
Philadelphia, February 5, 1862.

F. W. SEWARD, Esq., *Assistant Secretary of State.*

SIR: I have the honor to acknowledge the receipt of your letter of the 4th instant relative to the prosecution against Gilchrist. The view of the district judge in regard to his case is a very just one. He thinks that Gilchrist is not a man whom it would be safe or prudent to permit to go at liberty but that it would be extremely difficult upon technical grounds to convict him of high treason. The learned judge therefore said that if the defendant's counsel pressed the Government to trial upon the indictment for conspiracy in case that form of prosecution should be adopted he would be bound to give the United States an opportunity to send a bill to the grand jury for high treason. The probability is that I will send up a bill for conspiracy to levy war, and if we should be forced to try I will have an opportunity to present an indictment for the greater offense.

I am, very respectfully, your obedient servant,

GEO. A. COFFEY,
U. S. Attorney.
Per J. HUBLEY ASHTON,
Assistant.

PHILADELPHIA, *February 21, 1862.*

P. H. WATSON, *Assistant Secretary of War:*

William Gilchrist and F. Wyatt were to-day indicted by the U. S. grand jury for treason.

L. C. BAKER.

DEBTORS' APARTMENTS, MOYAMENSING PRISON,
February 23, 1862.

Hon. E. M. STANTON.

DEAR SIR: On the 13th of August last I called at the War Office with a letter of introduction to Hon. Simon Cameron. I could not obtain an audience, but in writing a note stating the nature of my business Assistant Secretary Scott referred me to General McClellan and I had an interview with Captain Williams, his aide. At his request I embodied in a letter written to him from Brown's Hotel that day my anticipated ability to discover and control the channel of Governor Letcher's and Jeff. Davis' supplies of contraband goods. Captain Williams encouraged my plans and I came home. His promised correspondence was postponed, and I wrote on same subject to Mr. Nicolay. Both of these gentlemen referred my letters to General Porter, in whose hands they doubtless are, and from whom I expected communi cations but received none.

In consequence of being forced to keep my strategy alive I was implicated with the real offenders, and on 20th of September was arrested and sent to Fort Lafayette along with James M. Haig, of Baltimore, and F. Wyatt, of this city. Mr. Haig was discharged, temporarily insane, on 26th of October and Mr. Wyatt under your proclamation of amnesty of 22d instant.* I am held in custody of the U. S. marshal here and have been now a prisoner over five months, and my present object is to beg that you will extend your amnesty to my case. My family are impoverished and suffering and all concerned with me have been released. I should prefer being sent to Fort Lafayette, as those under charge of piracy in that prison have been discharged, and the newspapers have very much aggravated my case. My address is care James Quinn, keeper, this prison. May I beg an early intimation of your intentions, as I have a sick and destitute family awaiting my help? I refrain from further detail, knowing the value of your time, and having written Hon. W. H. Seward in full from Fort Lafayette.†

Humbly begging your kindness, I remain, your obedient servant,
WILLIAM GILCHRIST.

—

SENATE CHAMBER, *February 24, 1862.*

SECRETARY OF WAR.

DEAR SIR: The inclosed letter from Hon. Charles Chapman refers to the case of F. Wyatt, now imprisoned at Fort Warren. Can he be released in conformity with a late order?

Truly, yours,
J. DIXON.

[Inclosure.]

HARTFORD, *February 21, 1862.*

Hon. JAMES DIXON, *Washington, D. C.*

DEAR SIR: I am sorry to trouble you again in regard to Mr. Wyatt but I have received a letter from my friend, Mrs. Cowles, calling my attention to a new phase in the policy of the Administration touching political prisoners. I understand that the whole matter is committed to the Secretary of War and that the purpose is to discharge all such as have not acted as spies. I may not be correctly informed but if I am I trust Mr. Wyatt's case does not come within the exception.

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* This is an error. See Stanton to Dixon, March 3, *post.*
† See Gilchrist's letters to Seward, *ante.*

I am aware that Mr. Seward for some reason satisfactory to himself was disposed to hold him in confinement indefinitely. Not being advised of the ground upon which his purposes were formed I am of course unable to say how just this protracted confinement may be. If he is to be prosecuted for any overt act it is fair that he should know wherein he has offended and have accorded to him the privileges of a fair trial. I do not suppose from what I learn of the man that such a proceeding is really contemplated and I am satisfied that he may be safely discharged.

My own opinions in regard to the mode of proceeding which has been adopted in this and some other cases in the loyal States you know already, but they are of no importance to those in power. I think, however, the time will come when their soundness will be felt and acknowledged. If you can consistently call the attention of Secretary Stanton to this case I wish you would do so at an early day. I have a high respect for his ability and purity of purpose, and trust he will do that in the premises which he thinks is just to the Government and the prisoner. As you know I have no acquaintance with Mr. Wyatt and have formed my estimate of him from Mrs. Cowles' representations, and I know her to be an estimable lady.

Yours, truly,

CHAS. CHAPMAN.

WAR DEPARTMENT, *Washington, March 3, 1862.*

Hon. JAMES DIXON, *Senate Chamber.*

SIR: I have had the honor to receive your note of the 24th ultimo and its inclosure asking if Mr. F. Wyatt can be released under the recent order of this Department. In reply I have the honor to inform you that it is understood that Mr. Wyatt has been indicted by the U. S. grand jury in the district court of the eastern district of Pennsylvania on a charge of conspiring to levy war against the Government of the United States. It is deemed inexpedient therefore to interpose in his behalf.*

I have the honor to be, &c.

EDWIN M. STANTON,
Secretary of War.

ATTORNEY-GENERAL'S OFFICE, *April 2, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I had the honor to receive your note of March 31 inclosing a memorandum left with you by Lord Lyons† relative to the case of one Mr. Gilchrist, who it seems is imprisoned at Philadelphia under indictment for statutory offenses against the United States. The memorandum consists of brief extracts of a letter from the British consul at Philadelphia to Lord Lyons, and stating only the character of the indictment suggests the granting of a pardon but does not state the facts of the case nor those mitigating circumstances (if such exist) which ought to induce the President to interpose the clemency of the Government between the law and the prisoner. Certainly it would give me pleasure to gratify Lord Lyons in anything consistent with the

*No papers can be found in the War Department showing any further action in the case of Wyatt.

†Not found.

duties of my place but the memorandum (understood as an application for a pardon) is too informal and too barren of facts on that foundation alone to advise the President to issue the warrant. And if the application were intended to be addressed to this office requesting the exercise of its discretionary powers to stay the prosecution or to enter a *nolle prosequi* the same necessity exists for some statement of the defensive or mitigating facts. In ignorance of them I should not be warranted in giving the desired instruction to the district attorney. Doubtless if the case be one proper for a pardon the needful facts can be easily supplied.

I have the honor to be, most respectfully, your obedient servant,

EDWARD BATES,
Attorney-General.

—

DEPARTMENT OF STATE, *Washington, April 3, 1862.*

Hon. EDWARD BATES, *Attorney-General.*

SIR: I have had the honor to receive your letter of yesterday relative to the case of Gilchrist.

This person was arrested last summer for political reasons and especially for supplying the insurgents with munitions of war. He has been a long time confined in Fort Lafayette, and consequently may under existing circumstances be considered to have been sufficiently punished for his offense, a repetition of which there is now no danger. As there is reason to believe that his discharge would be acceptable to the British Government good policy would seem to indicate that this wish should be gratified.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

—

ATTORNEY-GENERAL'S OFFICE, *April 9, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: My absence for a few days and the pressure of certain official matters accumulated in my absence prevented my giving a more prompt attention to your letter of the 3d of April touching the case of Gilchrist. I now have from the U. S. attorney at Philadelphia a more full statement of the case than is contained in your letters or the memorandum sent you by Lord Lyons, and upon this fuller view I have no objection to the discharge of the prisoner now in Moyamensing jail, moved thereto by the express desire of the British Government sustained by your recommendation. Still there is a question upon which I crave your advice: Shall the discharge be by pardon or by *nolle prosequi?* The man is in judicial custody under indictment. The pardon will operate upon delivery. The *nolle prosequi* I believe can only be entered in open court and I do not know when the court sits.

I have the honor to be, most respectfully, your obedient servant,

EDWARD BATES.

Since writing this letter I have ascertained that the court is in session so I will direct a *nolle prosequi.*

—

DEPARTMENT OF STATE, *Washington, April 10, 1862.*

Mr. Seward presents his compliments to Lord Lyons and has the honor to inform him that the Attorney-General, to whom his lordship's

memorandum relative to the case of Gilchrist was referred, has since carefully investigated the subject and has reached the conclusion that the prisoner must inevitably have been convicted of the crime with which he has been charged. In view, however, of the probability that a repetition of the offense may not under existing circumstances be expected and of his lordship's interest in Gilchrist a *nolle prosequi* in the case has been ordered and the prisoner will be discharged.

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ATTORNEY-GENERAL'S OFFICE, *April 11, 1862.*

GEORGE A. COFFEY, Esq., *U. S. Attorney, Philadelphia.*

SIR: Urgent application has been made to me for the discharge of William Gilchrist, a British subject, who stands indicted in the U. S. circuit court for the eastern district of Pennsylvania and whose case was reported to me by Mr. Ashton in his letter* of the 3d of March. Lord Lyons, the British minister, takes a lively interest in the case of the accused and desires his discharge, and Mr. Seward, Secretary of State, sustains his lordship's request upon grounds of national comity and wise policy. I yield to the force of these suggestions partly because the accused has already suffered a considerable punishment, but chiefly because the occasion enables us to show a graceful courtesy to the minister of a great nation and a politic generosity toward the prisoner. Therefore, sir, I request that you will cause a *nolle prosequi* to be entered upon the indictment against the said William Gilchrist to the end that he may be freely discharged.

I remain, most respectfully, your obedient servant,

EDWARD BATES,
Attorney-General.

—

ATTORNEY-GENERAL'S OFFICE, *April 17, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to send inclosed a copy of a letter this morning received† from the attorney of the United States at Philadelphia for the information of yourself and Lord Lyons. You will see that William Gilchrist has been released from custody, a *nolle prosequi* having been entered in accordance with my directions.

I remain, your obedient servant,

EDWARD BATES,
Attorney-General.

Cases of Messrs. Harbin, Watkinses, Jones, Dents and Others.

George F. Harbin was arrested in Washington, September 23, 1861, by E. J. Allen acting under orders from Brigadier-General Porter, provost-marshal. Harbin was charged with having written letters denouncing the Federal Government and invoking the success of the rebel arms, and in earnest sympathy with the success of the insurrectionists. Applications having been made for his release stating that he was willing and anxious to take the oath of allegiance an order was issued by the Secretary of State January 9, 1862, for the release of Harbin and others. January 11, 1862, Brigadier-General Porter, pro-

*Not found. †Omitted; substance herein stated.

vost-marshal of Washington, returned* to the Department of State the order for the release of Harbin with the following indorsement upon it:

HEADQUARTERS ARMY OF THE POTOMAC, *January 10, 1862.*

I am instructed by Major-General McClellan to say that considering the character of the within-named parties (HARBIN and others), as shown at the time of their arrest, it is deemed a matter of military necessity that they should for the present be retained in custody.

Respectfully,

S. WILLIAMS,
Assistant Adjutant-General.

The said George F. Harbin remained in custody in the Old Capitol Prison in Washington February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

By order of Brigadier-General Porter, provost-marshal of Washington (as appears by the report of E. J. Allen), Rudolph Watkins and George S. Watkins were arrested September 23, 1861, in Georgetown, D. C. They were charged with being spies; with having aided in sending men to the rebel army and forwarding communications to the South. Application having been made for their release the Secretary of State issued an order to that effect January 9, 1862, on their taking the oath of allegiance, &c. January 11, 1862, Brigadier-General Porter, provost-marshal, returned the order for the release of the two Watkinses with the following indorsement upon it.† The said Rudolph Watkins and George S. Watkins remained in custody in the Old Capitol Prison in Washington February 15, 1862, when in conformity with the order of the War Department of the preceding day they were transferred to the charge of that Department.

Thomas A. Jones was arrested by a detachment of the Sickles Brigade near Pope's Creek, in Maryland, and brought to Washington under an order from Col. R. B. Marcy, issued about the 4th of October, 1861. October 26, 1861, E. J. Allen, through the provost-marshal of Washington, reported the facts connected with the arrest of Jones and the charges upon which he was arrested, from which it appears that Jones was engaged with others in furnishing information to the rebels and in transporting men to Virginia for the purpose of joining the rebel army and also in the nightly transportation of contraband goods to the enemy. January 9, 1862, the Secretary of State directed the release of said Jones and others on their taking the oath of allegiance and making the required stipulations. January 11, 1862, Brigadier-General Porter, provost-marshal of Washington, returned the order for the release of Jones and others with the following indorsement upon it.‡ The said Thomas A. Jones remained in custody in the Old Capitol Prison in Washington February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

George Dent, sr., was arrested about the 16th of November, 1861, by order of Brigadier-General Porter, in Virginia nearly opposite to Popes' Creek. He was charged with having in connection with others conveyed men, arms and ammunition across the Potomac River to aid the rebel cause; with being actively engaged in forwarding correspondence

* See Porter to Seward, January 11, 1862, with the McClellan indorsement, p. 876.
† Omitted; same as in Harbin's case, preceding.
‡ Omitted; same as in preceding cases.

to and from Virginia and also that he was an authorized agent of the rebel army. On the 9th of January, 1862, an order was issued by the Secretary of State directing the release of Dent and others on their taking the oath of allegiance, &c. January 11, 1862, Brigadier-General Porter, provost-marshal of Washington, returned to the Department of State the order for the release of Dent and others with the following indorsement upon it.* The said George Dent, sr., remained in custody at the Old Capitol Prison in Washington February 15, 1862.

The first intelligence received by the Secretary of State in regard to George Dent, jr., was an application for his release from the Old Capitol. On the 9th of January, 1862, an order was made by the Secretary of State directing the release of said Dent and others on his taking the oath of allegiance, &c. January 11, 1862, Brigadier-General Porter, provost-marshal of Washington, returned the order for the release of Dent and others with the following indorsement upon it.* Brigadier-General Porter states in his letter returning the order for the release of Dent and others as follows:

I would respectfully represent that the above-named prisoners (Dent and others) are of the most dangerous character and have been actively engaged in furnishing information to the rebels and in transporting men to Virginia for the purpose of joining the rebel army as also in the nightly transportation of contraband goods to the enemy.

The said Dent remained in custody at the Old Capitol Prison in Washington February 15, 1862, when he was transferred to the charge of the War Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

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DEPARTMENT OF STATE, *Washington, October 18, 1861.*

Brig. Gen. ANDREW PORTER, *Provost-Marshal, Washington.*

GENERAL: Will you have the kindness to report to this Department the proofs in the case of George F. Harbin, a prisoner confined at the Thirteenth Street Prison?

I am, general, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

DEPARTMENT OF STATE, *Washington, October 18, 1861.*

Brig. Gen. DANIEL E. SICKLES.

GENERAL: * * * I have also to request that you will remit at the same time the proofs in the case of one [S. G.] Acton arrested by your order. Please return this inclosure.

I am, general, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

DEPARTMENT OF STATE, *Washington, October 22, 1861.*

Brig. Gen. DANIEL E. SICKLES, *Excelsior Brigade, Good Hope.*

GENERAL: Your communication of the 19th instant† relative to * * * Acton with the inclosure has been duly received.

I am, general, your obedient servant,

F. W. SEWARD,
Acting Secretary.

*Omitted; same as in preceding cases.

†Not found.

WASHINGTON, *October 24, 1861.*

I have known Mr. George F. Harbin, who is now held as a political prisoner, for several years. I have during this time been the medical attendant of the family. He is very young and may have been indiscreet, but I should be loath to think he had done any disloyal act willfully. His sisters are most excellent ladies, and while I have never exchanged a word on the political questions of the day with the young man I have with his sisters, and that too early in the spring, and I have never heard a disloyal sentiment or word from them.

S. A. H. McKIM.

—

CORNER 13TH STREET AND PENNSYLVANIA AVENUE,
Washington, D. C., October 25, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: I understand my case is before you for investigation. Not having a chance to defend my case I have thought it would be well to adopt the following, viz:

The charges against me as I understand are as follows: That I have been engaged in ferrying persons to and from Virginia, carrying arms and ammunition to Virginia; that I kept a horse and carriage to convey persons to and from my place; that I had been to Virginia myself and when arrested I had a double-barrel gun loaded with buckshot, also a revolver with me. The revolver I have had since 1856 for self-protection; the double-barrel gun was left with me until the owner called for it. I knew nothing of its charge until it was discharged in my presence after my arrest. I understood that troops were scouring the counties and making arrests, and I as well as many others went to Virginia to escape arrest. Hearing the troops had left I returned home. I had never taken up arms and never intended so to do. The horse and carriage was left with me by a man by the name of McKenny who said he belonged in Washington. He brought with him in said carriage five runaway negroes which belonged in Virginia to a man—I forget his name. Said negroes were released from prison in Washington by order of, as McKenny said, General Mansfield or General Scott, which of the two I have forgotten. The horse and carriage were to remain with me until he (McKenny) returned from Virginia. If there were arms or ammunition carried to Virginia I have no knowledge of the same.

I do not deny but I have carried some persons across the river to Virginia. I carried several families of mothers and children to Virginia whom they said had husbands living there. Some of them said they had passes but I did not see them. I carried men also. I never inquired their business. I had not carried any person to Virginia for some two or three weeks before I went there myself.

I further understand that I am charged with carrying horses across the river which is certainly as false a charge as any man ever was charged with. After losing two very valuable boats by the Government I repaired a small-bottom boat for my express use; that is to say fishing and crabbing. Persons frequently came to me after said boat was repaired to get me to carry them to Virginia. I positively refused upon the ground that I had her repaired for my own purpose and if I attempted it I would lose her. A great part of the work was done by free negroes which is known to be a fact; and furthermore every man on the Potomac River that had a boat has been guilty of the same offense charged against me. Where there was a boat there was no use

in saying "no" when men from a distance came and said they wanted to go to Virginia on important business and must go. I have known in several cases where they after being positively refused took the boat and crossed the river themselves. Apart from conveying men across the river there have been men arrested in my county and released that were engaged in recruiting and sending men to different points on the river to cross and giving other aid and comfort to the enemy.

I have said already more than I intended and more than necessary, but I being the only man from my county held under arrest as prisoner causes me to feel more mortified and to suffer more than I should have done if others had been made to suffer the same; but it is frequently the case that the innocent have to suffer for the offenses of the more guilty which is now my case. I am the only man of the county held as prisoner and consequently am paying the penalty of the whole county. What I did which seems to be treason to the Government I did for profit which was not the case of many in the county. They fed, transported and furnished money for the Southern cause. I was not able to do that and did not do it. All I did I got paid for which I do not think I ought to be blamed for. I have a large family to support, and being a poor man I thought that if I could make something by carrying a few persons across the river it would be no harm; but instead of profiting by the operation I have lost severely. I have lost two valuable boats, one fine horse, saddle and bridle and revolver that cost $20. That of all most valuable is my liberty and to be separated from a distressed wife and eight little children. Also I have lost much by being from home at this important season of the year when a crop was to be taken care of and a crop of wheat to be seeded, besides a great deal of work that should be done very soon before winter sets in. I have no one at home to carry on such work and no one that knows anything about a great deal of work I intended to have done this fall.

The above is a long and uninteresting letter but I am in hopes you will see my object and sympathize with my family if not myself; besides I have had much suffering since my arrest. I was kept in camp eleven days, having nothing to sleep on but the naked ground and nothing but a blanket I fortunately brought with me, and but little that I could eat the biggest part of the time. I have been from home now five weeks next Tuesday. It seems to be a long time. I am willing to make oath on the Holy Evangels of Almighty [God] that the above statement is the whole truth and nothing but the truth. I am further willing to take the oath of allegiance.

Yours, very respectfully,

THOS. A. JONES.

HDQRS. CITY GUARD, PROVOST-MARSHAL'S OFFICE,
Washington, D. C., October 26, 1861.

Brig. Gen. A. PORTER, *Provost-Marshal.*

DEAR SIR: In obedience to your orders I have the honor to report that about the 1st of September last the following letter was placed in my hands:

PHILADELPHIA, *August 26, 1861.*

HON. M. BLAIR.

MY DEAR SIR: As a lover of our glorious old Union I deem it my solemn duty to inform you that every night letters are carried from the post-office at Port Tobacco, Md., to King George County, Va., thence direct to the headquarters of the rebel army. My own wife has been requested to send letters to the care of Doctor or Mr. Dent to Port Tobacco, thence they were to be carried across.

Hoping that your noble efforts to cut off all this clandestine communication now so generally carried on from lower Maryland across and by secessionists all along the line may be successful, I am, very truly, yours, &c.,

A. ALLKINS.

On the 1st of September the following memorandum was received at my office:

Rev. J. H. RYLAND, *Sixteenth and K, Washington:*

Information from Rev. Mr. Wilmer, of Port Tobacco, in constant communication by boats with Virginia (Mitchells, Stones and Brent, Posey and Middleton, chief agents, Port Tobacco; George Dent and Tom Stone, Pope's Creek).

On the 1st of September also John Atwell, of this city, stated at my office that his brother-in-law at Pope's Creek informed him while on a visit to his wife's family there a while before that there were and had been a great many persons going over into Virginia at that place to Persimmon Point, directly opposite, it being the place where the sailors from the Pawnee were shot about ten days before in going ashore there to see about a small boat then loaded lying at the shore. That he (Atwell) had the day before received a letter from his wife at Pope's Creek, which he produced, stating that the Union troops had come there the week before and taken possession of Tom Jones' boat, which he carried men across to Virginia in, but that he had bought another on Monday and was taking passengers over night and day, keeping the boat on the Virginia side to keep the Northerners from getting it. This letter was dated August 27, which was about ten days after Atwell was at Pope's Creek himself and received the above information from his brother-in-law.

On the 14th of September a colored prisoner was brought to my office for examination who made in substance the following statement: That his name was William Hill; his age about twenty-six years; that he had been a slave to James Grymes at Mathias Point on the Potomac River all his life; that he had left Mathias Point on the Saturday night previous; that he had come away in a boat with some colored boys who had been sent from the Maryland side by their master, Mr. Thomas Jones, with some passengers to the Virgnia shore; that he (Hill) left Mathias Point for good, he hoped; that James Grymes' farm was about a mile below the batteries at Mathias Point; that Jones' on the Maryland side was below Grymes' on the Virginia side, while George Dent lived right opposite Grymes; that Jones and Dent both kept row-boats to take people across the river; that they landed at Grymes' house; that the U. S. officers had taken Jones' boats away from him; that he (Jones) did the principal part of the ferrying, though Dent did considerable; that they never crossed horses or wagons, only footmen; that the crossing was mostly from the Maryland side, very few crossing over from Virginia; that passengers crossed from the Maryland side nearly every day or night; that they always found conveyances waiting at Grymes' to take them out into the country; that when Jones had passengers to bring over in the night he gave a signal by placing a light in his upper windows and then the wagons came down out of the country to Grymes'; that when persons on the Virginia side wanted the boat to come over they gave a signal by a light at Grymes' at night and by hoisting a white flag in the daytime; that Jones kept his boat up a gut on the Maryland side; that his boat had been taken away from him twice by the U. S. officers but had been replaced by him each time, and that he was then using Dent's boat which had once been taken from him but restored; that Grymes interested himself both in military matters and his farming business and called himself a "shore guard."

On the 16th of September in accordance with your orders Lieut. W. M. Wilson, of the Fourth Cavalry, with a mounted company and accompanied by one of my operatives and Mr. John Atwell, before mentioned in this report, as guide started for Pope's Creek for the purpose of arresting Thomas Jones, George Dent and James Grymes. Lieutenant Wilson reported to me on the 21st of September that he arrived at his destination at about 2 o'clock on the morning of the 17th and after surrounding the house of Jones entered it and made a thorough examination of it and the premises but did not succeed in finding Jones; that he seized and brought away all the correspondence he could find in the house and smashed up a boat which he found lying at the landing near the house; that he then proceeded to the house of George Dent, arriving there about daylight; that he surrounded the house and demanded admittance which after some little delay was given; that he then proceeded to search the premises amid the loud remonstrances of the family; that Mr. Dent was gone; that he afterward ascertained from the servants and from interrogating those in the house that he had left for Virginia by boat accompanied by his son and some twenty or twenty-five others about 11 o'clock that night; that that place he was certain from information he had gathered there was and had been the grand depot for the arrival and departure of goods and men for the rebel army; that he took from Dent's house all the correspondence he could find, together with the following articles which he considered contraband, to wit: Two shotguns, about three pounds of powder, about thirty pounds of shot, one uniform coat, one pair of epaulettes and three boxes percussion-caps.

My operative who accompanied the expedition reported in addition to the above that while at Jones' Lieutenant Wilson took a colored man aside and questioned him as to the whereabouts of Jones and was told that he went away that night about 11 o'clock. The negro said that Jones had some signals whereby he knew when any one wanted to go over the river; that when Jones who was then on the Virginia side would see those signals he would come over with his boat. On going to Dent's the operative ascertained from the servants that Dent and Jones had been in the habit of carrying over the river all persons that wanted to go as well as goods, provisions, &c.; that Dent and Jones with about twenty-three others had just gone over; that a man had come there that night and informed Dent and Jones that the soldiers were coming to arrest them; that they had left at about 11 p. m.; that they had told the women folks to raise a white cloth to let them know when it was safe to come over; that they had some other signals which the servants did not understand; that they did not make any signals in the night but in the daytime, and that the boats came over about 8 p. m. to take over whatever was to go.

On the 17th of September I dispatched one of my operatives to Mathias Point, Va., to make some observations for the Government in that vicinity. In his report to me on the 20th of the month he says:

At Port Tobacco I found a troop of U. S. cavalry (Lieutenant Wilson's, above mentioned) and the people all in a state of the most intense excitement. As soon as the cavalry left the inhabitants held meetings at the taverns and stores and throwing off all restraint talked over their opinions so freely that I could easily see that Union men were almost unknown in that locality. Our party of three, Turner, Cole (two secessionists he had fallen in with) and myself made known our design of crossing the river into Virginia and all that were present seemed willing to do all in their power to aid us. It appeared that Mr. George Dent who had previously done the ferrying had just been compelled to fly for safety to Virginia and that circumstance had broken up the regular way of crossing. He was accompanied by a Mr. Jones and a Mr. Wilson whom I understand our cavalry were after.

By careful inquiry I learned that John Shackleford, a deputy sheriff of Charles County, who had hidden a trunk full of carbines, was down at Chapel Point and designed crossing that night. His baggage was to be sent him from Port Tobacco, and I engaged to take it to him and cross in his company. Our party united in hiring a suitable conveyance and went together to Chapel Point, four miles below. On arriving there we learned that a small party together with John Shackleford had gone in a boat along shore about a half an hour previous for the purpose of intercepting the regular ferry-boat near George Dent's house. We waited at the store of a Mr. Dilahae for the boat to return. It did so about 12 o'clock, with Shackleford still aboard, they not having been in time to catch the other boat. I learned at this place that sixty had crossed at George Dent's the night previous, and just ahead of our troops who were sent there to arrest some of them. We found it very difficult to get this boat to take us over, as the parties who owned it had not been in the habit of crossing and were afraid. By paying an exorbitant price, however, we succeeded in getting a very inefficient number to manage the boat to undertake crossing with us. It is called eight miles from this point to Mathias Point, and in one hour and a half we landed safely on the opposite shore near the latter point. Mr. Cole and myself went up the [road] and discovered a house near by which we approached boldly making considerable noise in order to attract the attention of the pickets. We found the house vacant and no pickets within hailing distance. We learned from a negro woman near by that this house belonged to a Mr. Grymes, and that another Mr. Grymes owned a house half a mile below where the nearest pickets were stationed, and that the nearest pickets above were directly at the point about the same distance away. We returned to our boat and went down to the house of the other Mr. Grymes where the pickets were stationed. We were very near landing before they discovered us, and they were considerably surprised at our coming under the circumstances. * * * This place is the principal landing for Marylanders, and two boats are kept here for crossing the river. They are hidden by being drawn up the beach within the spiles driven across the mouth of a ravine. * * * I was permitted to return Wednesday night and was ferried over by George Dent, jr. * * * Captain Quincy gave me a letter to his wife and one to his brother-in-law, of Baltimore. From reading them I learn that many Baltimoreans have been going to Mathias Point by way of the Patuxent boat and Benedict and thence across the country to the Potomac. * * * Some ladies, wives of officers, have reached Virginia via Benedict and Mathias Point within the past week.

During the latter part of September and the first of October I had three other operatives in Southern Maryland in the secret service of the Government. One of them reported that on the 1st of October while at Plowden's Wharf, about sixteen miles northwest of Leonardtown, old man Wible told them that the soldiers had arrested Doctor Dent and that at the camp Dent told the officer who had him in charge that he wished to go out in the field a few minutes. The officer went out with him and Dent got over the fence into a field of corn while the officer sat on the fence waiting for him. Dent started off on a full run, the officer after him but the latter could not overtake him. He then went back to camp and had the corn-field surrounded but Dent got away. The operatives were informed on the same day in the same neighborhood by Mr. Joseph Herbert, who kept a contraband ferry, that he (Herbert) was to take Doctor Dent over the river on the morrow night. While they were at Newport near Port Tobacco Mr. George Lancaster, a secessionist, speaking of Doctor Dent said that he (Lancaster) would rather lose what little property he had there than to hear of his friend being taken prisoner; that he (Dent) had done more for the "good cause" than any other man in the country. While at Piscataway October 3 the operatives were informed that the soldiers had taken Mr. Jones, of Pope's Creek, and another man through there on the Sunday before on their way to Washington.

On the 4th of October Thomas Jones, of Pope's Creek, and Samuel G. Acton having been arrested by the Sickles Brigade and brought into camp were brought here on telegraph dispatch from Col. R. B. Marcy and confined in the Thirteenth Street Prison. Acton stated to me in prison that he was direct from Richmond and was going to Anne Arundel County to see his family. When arrested he was found hid

in the bushes with Jones. One of my operatives who was in Richmond, Va., about the 1st of October informs me that during a conversation he had with the Hon. J. P. Benjamin, Acting Secretary of War, the latter remarked to him that he had heard that a man by the name of Acton had been arrested by the Federal troops in Maryland. He said that one Acton had been charged with important business at the North for the Confederate States and he wished my operative who had gained his confidence to inquire into the matter when he came North and let him know about it when he returned to Richmond. I have to request that my operative be excused from testifying in the matter as it is impracticable for him to do so, he being now and almost constantly absent in the secret service of the Government.

Among the papers of George Dent taken possession of by Lieutenant Wilson and posse were the following:

No. 1.—Letter from G. Donnellan, headquarters Brooks' Station, July 21, 1861, to George Dent inclosing a letter addressed to Doctor Wivill, as stated, to be forwarded without delay instructing him (Wivill) how to connect with the "courier line" to be established next day from Grymes' house, Mathias Point, to the headquarters of General D. Ruggles at Brooks' Station. Dispatches of an important character he said were to come out that week to General Beauregard. He says to Dent:

> Please keep on the *qui vive* and all expense incurred shall be made satisfactory to you or any other person rendering service. Please so inform our friends and also Doctor Wivill. General Ruggles who knows of my authority has stated herein to the same effect as I represent.

Indorsement by General Ruggles:

> The bearer of this is authorized to certify bills to be paid at Richmond. All communications should be forwarded rapidly.
>
> DANIEL RUGGLES,
> *Colonel, Provisional Army, Commanding Forces.*

No. 2.—R. J. Brent, Baltimore, July 20, 1861, to George Dent. He says:

> My friends Messrs. Carson and Armistead, of this city, are going to your neighborhood on business. If they should call on you please give them every facility and attention as they are gentlemen of character and in every way worthy of confidence.

NOTE.—From the printed card at the head of the sheet on which the letter is written it would appear that Carson is a Baltimore banker and it is not unlikely that the business of himself and companion in Dent's neighborhood had some connection with Southern financial matters.

* * * * * * *

Among the papers of Thomas A. Jones taken possession of by Lieutenant Wilson were the following:

No. 1.—Letter from H. Rives Pollard, Richmond Examiner office, August 3, 1861, to Thomas Jones requesting him to have The Baltimore Sun sent to him (Jones) at Allen's Fresh and to forward it to him (Pollard) by persons coming into Virginia.

No. 2.—George F. Harbin, salesman in Meyerberg's store, 48 Market Space, Washington, D. C., writes to Jones August 8, 1861, that he is well and in fine spirits since the great victory at Manassas and expects from rumors to soon be living under another President. He thinks that Lincoln is pretty nearly played out and that one more victory in favor of the South will knock down his house.

No. 3.—Mr. S. B. Zimmerman writes to Jones from Richmond August 5, 1861, that he thinks of joining the Southern army and wants Jones

to have his tobacco carried carefully to Baltimore so that he can get the proceeds when he comes over.

No. 4.—Letter from George F. Harbin, Washington, July 8, 1861, to Thomas A. Jones. He hopes and sincerely believes that the day is not far distant when the people of the North will condemn Abe's cruel acts and hurl him from power.

No. 5.—Mr. E. L. Rogers in a note without date states that he lost a hand trunk at Grymes' while crossing the river there and wants Jones or somebody else to find it. He also discloses the fact that they transported chloroform there in jugs marked "Neat's-foot oil."

My operative who was in Richmond about the 1st of October says in his report that Captain Quincy, agent of what they called the "Underground railroad" down there via Pope's Creek, had been supplying the publishers in Richmond with New York and Philadelphia papers only two days old for the past six weeks and that he was only stopped by the arrest of certain parties at Pope's Creek.

About the 23d of August last the following letter was placed in my hands by the provost-marshal for me to operate upon:

PATENT OFFICE, *Washington, August 23, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: On yesterday a lady sent some information about a secessionist in Georgetown to General McClellan and signed her letter "A friend to her country." She withheld her name for good and satisfactory reasons but I have advised her that it is not likely any attention will be paid to an anonymous communication. She has therefore intrusted the substance of her letter to me and I hasten to send it to you:

"Rudolph Watkins is a young man residing in Georgetown who has made it his business for months past and does now to convey secessionists from this city to his uncle's house, a Mr. Gregg [Dent], in Charles County, Md., near the Potomac River, whence they are taken over to Aquia Creek and thence to Richmond. The trip takes two days. The father of this Rudolph Watkins holds an office in the Navy Department and he and his family are regarded by their Union neighbors as secessionists."

This lady is reliable and discreet and she does not withhold her name from any false modesty but only because to give it would injure the usefulness of others.

Yours, most truly,

J. VAN SANTWOOD.

On the 7th of September one of my operatives ascertained that Rudolph Watkins had stated to a young lady that he had conveyed at least fifty persons down to Charles County, Md., who were going into Virginia, and that his uncle who was a farmer near the river had conveyed them over into Virginia. On the 9th of September a lady, under an arrangement with one of my operatives, called on Rudolph Watkins and told him that she had a letter that she desired to know if he could by any means send to Richmond, Va. Rudolph replied that he would take the letter and send it. He asked if there was anything wrong in it, and she replied that there was not as far as she knew. He said his uncle's name was Dent and not Grymes; that Grymes lived on the Virginia side, and helped persons on to Richmond. She gave him 25 cents to send the letter, with which he expressed himself satisfied. He said that his uncle would get the letter over to Grymes. On the 18th of September one of my operatives had a professional interview with Rudolph Watkins, during which the latter stated that he was as good a Southern man as there was in the country, and placed himself at the service of the former, supposing him to be a secessionist fresh from the South on business of the Confederate States. He spoke as being on the best of terms with Dent, Jones and Grymes, of Pope's Creek notoriety. The next day he said he would like to go South, but the "old man" would not consent to it; that he had his uniform all ready, as

also his cousin Dent. On the 21st of September he gave my operative, whom he considered of the right stripe, a letter of introduction to a friend at Pope's Creek, of which the following is a copy:

GEORGETOWN, D. C., *September 21, 1861.*

J. M. BOWMAN, Esq., *Allen's Fresh, Md.*

DEAR JOE: The bearer of this letter, Mr. William Stephens, came across the river on Monday last and landed at Pope's Creek. Since then he has heard that the Government has sent troops down there, and fearing that Uncle George and the rest of the gentlemen living in that neighborhood may have left, he desires me to write this letter to you and beg that you will if in your power advise him what course to pursue. He has some very important papers with him that he is quite anxious about. If you can help him in any way without endangering yourself in any way you will confer a great favor upon him, for which I am sure he will be truly grateful. He certainly is all right on the question. I do not think myself that the reports he has heard are true. However, as I do not know I cannot advise. Use your own discretion and do all you can.

I remain yours, &c.,

RUDOLPH.

On the 23d of September one of my operatives learned from a reliable source that Rudolph Watkins took Lieut. Clarence Derrick, late of the U. S. Army, who resigned for the purpose of joining the Southern army, to his uncle George Dent's, near Port Tobacco, for the purpose of having him conveyed to Virginia. The informant did not recollect the exact date of the act but thought that it was since the battle of Bull Run.

On the night of the 23d of September a number of my operatives in company with a squad of the provost guard in Georgetown according to your orders proceeded to arrest Rudolph and George S. Watkins at their residence in that city, taking possession of their papers, &c. Among the papers taken possession of at the residence of the Watkinses at the time of their arrest were the following: Letter from Eleanor Dent to George S. Watkins, July 27, 1861. She says her father was perfectly charmed with the news of the defeat of the "Grand Army." Letter from H. Ashton Ramsay, step-brother of the Watkinses, dated Richmond, Va., June 8, 1861, sent by Harris Forbes who comes back for more recruits. Letter from Rudolph to his father dated at his "Uncle Todd's," June 13, 1861. He states that his uncle George is very busy conveying persons to Virginia, and that it is really astonishing how many cross from Maryland to the other side of the river.

On the 23d of September, on the developments of the letters of George F. Harbin to Thomas A. Jones (see Nos. 2 and 4) said Harbin was arrested and committed to the Thirteenth Street Prison to await further developments and for the purpose of preventing further treasonable communication in a certain direction.

From the foregoing report it appears that George Dent and Thomas A. Jones, of Maryland, and James and Benjamin R. Grymes, of Virginia, have been actively engaged up to about the 16th of September in forwarding men and contraband goods and correspondence from Maryland into Virginia near Pope's Creek, Dent at least being an authorized agent of the rebel army, and he and the Grymeses probably being still engaged in the same business on the Virginia side of the river; that Rudolph Watkins has been in active co-operation with them here forwarding men and letters to them according to his own admissions to my operatives and others whom he supposed to be secessionists; that George S. Watkins and George F. Harbin have been in correspondence and earnest sympathy if not active co-operation with them, the former inquiring about Maynard rifles here for Dent, &c., and the latter particularly violently denouncing the Federal Government in his letters and invoking the success of the rebel arms, &c.; and that the evidence in the case of Samuel G. Acton as far as it has been developed

is strongly indicative of his being a spy of the most dangerous stamp. I know of no extenuating circumstances in the case of any of the above parties.

All of which is respectfully submitted by your obedient servant,

E. J. ALLEN.

Statement of George W. Smith, of Bryantown, Charles County, Md.

The secession feeling commenced about April last, 1861. The principal leaders in the secession party and those who have aided against the Government are, first, James A. Mudd; lives about one mile from Bryantown; has been conveying men and boxes supposed to contain munitions of war from Baltimore and different counties in the State to Pope's Creek on the Potomac. The men were strangers from Baltimore and other places. Mudd paid the expenses. This has been carried on since April last. Hillary Burch, at Benedict, has been running a regular line of passengers to Pope's Creek in a wagon, carrying arms, &c., daily to Pope's Creek. Robert L. Burch, of Bryantown, has been carrying arms and ammunition to Pope's Creek in his wagon, driven by Dennis Burch. Y. Posey, of Port Tobacco, has been running a regular line from [there] taking passengers, arms and ammunition from Benedict to Pope's Creek. Thomas A. Jones, of Pope's Creek, is the man who receives the men, arms and ammunition at that place and conveys them over to Virginia in his own boat and with his own negroes. Thomas Stone, at Pope's Creek, is also engaged at the same business. Stone has also been collecting men to carry over to Virginia. Luther Martin, of Allen's Fresh, Charles County, is now daily running men and ammunition from Benedict to Pope's Creek.

The boxes containing the guns about a week ago came from Anne Arundel County, Md. Supposes at least 200 have left the neighborhood of Bryantown and been carried to Virginia to the secession army. The wagon that carried the passengers, arms and ammunition from Bryantown to Pope's Creek belongs to the cavalry company at Bryantown and is in possession of James A. Mudd.

Smith states positively that he is guilty of no intentional wrong. He admits he has acted wrong, but he did it innocently, having been persuaded that there was no wrong in what he did by Mudd and others. He most piteously asks to be discharged* by taking the oath, and declares he will be true and give information of anything that may be done against the Government in that region. I would recommend his discharge, as I think this is all that can be made out of him, and he can be used hereafter if necessary.

T. B. ROBEY.

OLD CAPITOL PRISON, *Washington, D. C., November 1, 1861.*

HON. WILLIAM H. SEWARD.

DEAR SIR: In addition to the letter I addressed to you last week I have to say to you that I am a long way from home and am among strangers and have no friends to do anything for me in the way of getting a release, and counsel prohibited. I leave my case with you and beg your honor to give me a hearing soon. You will find inclosed or attached a copy of a letter† from my wife and will see her condition.

Very respectfully,

THOS. A. JONES.

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*There is no record of the arrest of Smith other than this. †Not found.

WASHINGTON, *November 11, 1861.*

Assistant Secretary SEWARD:

I will send a statement of such facts as I am acquainted with. My husband is a native of Augusta, Me. He has been living in Baltimore for the last ten years and working at gas fitting. Last fall work was dull there. He and his family moved to Philadelphia with the hope of getting something to do, but there he met with no success. He remained until the 1st of April, when he left for Richmond, where he obtained work with Mr. Slanny, of Philadelphia, for five months when his material gave out, and he was on his way home when arrested. The winter is setting in and I have no way of supporting myself and children, and am without a home, living about from place to place without a protector. You will confer a great favor by having his case attended to and give him a trial as soon as possible as one of my children is dangerously ill and I may have to return to Baltimore in a short time.

Very respectfully,

ANNA E. ACTON.

WASHINGTON, *November 18, 1861.*

Mr. J. DENT.

DEAR SIR: I take the liberty to address you a few lines in reference to my case. I was in hopes to have heard from you before this, but not having done so I will again call your attention to the same, which you so kindly offered your services when you were to see me. I received a letter from home since I saw you and my family are still in great distress about me and say they are in hopes some kind friend will intercede and get me released so I may get home soon to relieve them of some of their troubles. I have an affectionate wife at home and eight young children all dependent upon me for protection and support; and further my wife is expecting to be confined now very soon, in a week or two at the most, which causes her more distress as well as myself; also the time has come when all farmers have to make arrangements for the next year, and if a portion of said arrangements is not made very soon it cannot be made at all; and further I have not provided any winter clothing, shoes, &c., or anything else for the comfort of the family and I cannot do it until I get released or see some one from home. Therefore I beg of you for my family's sake to use all of your influence to get me released so I may once more return home to relieve them of some of their sorrows and afflictions. I shall expect to see you in a day or two or hear from you when you will be able to give me some cheering news.

With great respect, I remain, your respected friend,

THOS. A. JONES.

P. S.—It will be eight weeks to-morrow since my arrest, which seems to me years.

T. A. J.

OLD CAPITOL PRISON, *Washington, D. C., December 5, 1861.*

His Honor WILLIAM H. SEWARD.

DEAR SIR: The condition of my family and my affairs at home generally demand of me to trouble you again in reference to my release. The crimes which I am charged with let them be true or false cannot be now remedied by imprisonment which has been now nearly three months.

There have been to my knowledge parties arrested and released since my arrest who were guilty of more serious charges than ever I was and who were better able to stand the loss of time from home, they having small or no families at all. I have since my arrest suffered much myself but that suffering is light to that of my family who are solely dependent upon me for support and many necessaries and comforts of life which they cannot get without me. I have lost between $400 and $500 worth of property which the Government has the use of now. I am a citizen of Maryland and expect to live under her laws, and am willing to take the oath of allegiance and abide by the same; therefore under the circumstances I cannot think you will turn a deaf ear to the within as many of the charges against me are utterly untrue and I defy them to be proven; therefore I appeal to you in behalf of my wife and children to have me released as soon as circumstances will admit. Your compliance with the above will receive the thanks of myself as well as of a distressed family.

Your obedient servant,

THOS. A. JONES.

WASHINGTON, *December 6, 1861.*

Hon. WILLIAM H. SEWARD.

SIR: You will do me a great favor by giving my case your earliest consideration. I have been confined in prison since September 23 without knowing what the charges against me are, and as I have several sisters depending on my labor for a support I hope you will not refuse to give me a trial. I am innocent of having committed any act against the Government. I can prove this if you will give me a trial. I have not taken part in the politics of our country. I never voted in my life, not being old enough at the last election to do so. I am a Roman Catholic, and coming from a slave district (lower Maryland) I hold as political sentiments those of the anti-Know Nothing or Democratic party. But as a mere expression of opinion is not a crime I do not see why I am made to suffer for it. If it is a crime I have sinned unknowingly. I have resided in this city for the last seven years, and the records will show that I am and have been a law-abiding citizen. I am willing and have been at any time since my arrest to take the oath of allegiance. This you have been informed of by my friend Dr. S. A. H. McKim. If you cannot find the time to investigate my case, and if it be consistent with law I would take a stringent oath of parole so that I could attend to my business, and thereby assist in supporting my family. I am a property owner to a small extent in this city, and I do not intend to leave this place (nor ever was it my intention to leave it). I hope, sir, in consideration of the situation at home and (you will find on investigating) my innocence you will grant my request.

I remain, yours, respectfully,

GEO. F. HARBIN.

WASHINGTON, D. C., *December 9, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to submit herewith the statement of Mr. George Dent, of Charles County, Md., a state prisoner now in confinement in this city, in response to certain charges which he learns from unofficial sources are the ground of his arrest. In this statement he

peremptorily denies that he has voluntarily or designedly committed any act of hostility against the Government of the United States, and frankly states the circumstances which have caused his arrest. I know Mr. Dent well and am confident that his statements are entitled to the fullest credit. The fifty years of life which have been vouchsafed to him have been spent in inoffensive retirement on his estate in Maryland and I do not believe there is a citizen of the county in which he resides who would venture to impeach his integrity or veracity.

I also take the liberty of inclosing a letter* from Mr. Thomas A. Jones, another prisoner from the same county in Maryland, in which he makes a strong appeal to the mercy of the Government. My acquaintance with Mr. Jones is slight, but as he admits in part the truth of the supposed charges against him and is willing to give any pledge which may be required for his loyal conduct in future he hopes that his imprisonment of ten weeks and other severe injuries he has suffered have sufficiently atoned for past offenses.

In conclusion permit me to express the hope that the cases of Messrs. Dent and Jones will be found fit subjects for the exercise of the paternal clemency of the Government. A native myself of the county in which these gentlemen reside, and intimately acquainted with the sentiments and characteristics of the people, may I venture to suggest the opinion that a conciliatory policy will be most effective in repressing hostility in that portion of Maryland? It is in this spirit that I invoke your kindness in behalf of Messrs. Dent and Jones.

Very respectfully, &c.,

JOSIAH DENT.

[Inclosure.]

WASHINGTON, D. C., *December 7, 1861.*

Mr. JOSIAH DENT.

MY DEAR SIR: In accordance with your request I will proceed to give a fair and honest statement of facts in reference to my case now pending before the Government authorities. I understand the charges against me to be that I voluntarily acted as an agent in conveying individuals, arms and letters across the Potomac River and thereby aided the enemies of the United States. In reply to this I have to state that although on several occasions persons were conveyed across the river it was done against my strong desire, but owing to the sentiment prevailing in the county at that time and my close proximity to the river I found it utterly impossible to resist the pressure with which I was surrounded without rendering myself obnoxious to the whole neighborhood. I can prove that on several occasions I was reproached and distrusted because I refused to allow my boat to be used in conveying persons across the river. I can prove that I several times concealed my boat and at length hauled her up and gave positive orders that she should not be placed in the water, but having occasion to leave home for a few days when I returned I found that during my absence persons had taken her and crossed the river notwithstanding my positive orders to the contrary.

With regard to letters, on one occasion only a budget of mail matter was sent to me from Virginia to be forwarded, but I firmly declined acting in any such capacity and destroyed the letters in presence of several citizens of Charles County. As to my conveying arms to the enemy I utterly repel the charge for I never crossed the river until I

*Not found, but see Jones to Dent, November 18.

heard that I was to be arrested, and so far as I know nothing of a contraband nature was conveyed across the river in my boat. So far as my loyalty is concerned I never had any intention either directly or indirectly to aid the enemies of the United States, and I positively refused to allow my son to join the Southern army at a time when numbers of the young men of the county were leaving for that purpose and although I was subjected to reproach for refusing my consent.

While in Virginia I remained in a position as near my own home as I could safely get at the house of an old lady who is a relation of mine, and where I was arrested, and strictly refrained from giving the Southern troops any aid or information whatever and also prevented my son from doing so.

With the assurance that what I have written above is a true and unreserved statement, I remain, sir, yours, truly,

GEORGE DENT.

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Hon. W. H. SEWARD.

SIR: I respectfully request an examination on your part into the grounds of arrest of Mr. George Dent, of Charles County, and if there be no adequate ground for his detention according to law I respectfully request that he be discharged. I venture to make this suggestion because Mr. Dent writes me that he knows nothing he has done worthy of confinement and he is a truthful gentleman. Of his political views I know nothing.

Very respectfully, your obedient servant,

H. WINTER DAVIS.

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DEPARTMENT OF STATE, *Washington, December 19, 1861.*

Brig. Gen. ANDREW PORTER, *Provost-Marshal, Washington.*

GENERAL: Herewith I send a letter from Peter W. Crain, esq.,* of Charles County, Md., relative to the cases of George Dent, George Dent, jr., B. J. Cross, Thomas A. Jones, G. Watkins and R. Watkins, prisoners confined in the Old Capitol Building in this city, which I will thank you to read and return to me with your opinion as to the propriety of releasing these persons on taking the oath.

I am, general, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

BALTIMORE, *December 19, 1861.*

Hon. WILLIAM H. SEWARD.

SIR: Some two months since I was introduced to you by Mr. Cowan, at which time I stated I had been requested by the wife of Samuel Acton to apply to you for his release. You were kind enough to say that General Sickles would be applied to for the nature of the charges against Acton and that an answer to my request in behalf of his wife and little children would be given me in a few days. You will excuse me, my dear sir, for thus trespassing. Acton's delicate wife continues to press upon me the case of her husband. I have known Acton for years as a good mechanic, and I understood he was in Philadelphia and then in Richmond after the 19th of April to procure work.

* Not found.

When on his way home the last time he was arrested as I understand while crossing the Lower Potomac with one Jones, and I am inclined to think had with him perhaps some remittances due to merchants here. Acting on these impressions I hoped the Government would release him if nothing else was charged against him. Believing as I do almost in the infallibility of good government sooner than in revolution, I respectfully ask that you will be kind enough to say whether there are charges that forbid his release or whether I shall again wait upon you in person. Your compliance will greatly oblige,

Respectfully,

THOS. E. HAMBLETON.

I would refer to Reverdy Johnson, Johns Hopkins and John Clark as to who the writer is, as I desire to do nothing wrong knowingly.

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BALTIMORE, *December 19, 1861.*

Hon. U. S. Attorney-General BATES.

HONORED SIR: I hope I am [not] trespassing in asking a personal kindness. Some two months ago at the request of the wife of Samuel Acton I waited upon Mr. Seward to obtain his release. Mr. S[eward] was kind enough to assure me his case would be inquired into at once. Samuel Acton I have known as a most excellent mechanic for years. During the past spring he was out of work and as I have been informed was in Philadelphia and then in Richmond, the latter place affording him good wages. On his way home to see his wife he was arrested while crossing the Lower Potomac with one Jones, and is now in prison in Washington. Further of Acton I know nothing, and as you are the only one of the cabinet that I am personally known to I will take it as a personal kindness if you have the leisure to say to Mr. Seward that you have personal knowledge of the writer. Acton's delicate wife and little children are appealing to me almost daily. If I had knowledge of any wrong intent on his part I would be the last man to raise a request in his behalf. I know he could not obtain work here after our terrible 19th of April. He was poor and had to do something, and acting upon this impression I have responded to the solicitude of his wife to ask his release if no charges are against him that forbid it. Your compliance will greatly oblige,

Yours, truly,

THOS. E. HAMBLETON.

[Indorsement.]

DECEMBER 20, 1861.

The Attorney-General directs me to say that he has some personal acquaintance with the writer of this letter and believes him to be a reliable and well-meaning gentleman. He invites the attention of the Secretary of State to this letter.

RICH'D BATES,
Chief Clerk, Attorney-General's Office.

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HOUSE OF REPRESENTATIVES, *December 19, 1861.*

Colonel KEY.

DEAR SIR: I understand that there are a number of my constituents now in prison who were the mere tools of some great men who have

been released upon taking the oath. I therefore beg you to interest yourself for them and get them out—at least on the same terms as their leaders have been released. I know you agree with me in this kind of mercy.

Yours, truly,

CHAS. B. CALVERT.

Memorandum.

DEPARTMENT OF STATE, *Washington, December 20, 1861.*

Brig. Gen. Andrew Porter, provost-marshal, in reply to letter from this Department dated December 19, reports verbally that Thomas A. Jones, George Dent, sr., and George Dent, jr., B. J. Cross, Rudolph Watkins, George S. Watkins, the prisoners mentioned in a note from Mr. Crain which was submitted to him, ought not to be discharged.

DEPARTMENT OF STATE, *Washington, December 20, 1861.*

Brig. Gen. ANDREW PORTER, *Provost-Marshal, Washington.*

GENERAL: You will please transfer* * * * George S. Watkins, Thomas A. Jones, Rudolph Watkins, Samuel G. Acton, George Dent, sr., George Dent, jr., and George F. Harbin to Fort Lafayette, New York Harbor.

I am, general, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

OLD CAPITOL PRISON,
Washington City, D. C., December 22, 1861.

Hon. W. H. SEWARD.

SIR: I beg leave to call your attention to my case again. I have been confined in prison three months without knowing what the charges against me are. I have a family of sisters depending upon my labor for a support, and as I have never violated any law that I am aware of in any manner whatever I do think it very hard that I am kept in prison when I have always been willing to take the oath of allegiance. I am ready to prove my innocence if you will grant me a trial, or even an interview with you or General Porter. I reside in this city and have never visited or corresponded with any one in the States in rebellion against the Government. I have never aided the enemies of the Government in any way whatever. I have been pursuing my business in this city for six years and the records will show that I have been a law-abiding citizen. All of this I can prove if I am allowed a trial. My friends will call on you in a day or two I hope and give you sufficient evidence of my innocence. I hope my petition may meet your early consideration and that I may be permitted to return to my home to comfort my family.

Yours,

GEO. F. HARBIN.

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* No record of the transfer can be found.

WASHINGTON CITY, D. C., *December 30, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: I was arrested on the 23d day of September and have been confined in prison since my arrest without knowing what the charges against me are. I was informed at General Porter's office at the time of my arrest that I was charged with treason, but no act was specified. If I had been informed of any charges of having committed any act of hostility against the Government I could have given you sufficient evidence of my innocence long before this time; but as it is I am entirely ignorant of what I am charged with. I have never corresponded with any one in the States in rebellion. I have never aided the enemies of the Government in any manner whatever that I am aware of. I have never been in any of the States in rebellion nor ever did I intend to go. I have been pursuing my business in this city for the last six years, and my numerous friends are ready to give you ample assurances of my integrity. I am ready and willing to take the oath of allegiance. This I have been willing to do at any time. I have a large family of sisters who are without protection or support during my absence. I trust, sir, that this my appeal may meet your favorable consideration. All I ask is a trial, for I feel sure that I can satisfy you of my innocence.

Yours, respectfully,

GEO. F. HARBIN.

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DEPARTMENT OF STATE, *Washington, January 2, 1862.*

Brig. Gen. ANDREW PORTER, *Provost-Marshal, Washington.*

GENERAL: I inclose herewith a letter* from Thomas E. Hambleton, of Baltimore, asking the release of Samuel Acton, a prisoner now in your custody. I will thank you to examine the case and return the inclosed with your report thereon to this Department.

I am, general, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

DEPARTMENT OF STATE, *Washington, January 9, 1862.*

Brig. Gen. ANDREW PORTER, *Provost-Marshal, Washington.*

SIR: Let George Dent, sr., George Dent, jr., Thomas A. Jones, Rudolph Watkins, George S. Watkins and George F. Harbin, prisoners confined in the Old Capitol Prison, be released on taking the oath of allegiance to the Government of the United States stipulating that they will neither leave the State of Maryland nor enter any of the States in insurrection against the authority of the Government of the United States, nor hold any correspondence whatever with persons residing in those States during the present hostilities without permission from the Secretary of State, and also that they will not do anything hostile to the United States during the present insurrection.†

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

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* See Hambleton to Seward, December 19, p. 872.

† General McClellan's indorsement on this order will be found on p. 858, in the State Department's memoranda relating to these arrests.

DEPARTMENT OF STATE, *Washington, January 11, 1862.*

Brig. Gen. ANDREW PORTER, *Provost-Marshal, Washington.*

GENERAL: I inclose herewith a letter* from George F. Harbin, a prisoner confined at the prison in this city. Will you please examine the case and return to this Department with your report this inclosure.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

OFFICE OF THE PROVOST-MARSHAL,
Washington, January 11, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to acknowledge the receipt of an order from you directing the release of George Dent, sr., George Dent, jr., Thomas A. Jones, Rudolph Watkins, George S. Watkins and George F. Harbin, prisoners confined in the Old Capitol. I would respectfully represent that the above-named prisoners are of the most dangerous character and have been actively engaged in furnishing information to the rebels and in transporting men to Virginia for the purpose of joining the rebel army, as also in the nightly transportation of contraband goods to the enemy; that the prisoners Dent and Jones were duly accredited agents of the rebel government for the purposes above set forth, and in the house of Dent was found a copy of the signals arranged for signaling between the Maryland and Virginia shores as appointed by the officer commanding the rebel forces at that time at Mathias Point; that the two Watkinses were unceasing in their endeavors to acquire information of the numbers, arms, positions, &c., of our army in Virginia and forwarding the same to Dent to be transmitted to the rebels. They (the Watkinses) were also engaged in sending forward to Dent contraband goods and persons for transportation to Virginia.

Knowing the extremely dangerous character of these men and the probability that untruthful representations connected with these cases had been made to you I submitted the subject of their release to Major-General McClellan, who directs that it is a military necessity that these persons should be held in custody, and I have the honor to herewith inclose to you the order for the release of the within-named parties with the indorsement thereon† of Major-General McClellan for such further action as may be deemed necessary thereon.

Very respectfully, your obedient servant,

A. PORTER,
Brigadier-General and Provost-Marshal.

HDQRS. CITY GUARD, PROVOST-MARSHAL'S OFFICE,
Washington, D. C., January 13, 1862.

Brig. Gen. A. PORTER, *Provost-Marshal.*

DEAR SIR: In the case of Samuel G. Acton, a prisoner confined in the Old Capitol Building, I have the honor to report as follows: On the 4th of October last (as I had the honor to report to you on the 26th of that month in connection with other matters) Thomas A. Jones, of Pope's Creek, and one S. G. Acton having been arrested by a detach-

* Omitted here. See Harbin to Seward, December 22 and December 30, 1861.
† See p. 858 for McClellan's indorsement.

ment of the Sickles Brigade and brought into camp were brought here on telegraphic dispatch from Col. R. B. Marcy and confined in the Thirteenth Street Prison. Acton stated to me in prison that he was direct from Richmond and was going to Anne Arundel County to see his family. When arrested he was found hid in the bushes with Jones. One of my operatives who was in Richmond, Va., about the 1st of October informed me that during a conversation he had with the Hon. J. P. Benjamin, Acting Secretary of War, the latter remarked to him that he had heard that a man by the name of Acton had been arrested by the Federal troops in Maryland. He said that one Acton had been charged with important business at the North for the Confederate States and wished my operative (who had gained the confidence of the powers at Richmond) to inquire into the matter when he came North and let him know about it when he returned to Richmond.

It will be remembered that Thomas A. Jones, the man that Acton was found concealed with, had long been actively engaged with the notorious George Dent in forwarding men and contraband goods and correspondence from Maryland into Virginia in co-operation with James and Benjamin R. Grymes on the Virginia side, Dent at least being an authorized agent of the rebel army. There is no doubt but that Acton at the time of his arrest was a spy of the most dangerous kind and ought to be kept in secure confinement until the war is over. His intimate association with Jones, the associate in active treason of George Dent, shows that he belonged to that dangerous nest of traitors, and that like them he should not be allowed to go at large while there is any opportunity for him to operate against the Federal cause. I know of no mitigating circumstances in his case. I inclose herewith the letter of Thomas E. Hambleton to the Attorney-General, required to be returned to the State Department.

Respectfully, your obedient servant,

E. J. ALLEN.

—

DEPARTMENT OF STATE, *Washington, January 15, 1862.*

THOMAS E. HAMBLETON, Esq., *Baltimore, Md.*

SIR: Your letter of the 19th ultimo to the Attorney-General has been received. In reply I have to state that it is deemed inexpedient at the present time to direct the release of Samuel G. Acton.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

OFFICE OF THE MARYLAND FIRE INSURANCE COMPANY,
Baltimore, January 16, 1862.

F. W. SEWARD, Esq., *Assistant Secretary of State.*

SIR: Your kind note of yesterday was duly received. The inclosed letter of General Dix I was about to present in person to your distinguished father, but I now inclose it merely to acquaint your father and yourself of the writer, with the request that you will please return it to me. Suffer me to say in reference to Samuel G. Acton that I have only acted in the spirit of humanity in asking either his trial or release. I know nothing of his offense. His wife comes to me in tears; her children are suffering and if he were out upon my recommendation I would require him to report to me once a week or report him to the Depart-

ment. I make this proposition, my dear sir, in that spirit which I believe would make more friends for our blessed Union than to keep individuals confined without an open charge or giving them a trial. Let all traitors be dealt with summarily.

Hoping the Government is strong enough to deal generously with humble individuals unless they stand charged openly with treason I submit this suggestion as helping to inspire that high prestige with our people which I so much desire to see in them.

Very respectfully,

THOS. E. HAMBLETON.

[Inclosure.]

BALTIMORE, *January 13, 1862.*

Hon. WILLIAM H. SEWARD.

DEAR SIR: I have the pleasure of introducing to you Thomas E. Hambleton, esq., president of the Maryland Fire Insurance Company and one of the water commissioners of this city. He wishes to see you, as he informs me, on business. I have known Mr. Hambleton from an early period after I took command of this military department and have never had any cause to doubt the sincerity of his loyalty to the Union and the Government of his country.

I am, very respectfully,

JOHN A. DIX.

OLD CAPITOL PRISON,
Washington, D. C., January 28, 1862.

General PORTER or Maj. E. J. ALLEN.

DEAR SIR: Having been a prisoner over four months I take the privilege of writing a few lines to you to solicit your sympathy, if not for myself for the sake of a distressed wife and nine children, one of which is a stranger to me it having been born since my imprisonment. If you are a father or husband and could see things in their true light I am sure you would give my case an impartial consideration and grant me a speedy release.

Located as my place was there are not twenty men in my county or the adjoining counties that would not have done the same as myself. Apart from that there are always some prejudiced persons ready to magnify things and make them as bad as possible which I have no doubt has been the case with me. I do not know who my accusers are nor do I know what the charges are, having never seen a list of the same. I have heard there were several. Some or the most of them are utterly false and I defy them to be proven. If I could have had a trial I could have satisfied you of the same. There are portions of the charges I have denied.

There are many prominent State Rights men of my county and the adjoining counties who furnished men and means for the Southern cause, went to Virginia themselves, remained some time, came back, were arrested, sent to Fort Warren and other prisons; have since been released and are now at home. Others perhaps of more prominence came home, took the oath and are now at liberty. I cannot see that my case possibly could be worse than those referred to. One of them I understood kept a regular ferry and wagon for that purpose. He left the State; took with him some of his negroes; left them South. He came home, was arrested, sent to Fort Warren, was released, and is now at home. All that I ask is that the same amnesty be granted me that has been granted others.

I understood that I was to be arrested. I went to Virginia to prevent arrest. Was in Virginia about one week. Was never in the Confederate camps or fortifications of any kind. Never gave them information of any kind. Came home to see my family. Intended to have returned in a short time only to prevent an arrest. I live in Maryland, own property in Maryland and expect to abide the laws of the same. Was arrested 24th day of September, 1861. Suffered many privations since, especially the eleven days I was in camp. Suffered much on account of the distressed condition of my family, knowing they were entirely dependent upon me. I have not heard of nor do I know of any family in Maryland whose situation has not been more comfortable than that of mine under the same circumstances. I beg of you in the name of humanity to give my case your earliest attention and grant me a speedy release.

You will find attached a letter* written by my sister which I wish you to read and consider the same. I expect to take the oath of allegiance and expect to observe the same to the strict letter of the law, which is all the best Union man of the State can do.

Very respectfully, yours,

THOS. A. JONES.

Apart from what I have suffered mentally I have suffered pecuniarily to a great extent. Say nothing about what I have lost by being from home, I have lost the following, which the Government has the use of: Two fine boats, one valuable horse, all of my oats, gun, revolver and other things I do not now remember, but I am in hopes Uncle Sam will not let me lose them. What little property I have I have worked for, every cent of. It would seem hard to lose it, besides I owe a great deal of money, and it requires all of my means and power to support my large family at the best of times.

T. A. J.

OLD CAPITOL PRISON,
Washington, D. C., February 26, 1862.

Hon. E. M. STANTON, *Secretary of War.*

SIR: I am induced by the urgent necessity of attention to my family's interests to request if admissible a release on parole for a week or ten days, for the faithful observance of which I am willing to give any pledge required. I have been a prisoner for the last five months without any knowledge whatever of the charges the Government may have against me, and every effort that I have made to obtain a hearing has been unsuccessful. I have a wife and three children residing in Baltimore entirely dependent on my exertions for their support, and the anxious desire to make some provisions for their maintenance is my only reason for asking the above-named indulgence. During the whole of last winter I resided in Philadelphia and until May, when business purely of a private character took me to Richmond.

I returned in September for the purpose of seeing my family and on my way from the banks of the Potomac I by mere chance stopped at the house of Mr. Thomas Jones, in Charles County, for whose arrest a warrant had been issued, that fact being unknown to me. The troops came while I was there and took me prisoner also though I solemnly protest that I was in no manner implicated in Mr. Jones' affairs, and from first to last have had no participation whatever in the political troubles agitating the country.

* Omitted.

Under these circumstances and in view of the almost destitute condition of my family may I appeal to you, sir, to grant me the indulgence requested above, which believe me no one could appreciate more gratefully than your obedient servant,

S. G. ACTON.

OLD CAPITOL PRISON, *Washington, February 28, 1862.*

Hon. P. W. CRAIN.

DEAR SIR: In The Star of yesterday I find an order issued by order of the President appointing two commissioners to examine our cases. One of the commissioners I find to be Maj. Gen. John A. Dix who I understand is a gentleman of liberal feelings. You will please see him and try and make a favorable impression in my behalf. I received a letter from home dated 13th instant informing me of the illness of my wife. I received a private message yesterday that she was still ill. There are several reasons why my case should be acted on favorably. First, the condition of my family; second, my services are wanted on the farm as it is now working time; third, that the Government has between $400 and $500 worth of my property; fourth, I have been a prisoner for upward of five months and the most of the time I have been confined in a room where there has been some one sick all the time, and some of the cases have been of a malignant form. The last statement can be proven by the medical attendant and supervisor of the prison which I have been confined in.

Please give the above your especial attention as it may be the last chance for some time. I am in hopes to be able to give you satisfaction for all the trouble you have taken for me.

Yours, respectfully,

THOS. A. JONES.

HEADQUARTERS PROVOST-MARSHAL-GENERAL,
Washington, March 15, 1862.

Hon. E. M. STANTON, *Secretary of War.*

SIR: Thomas A. Jones is the officially accredited agent of the rebel Government for conveying information and material thereto. In his house and that of his confederate, George Dent, sr., at Allen's Fresh, Md., were found the signal regulations then in use between them and the rebels. Jones is a most dangerous man to be at large even for the shortest length of time.

Respectfully,

E. J. ALLEN.

COMMISSION RELATING TO STATE PRISONERS,
Washington, March 21, 1862.

W. P. WOOD, Esq.,
Supt. of the Old Capitol Military Prison, Washington, D. C.

SIR: You will please discharge * * * George Dent, sr., George Dent, jr., Thomas A. Jones and George S. Watkins, prisoners confined in the Old Capitol Military Prison, on their taking the oath of allegiance to the Government of the United States.

Very respectfully, yours,

JOHN A. DIX,
EDWARDS PIERREPONT,
Commissioners.

I, Thomas A. Jones, of Charles County, Md., do solemnly swear that I will support, protect and defend the Union and Constitution and the Government of the United States as established by that Constitution against all enemies whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same any ordinance, resolution or law of any State convention or legislature to the contrary notwithstanding; and further that I do this with a full determination, pledge and purpose without any mental reservation or evasion whatsoever; and further that I will well and faithfully perform all the duties which may be required of me by law. So help me God.

THOS. A. JONES.

Sworn to and subscribed before me this 21st day of March, 1862.

JOHN A. DIX,
Major-General.

NOTE.—George Dent, sr., George Dent, jr., and George S. Watkins also subscribed to the same oath on the same day.

COMMISSION RELATING TO STATE PRISONERS,
Washington, April 1, 1862.

W. P. WOOD, Esq., *Superintendent, &c., Washington, D. C.*

SIR: You may release Mr. Rudolph Watkins upon his taking the oath of allegiance to the Government of the United States.

Very respectfully, yours,

JOHN A. DIX,
EDWARDS PIERREPONT,
Commissioners.

Case of Henry E. Johnston.

Henry E. Johnston was arrested by order of the Secretary of State September 24, 1861, at Baltimore, and committed to Fort McHenry. He was charged with being disloyal and with conveying contraband letters and information to and from the insurrectionary States contrary to the President's proclamation. An order was issued from the Department of State dated October 8, 1861, directing General John A. Dix to release Johnston on his engagement upon honor to return into the custody of General Dix at Fort McHenry if required and when notified by the Secretary of State. The said Henry E. Johnston remained upon his parole February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

Cases of Messrs. Clay, Kearny, Grubbs and others.

This person [William Grubbs] was arrested in Kentucky with some fifteen others on the 24th of September, 1861, by order of General Anderson, who represented him as one of the leading men of the company who were accused of scouring the country to persecute Union men and to enforce enlistments of men in the rebel cause. After his

arrest he was sent by order of the Secretary of State to Fort Lafayette and subsequently transferred to Fort Warren. On the 28th day of November, 1861, Grubbs was discharged from confinement on taking the oath of allegiance and binding himself to neither enter any of the States in insurrection nor hold any correspondence whatever with persons residing in those States nor transmit any correspondence between any disloyal persons nor do anything hostile to the United States during the present insurrection.

Henry G. Thurber, of Oldham County, Ky., was arrested on or about the 24th of September, 1861, by the Home Guard of Kentucky, under orders of General Anderson, charged with disloyal and seditious conduct and particularly with conspiring to levy war against the United States. After his arrest he was sent to Fort Lafayette by order of the Secretary of State and was afterward transferred to Fort Warren. On the 28th of November, 1861, Thurber was released from confinement on taking the oath of allegiance with stipulations against future misconduct.

Frank M. Crow, of Oldham or Nelson County, Ky., was arrested by the Home Guard of Kentucky, under order of General Anderson, on or about the 24th of September, 1861, while on his way, as charged, to join the rebel army, accused of disloyal and seditious conduct and especially of conspiring to levy war against the United States. After his arrest he was by order of the Secretary of State sent to Fort Lafayette and subsequently to Fort Warren. Crow was released from confinement on taking the oath of allegiance with stipulations against future misconduct, November 28, 1861, by order of the Secretary of State.

J. W. Griffith was arrested in Nelson County, Ky., by order of General Anderson about the 1st of October, 1861, and sent to Fort Lafayette. Afterward transferred to Fort Warren. Griffith with three others was on his way from Floydsburg, a community of disloyal citizens, to join the rebel army. He was released by order of the Secretary of State on taking the oath of allegiance November 28, 1861.

Anderson McDowell, of Oldham County, Ky., was arrested by order of General Anderson on or about the 24th of September, 1861, charged with disloyal and seditious conduct and with scouring the State to persecute Union men and enforce the enlistment of men in the rebel army. After his arrest he was sent by order of the Secretary of State to Fort Lafayette and subsequently transferred to Fort Warren. On the 28th of November, 1861, McDowell was released on taking the oath of allegiance with provision against going to, corresponding or aiding others to correspond with the insurrectionary States or doing anything hostile to the United States.

John W. Robards, of Harrodsburg, Ky., was arrested by order of General Anderson on or about the 18th day of September, 1861, charged with disloyal and seditious conduct, and particularly with scouring the country to persecute Union men and to enforce the enlistment of men in the rebel service cause. After his arrest he was by order of the Secretary of State sent to Fort Lafayette and afterward transferred to Fort Warren. On the 28th of November, 1861, Robards was released from confinement on taking the oath of allegiance with stipulations against future misconduct.

Stephen H. Wooldridge, of Harrodsburg, Ky., was arrested by order of General Anderson on or about the 24th day of September, 1861, charged with disloyal and seditious conduct, and particularly with scouring the country to persecute Union men and to force others to enlist in the service of the rebel cause. After his arrest he was sent by order of the Secretary of State to Fort Lafayette and afterward transferred to Fort Warren. On the 28th day of November, 1861, Wooldridge was released on taking the oath of allegiance with stipulations against future misconduct.

Joseph T. McFeal is one of a band of fifteen or twenty arrested in Kentucky on or about the 24th of September, 1861, by order of General Anderson, charged with disloyal and seditious conduct, and especially with scouring the country to persecute Union men and to enforce the enlistment of men in the ranks of the rebel forces. After his arrest he was by order of the Secretary of State sent to Fort Lafayette and subsequently transferred to Fort Warren. On the 28th of November, 1861, McFeal was discharged from custody on taking the oath of allegiance, binding himself thereby neither to enter any of the rebel States nor correspond with persons therein nor transmit any correspondence between any disloyal persons nor do anything hostile to the Government of the United States.

Joseph Back, of Marion County, Ky., was arrested by the Home Guard by order of General Anderson on or about the 24th day of September, 1861, accused of disloyal and seditious conduct, and especially of scouring the country to persecute Union men and acting in aid of persons recruiting for the rebel forces. After his arrest he was sent by order of the Secretary of State to Fort Lafayette and afterward transferred to Fort Warren. On the 28th day of November, 1861, the said Back was released from confinement on taking the oath of allegiance to the United States with stipulations against future misconduct.

William E. Kearny or Carney was arrested in Kentucky by order of General Anderson on the 24th of September, 1861, on the charge of treasonable and seditious conduct, and was by direction of the Secretary of State sent to Fort Lafayette and afterward transferred to Fort Warren. Among the offenses imputed to the set of men with whom Kearny was taken was scouring the country to persecute Union men and to enforce the enlistment of men in the rebel cause. General Anderson represented this man as one of the leaders. On the 26th of November, 1861, he was ordered to be released from confinement on taking the oath of allegiance and binding himself not to enter any insurrectionary State nor correspond with any person therein nor do any act hostile or injurious to the United States, and also that he had not paid or given and would not pay or give anything to any person for aid in obtaining his release.

Lewis S. Holsclaw, of Kentucky, near Louisville, was arrested on or about the 24th of September, 1861, by the Kentucky Home Guard under orders of General Anderson while he was on his way toward Tennessee with the alleged intent to join the rebel army. He was charged with disloyal and seditious conduct and particularly with conspiring to levy war against the United States. After his arrest he was sent by order of the Secretary of State to Fort Lafayette and subsequently to Fort Warren. On the 28th day of November, 1861, Holsclaw

was released from confinement on taking the oath of allegiance with stipulations against future misconduct.—*From Record Book, State Department, "Arrests for Disloyalty."*

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BIG HILL, MADISON COUNTY, KY., *September 25, 1861.*

Brig. Gen. G. H. THOMAS, *Commanding Camp Dick Robinson.*

SIR: I send you fourteen prisoners whom I caused to be arrested yesterday morning. They were making their way to Zollicoffer's brigade. The most of them are from Clark County, the remainder from this. They all acknowledge this to have been their place of destination with one exception, who is Col. William Harris, of this county. The colonel is ranked among the traitors of this county, but whether it was his intention to join the Southern army or not is more than I can tell. You can hear his story and do what you think best with him. I send all the arms, accouterments and ammunition belonging to the prisoners, to wit: Six pistols, two bowie-knives and four guns. I wish you to retain their arms until I come down, which will be by to-morrow morning, *i. e.*, if I get on with the organizing of the Home Guards pretty fast, which I think I will do. Madison County is all in a blaze and the Home Guards are turning out very well.

Just now the boys brought in James B. Clay, a man by name of Tipton, also William Grubbs. I got from Clay two pistols and a shot-gun. I send the whole with the guard. Lieutenant Bollen will hand you this and all the prisoners with their arms and ammunition.

In haste, yours, &c.,

W. A. COFFEY,
Major, Colonel Wolford's First Kentucky Volunteers.

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HEADQUARTERS,
Camp Dick Robinson, Garrard County, Ky., September 25, 1861.

Capt. O. D. GREENE,
Assistant Adjutant-General, U. S. Army, Louisville, Ky.

SIR: I have the honor to report for the information of the department commander that a party of Home Guards have by my direction on the road between Richmond and London, Ky., captured (night before last) Mr. J. B. Clay and fourteen others of more or less consequence (with abundant proof on their persons) on their way to join the enemy. I will send them to Louisville as soon as they are examined by the district marshal.

* * * * * * *

Very respectfully, your obedient servant,

GEO. H. THOMAS,
Brigadier-General, U. S. Volunteers, Commanding.

—

CAMP ANDERSON, KY., *September 25, 1861.*

A. H. SNEED, *U. S. Marshal, Louisville, Ky.*

DEAR SIR: I send to you Lewis Holsclaw who was arrested for bearing arms against the United States. As evidence against him I send his gun, cartridge-box, bayonet scabbard, &c. He says these things

were left with him by a friend who left him, and while thus alone he was arrested. The truth is this fellow belongs to the so-called Southern Confederacy and should be severely dealt with.

I am, very respectfully, your obedient servant,

R. W. JOHNSON,
Lieutenant-Colonel, U. S. Army.

—

CAMP ANDERSON, KY., *September 26, 1861.*

HENRY DENT, Esq.:

I send herewith four men—(1) Joseph W. Griffith, dressed in uniform and says he belongs to Captain Griffith's Ward Lancers, under the command of Col. Jack Allen; (2) Frank M. Crow, uniform cap and belongs to same; (3) Henry G. Thurber, belongs to same company; (4) Anderson McDowell, says he belongs to the Ward Lancers, that he uniformed himself and drilled on horseback.

There can be no doubt about these men at all. McDowell says all four belonged to the same company though I believe he was misled and is now very penitent. If he were released he might reform, but I am unwilling to do so but leave the case for the action of the law. Griffith is a thorough secessionist and deserves in my opinion the full extent of the law.

Yours, very truly,

R. W. JOHNSON,
Lieutenant-Colonel, U. S. Army.

LOUISVILLE, KY., *September 28, 1861.*

The PRESIDENT OF THE UNITED STATES:

A writ of habeas corpus returnable on Monday has been issued by Judge Catron in the case of James B. Clay who was arrested with fourteen others and sent here by General G. H. Thomas. I shall not resist it thinking that this course and his being placed under heavy bail for conspiracy if not for treason will produce a good effect.

ROBT. ANDERSON.

—

DEPARTMENT OF STATE, *Washington, September 28, 1861.*

General ROBERT ANDERSON, *Louisville, Ky.:*

Your message received. Consult James Guthrie immediately and unless he advises to the contrary, or in his absence James Speed, disregard the habeas corpus and send the prisoners under guard to-night to Indiana and forward them direct to Fort Lafayette.

By direction of the President:

WILLIAM H. SEWARD,
Secretary of State.

—

LOUISVILLE, *September 29, 1861.*

Hon. W. H. SEWARD, *Secretary of State:*

The course pursued was taken after advising with Mr. Guthrie and Judge Catron. Mr. Speed says he agrees in that opinion. I retain all the prisoners because I am informed that the evidence of some of them is essential in establishing the fact of the guilt of J. B. C[lay].

R. ANDERSON.

LOUISVILLE, KY., *October 1, 1861.*

The PRESIDENT:

What shall I do with the Clay party prisoners? Major Coffey recommends the discharge of four. * * *

R. ANDERSON.

WASHINGTON, *October 1, 1861.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette:*

Receive prisoners from Brigadier-General Anderson, of Kentucky.

WILLIAM H. SEWARD,
Secretary of State.

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND,
Louisville, Ky., October 1, 1861.

COMMANDING OFFICER,
Fort Lafayette, New York Harbor.

SIR: I have the honor to send herewith papers in the cases of * * * Lewis Holsclaw, Griffith, Crow, Thurber, McDowell, Joseph Back, Robards, Wooldridge and McFeal arrested under circumstances showing that they were on their way to join the rebel army. Together with the men above named I also send Carney [Kearny] and Grubbs, prisoners arrested by order of General Thomas, taken with arms in their hands. Witnesses were sent on with these men, but the ring-leader, James B. Clay, having been released on giving bail no investigation was made by the court in these cases. General Thomas will be instructed to send on an abstract of the testimony in these cases with a list of the witnesses.

Respectfully, your obedient servant,

ROBERT ANDERSON,
Brigadier-General, U. S. Army, Commanding.

HEADQUARTERS, *Louisville, Ky., October 2, 1861.*

Secretary WILLIAM H. SEWARD, *State Department:*

Telegram* too late. Kearny and Grubbs, the leading men, are on their way North. Acting under the advice of all the prominent Union men here I discharged the others upon their taking a very strong oath. Their rearrest (now impracticable as they have left the city) would have a very injurious effect. Many men lately prominent against us are being won to our side by the course we have adopted. I shall send on all who in my opinion would not be faithful to their oaths. Twelve such are sent to-day with Kearny and Grubbs.

ROBT. ANDERSON,
Brigadier-General, Commanding.

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND,
Louisville, Ky., October 3, 1861.

Hon. W. H. SEWARD, *Secretary of State.*

SIR: I have the honor to send herewith two letters in regard to four men of the party sent off this morning. I did not receive this letter

* Not found.

until after the departure of these men. I think that a judicious use of the pardoning power upon the parties taking the oath will do much good.

Respectfully, your obedient servant,

ROBERT ANDERSON,
Brigadier-General, U. S. Army, Commanding.

[Inclosure No. 1.]

LOUISVILLE, *October 2, 1861.*

General ANDERSON.

DEAR SIR: Mr. Verneigerholz is a neighbor of mine who wishes to make inquiries about some men, Messrs. Griffith, Crow, Thurber and McDowell, who have been arrested. Mr. V[erneigerholz] is a loyal citizen and he thinks a good effect would be produced in the neighborhood by liberating them on taking the oath of allegiance. I believe myself they would stay at home and behave themselves.

Yours, very respectfully,

NOBLE BUTLER.

[Inclosure No. 2.]

LOUISVILLE, KY., *October 2, 1861.*

General ROBERT ANDERSON, *Louisville, Ky.*

DEAR SIR: Joseph Griffith, F. M. Crow, Henry Thurber and A. McDowell have been arrested in Nelson County, Ky., as I understand making their way to the so-called Confederate Army. They started from Floydsburg, Oldham County, Ky., heretofore a community of disloyal citizens, upon whom a release of the prisoners would exert a good effect; besides I am confident their discharge from arrest upon taking the oath of allegiance will make them good and loyal citizens. Messrs. E. D. Hobbs, J. B. O'Bannon and many other loyal citizens will vouch for the above statements.

Very respectfully, your obedient servant,

C. THEODORE VERNEIGERHOLZ.

I know of no more intolerant (I mean intolerance of a healthy kind) Union man than Mr. Verneigerholz and when he pleads for a secessionist there must be valuable reasons for it. Edward D. Hobbs and J. B. O'Bannon have both been urgent with me for the conditional release of the men named above and I cheerfully and cordially join in the request.

T. S. BELL.

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND,
Louisville, Ky., October 3, 1861.

Hon. SECRETARY OF STATE, *Washington, D. C.*

SIR: I have the honor to inclose herewith a petition for the release of certain state prisoners.

I am, sir, very respectfully, your obedient servant,

O. D. GREENE,
Assistant Adjutant-General.

[Inclosure.]

LOUISVILLE, KY., *October 2, 1861.*

General ROBERT ANDERSON.

DEAR SIR: The undersigned, loyal Union men of Jefferson and Oldham Counties and of the city of Louisville, would respectfully petition

, ou in favor of the release of the U. S. prisoners Joseph Griffith, F. M. Crow, Henry Thurber and A. McDowell, citizens of our neighborhood, some of us residing within a mile or two of them. We would state that they are all young men who took the step with which they are charged in haste, not properly weighing the character of the offenses they were about committing, and from what some of us know of our personal knowledge and others of us from what we have heard from reliable sources we believe they are heartily sorry for what they have done and would willingly take the necessary oath and if required give security for their loyalty and good behavior, and we believe the exercise of clemency toward these misguided young men would do no harm to the cause of the United States but on the contrary would have a good effect in the neighborhood in which the said prisoners reside. We would be very far from intending in this step to do anything which would seem unbecoming or officious on our part, but make this appeal believing that the grant of our petition would prove of great service to these misguided young men and of service to our country.

Very respectfully,

EDW. D. HOBBS.
C. THEODORE VERNEIGERHOLZ.
EDWIN BRYANT.
[AND FIFTEEN OTHERS.]

—

FORT HAMILTON, *New York Harbor, October 5, 1861.*

Col. E. D. TOWNSEND,
Asst. Adjt. Gen., Hdqrs. of the Army, Washington City, D. C.

SIR: I have received the following-named persons as prisoners from Lieutenant Ely, from General Anderson's command. They are now confined in Fort Lafayette: W. E. Wright, W. E. Kearny, J. T. McFeal, J. W. Griffith, Anderson McDowell, William Grubbs, J. W. Robards, F. M. Crow, H. G. Thurber, S. H. Wooldridge, G. P. Pressby, E. Payne, L. S. Holsclaw, Joseph Back.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, U. S. Army, Commanding.

—

FORT HAMILTON, N. Y., *October 7, 1861.*

Col. E. D. TOWNSEND,
Asst. Adjt. Gen., Headquarters of the Army, Washington.

SIR: Inclosed you will please find package of papers* and bank notes handed to me by Lieutenant Ely, who came in charge of prisoners sent here by order of General Robert Anderson, commanding Department of Kentucky. * * *

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

—

DEPARTMENT OF STATE, *Washington, October 9, 1861.*

Brig. Gen. ROBERT ANDERSON, *Louisville, Ky.*

GENERAL: Your letter of the 3d instant inclosing a petition for the release of the prisoners Joseph Griffith, F. M. Crow, Henry Thurber

* Not found.

and A. McDowell has been received. Will you have the kindness to inform me in whose custody they are held?

I have the honor to be, general, your obedient servant,

WILLIAM H. SEWARD.

—

FORT LAFAYETTE, *October 13, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington, D. C.*

DEAR SIR: I have been lodged in this fort and beg to address you in reference to my release. I was arrested by the Home Guard below Lebanon, Ky., on 18th of September; was conveyed to Louisville. There I employed a counsel and my trial was appointed for 2d of October. Early in the morning of that day before day I was removed to Indiana and from there sent here without being allowed my trial or an interview with my counsel, George A. Caldwell, esq. When arrested I was on my way to work with farmer V. T. Smith, of Dripping Spring, as per agreement with him. I have never carried arms in any cause, being afflicted with white swelling for seven years past and now suffering with it, but least of all would I carry arms against the United States as I am and always have been a Union man and have voted the Union ticket at last election and always would. I have a mother and two sisters depending on me for their support and I beg that you will release me so that I may do so, and I am willing to give all the assurances I can to the Government that it may require. An answer to this would be a great favor.

Very respectfully,

J. W. ROBARDS.

—

FORT LAFAYETTE, *October 13, 1861.*

Hon. W. H. SEWARD.

DEAR SIR: I was arrested by the Home Guard of Kentucky 24th of September on my way to my home, from which I was but a short distance, and taken to Louisville via Camp Dick Robinson. At Louisville I engaged as counsel George A. Caldwell, esq., and my trial was appointed for 2d of October but before daylight on that day I was taken to Indianapolis and sent here. I was and am willing to give security for any charge that may be brought against me. I reside in Madison, Ky., and have a family depending on me. I have never carried arms and am unable, my right arm being useless. I was fifty-one years of age last January and am physically unable to endure this imprisonment and hard fare. I am a Union man and will be glad of an opportunity to take the oath.

Hoping that you will kindly and quickly order my return home, I remain, yours, respectfully,

WM. GRUBBS.

—

DEPARTMENT OF STATE, *Washington, October 18, 1861.*

Hon. JOSEPH HOLT, *Washington.*

MY DEAR SIR: Will you do me the favor to call at the State Department to-day? I wish to make some inquiries respecting the cases of Grubbs and Robards.

Very truly, yours,

WILLIAM H. SEWARD.

[No date.]

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: In compliance with Mr. Kearny's wishes—whom I know to be a friend of the Government—I herewith forward his communication to your excellency, trusting it may effect his release from Fort Warren.

Very respectfully, yours,

E. B. WILDER.

[Inclosure.]

FORT LAFAYETTE, *October 21, 1861.*

Mr. E. B. WILDER, *Newark, N. J.*

DEAR SIR: After my compliments to you I would say that if you go to Washington I want you to see Mr. Seward and do what you can for my release. I was arrested in Kentucky by the Home Guards in my own neighborhood. I had never taken up arms against the Government nor did I ever anticipate doing such a thing. I am a plain farmer, and have no desire to interfere with the politics of the day. I have always been for peace, and that is the height of my offending. There were fourteen others arrested in my neighborhood, and all have been discharged by taking the usual oath, and I would be willing even to remain in the Northern States till released by the Government if it was required of me. You will please show this letter to Mr. Seward or any officer of the Department. I have a large family dependent upon me for a support, and I do not think the Government can possibly have any object in keeping me here as I have no influence, and if I had it should be exercised in behalf of the Government; and if it is not consistent with the views of the Department to release me from this fortress they will confer a favor by letting me know the nature of the charges preferred against me so that I can prepare my defense.

I remain, yours, with great respect, &c.

W. E. KEARNY.

ASHLAND, NEAR LEXINGTON, KY., *October 22, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, &c.*

DEAR SIR: I presume it is somewhat unusual for you to receive a letter from one who has been himself accused of conspiracy and treason against the United States Government, but I believe that the slight acquaintance I have had the honor to have with you will induce you to put some faith in the truth of the statement I am about to make to you.

On the 24th of September I was arrested in an adjoining county. At the time of my arrest two men, both married, were arrested with me, both men returning to their homes where they would certainly have gone but for the arrest. With fourteen others they were sent to Louisville with me. Upon my discharge on bail fourteen of the sixteen prisoners were released on taking the prescribed oath. Of the two arrested with me one was released with the other thirteen, all taking the oath of allegiance. The other, an old man of sixty years ready and willing to take the same oath who had been arrested as I have before mentioned, married and on his way to his home, has been sent on and is I understand now confined at Fort Lafayette. The name of this man is William Grubbs. He is very poor; has left a wife and several children dependent on the charity of his neighbors. He has been no leader and is not competent to be a leader of rebels. I ask as a personal favor that this man may be discharged and sent home to his family if in your judgment the statement I have made does not entitle him to it of right.

I am, very respectfully, your obedient servant,

JAMES B. CLAY.

DEPARTMENT OF STATE, *Washington, October 29, 1861.*

MADISON C. JOHNSON, Esq., *Lexington, Ky.*

SIR: Herewith I transmit to you a copy of a communication* received at this Department in reference to the case of William Grubbs who was arrested in Kentucky and is now a prisoner at one of the military posts of the United States. Will you please examine the case and report to me whether in your judgment there is sufficient reason for detaining him as a treasonable or dangerous person?

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

—

VERNON, IND., *November 1, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: Feeling a deep and abiding interest in the perpetuity of our glorious Union and wishing and trusting that justice may be meted out and the full penalty of the law be enforced upon its enemies, yet I think in some cases persons have been arrested and conveyed to Fort Lafayette without intentionally having done anything to the detriment of the Union cause. And I write you at this time in reference to one such person. I refer to Mr. William E. Kearny who is at present confined at Fort Lafayette. He with seventeen others was arrested near Lexington, Ky., the last of September and conveyed to Louisville and tried (or an examination had) and all released save him, and from all I can learn he would have been released had it not been for the testimony of one Curtis Knight, who has ever been a bitter enemy to him and his family. And as a large family are dependent upon him for their support, and believing most sincerely that if an opportunity were given him he would take the oath of allegiance and faithfully abide by it and return home to fulfill his duties to his family in providing for their comfort [*sic*]. His father-in-law, Francis Emerson, is one of the staunchest Union men in Clark County, Ky., as are all of Mr. Kearny's brothers. Being a brother-in-law of his I speak that which I know to be correct.

In conclusion, believing that if you will give this case an examination the dictates of humanity will prompt his discharge upon his taking the oath, I would most respectfully urge upon behalf of his family (as well as my own) that he may be offered his discharge. Will you be so kind as to give this matter your early attention and inform me of the result as soon as convenient, as his family most anxiously desire to learn something in reference to his case?

I am, most respectfully, your obedient servant,

R. H. NEWCOMB.

—

SAINT LOUIS, MO., *November 4, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington.*

DEAR SIR: In passing through Louisville, Ky., I conferred with a number of prominent Union men as to the propriety of discharging all or any of the prisoners recently confined in Fort Lafayette, and I found their convictions very decided and earnest against such a step. The arrest of these traitors has done immense good in Kentucky and has given the Government a prestige for determination and power which

* Omitted; see Clay to Seward, October 22.

would be destroyed by this retrograde movement at a time when the invading enemy is still upon the soil of the State. This is the general if not the universal sentiment.

I believe it was J. B. Clay who wrote you urging the discharge of Grubbs. Upon inquiry I am assured that his case is of a most aggravated character. The appeal I believe is made to you in the name of his wife and children, whom, however, he himself did not hesitate to abandon in order that he might scour the country for the purpose of persecuting Union men. Dr. T. S. Bell, of Louisville, is acquainted with the facts and I have asked him to communicate them to you. The doctor is one of the purest, truest and most gifted of the friends of the Government in our State and whatever he says on the subject may be accepted as worthy of all credit.

Very sincerely, yours,

J. HOLT.

NORTHERN BANK OF KENTUCKY,
Lexington, November 9, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: In compliance with the request contained in your communication of the 29th ultimo I have endeavored to ascertain whether or not there is sufficient reason for detaining William Grubbs as a treasonable or dangerous person, and as the result of my inquiries would report: That W. Grubbs is between fifty and sixty years of age, poor, with a family; that he is by universal consent a bad and worthless man, and that when arrested he was about attempting to join Zollicoffer; that he is of no value to his family on account of his worthlessness. Being so low in moral and mental attributes I think it dignifies him far too much to retain him as a state prisoner unless you can confine him in some penitentiary and set him to work. I do not regard him as dangerous to the Government but as very disagreeble to all his neighborhood, and hence no effort was made by any one to have him released in Louisville.

Respectfully,

M. C. JOHNSON.

DEPARTMENT OF STATE, *Washington, November 16, 1861.*

M. C. JOHNSON, Esq., *Lexington, Ky.*

SIR: Your report in the case of William Grubbs has been duly received and I thank you for attending to the request so promptly

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

NEW YORK, *November 24, 1861.*

F. W. SEWARD, *Assistant Secretary of State.*

SIR: I wish to make report to you in relation to several political prisoners arrested in Kentucky who are in my judgment proper cases to be considered together.

First. William Grubbs, of Madison County, Ky.; fifty-five years old; has no property; has a wife and two children; no education and little intelligence. He is disabled in the right shoulder and could not be

a belligerent if he would and has not the sense or position to make him a dangerous conspirator; is willing to take the oath of allegiance.

Second. Henry G. Thurber, Oldham County, Ky., eighteen miles from Louisville; twenty-six years old; carpenter by trade; was going South because (as he says) he feared he would be arrested as he had voted the State Rights ticket. Probably he was going to enlist, because he did not feel safe in Kentucky after the arrest of Governor Morehead. He is now willing to take the oath of allegiance.

Third. Frank M. Crow, Oldham County, Ky.; twenty-four years old; has a wife now in Kentucky; no property and no influence. His case is just the same as Thurber's in all respects. Will take the oath.

Fourth. Joseph W. Griffith, Oldham County, Ky.; thirty-six years old; no family; journeyman cabinetmaker. Was going to Tennessee because as he says "I was informed that I was to be arrested for having some time before belonged to the State Guard, which was disbanded." Says he joined the State Guard supposing he would be paid and was to defend Kentucky. When it was disbanded found he was mistaken. Will take the oath.

Fifth. Anderson McDowell, Oldham County, Ky.; forty-eight years of age; no wife, four children. A farmer, on shares, owning no land or other property. Was going South for the reason as he says that he feared arrest, having voted State Rights in the election. His politics are—to go with the people of Kentucky. Will take the oath.

Sixth. John W. Robards, of Harrodsburg, Ky.; twenty-one years old; is ignorant. Has supported his mother and two sisters as well as he could by working at farm work for wages. When arrested he says he was going to Warren County to get work. Has little intelligence and no politics. In no respects a dangerous man. Will take the oath. Says he always was ready to take it.

Seventh. Stephen H. Wooldridge, Harrodsburg, Ky.; twenty-nine years old; no family; occupation, overseer of farm work on plantation; no property; works for wages; been some time out of employment and is destitute. When arrested he was from home, going as he says to see if he could get work. Thinks the old Government better than the new one. This man has more sense than the last, but is a very common man. Never had any objection to taking the oath; has none now.

Eighth. Joseph T. McFeal, of Harrodsburg, Ky.; thirty-seven years old; has wife and four young children; journeyman cabinetmaker. When arrested was going South because as he says he was informed and believed that all of his political opinions were to be imprisoned. Wished the Union preserved then and now, but agreed with Governor Morehead in thinking that it could only be done by concessions. Left home from fear, and would be glad to take the oath as he would now be safe in Kentucky.

Ninth. Joseph Back, Marion County, Ky.; forty-four years of age; millwright by trade; does jobs and farms a little on hired land; has wife and four children; very poor; no property of any kind. This man is very stupid. Says he when drunk started South with some other men. When he got sober backed out and went home and was arrested at his home. Has not the sense to understand the meaning of the contest. Will take the oath.

Tenth. Lewis S. Holsclaw, or Hetzclaw, or Hodsclaw. He does not know how to spell his name. From near Louisville; thirty-two years old; no family; carpenter by trade; very little property and no intelligence or influence. When arrested says he was going to Hickman to visit friends, but probably was going to Tennessee. Never was in favor

of Kentucky going out of the Union of her own accord, but thought she would be conquered. He is of no account at home or elsewhere, except for a soldier. Will take the oath.

These men were all arrested by the Home Guard of Kentucky when it was under general orders to arrest; most of them by Home Guards who did not know who they were. All were probably arrested upon the supposition that they were disloyal and were going South, and it may be that they were disloyal. I do not think that now there would be any danger in setting them at liberty. They are very inferior men. They are not conspirators and have no influence in society. I think we can fill all our forts and prisons with much better men who are much more dangerous than they. They are of no use as hostages on whom to execute the *lex talionis*, for if they were hanged few would know it and fewer still would care. Unless they can be made available in an exchange of prisoners where the rate was man for man they should be set at liberty.

I am, very respectfully, yours,

S. C. HAWLEY.

P. S.—I should include William E. Kearny, arrested in Clark County, Ky., in the above list but I am embarrassed by the circumstance that Hon. William H. Ludlow* has contrived to make himself the solicitor of Mr. Kearny (and several others) upon conditions that he (Ludlow) is to receive pecuniary compensation for getting them their liberty. This would look so much like selling the clemency of the Government that I am not disposed to forward the speculation. Yet to exclude him for that reason may not be just. What should be done in such a case?

S. C. H.

—

DEPARTMENT OF STATE, *Washington, November 25, 1861.*

SETH C. HAWLEY, Esq., *New York:*

Where are the Kentucky prisoners mentioned in your report of the 24th?

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, November 26, 1861.*

SETH C. HAWLEY, Esq., *New York.*

SIR: I have received your report in the cases of Grubbs, Thurber, Crow, Griffith, McDowell, Robards, Wooldridge, McFeal, Back, and Holsclaw, together with your remarks in the case of W. E. Kearny. In reply I have to state that I have directed the release of all but Kearny upon condition that they take the oath of allegiance and engage not to enter any of the insurrectionary States nor hold any correspondence with persons residing therein and that they will not do any act hostile or injurious to the Government of the United States. I have also directed the release of Kearny with the additional condition that he will not pay to any person whomsoever any sum of money as a fee or otherwise for procuring his discharge or for interceding in his behalf. These orders I have forwarded to John S. Keyes, esq., the U. S.

* For Seward to Dimick and Burke and Loomis, November 26, revoking Ludlow's permit to visit prisoners, see p. 151; also see letter of Seward, November 27, to same officers, p. 153.

marshal at Boston, and have requested him to communicate with the prisoners at Fort Warren and inform them that this Department will not recognize any one as an attorney for political prisoners and will look with distrust upon all applications for release through such channels, and that such applications will be regarded as additional reasons for declining to release the prisoners. He has also been requested to inform them that if they have any communication to make to the Government they are at liberty and are requested to make it directly to this Department. I will thank you to visit the prisons in New York Harbor and make similar communications to the persons there confined. I have also to inform you that the pass which was granted to Mr. Ludlow has been revoked.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, November 26, 1861.*

Col. JUSTIN DIMICK, *Fort Warren, Boston.*

SIR: Let William E. Kearny, a prisoner confined in Fort Warren, be released on taking the oath of allegiance to the Government of the United States stipulating that he will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State; and also that he will not do anything hostile to the United States during the present insurrection. Further that he has not paid and will not pay to any person a fee or give to him anything of value as a condition for interceding for his liberation. I transmit this order to John S. Keyes, esq., U. S. marshal, who has been instructed by this Department to cause a police examination to be made in some cases of the persons and baggage of prisoners discharged from custody to the end that no correspondence or other improper papers be conveyed by them to persons outside the fort.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

NOTE.—Same order concerning prisoners Frank M. Crow, Anderson McDowell, William Grubbs, Lewis S. Holsclaw, Joseph Back, Stephen H. Wooldridge, Joseph T. McFeal, John W. Robards, Henry G. Thurber and J. W. Griffith.

—

U. S. MARSHAL'S OFFICE, *Boston, November 28, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to report that I received the orders for the discharge of eleven political prisoners at Fort Warren and duly executed them, they all taking the oath of allegiance and the stipulations required, and one A. Robert Carter, who declined day before yesterday, to-day accepted the conditions and was released. I communicated to all the political prisoners your instructions as to the employment of attorneys but did not to the prisoners of war, at the suggestion of Colonel Dimick. If you desire it I will make the communication to them at my next visit. * * * Many of these prisoners discharged this week have no money or means of returning to their homes and must depend

on charity to get to their friends. The hardship of some such cases induced me to ask if the Department will give any directions by which they can be relieved.

And I have the honor to be, very truly, your obedient servant,

JOHN S. KEYES,
U. S. Marshal, Massachusetts District.

NEW YORK, *November 28, 1861.*

F. W. SEWARD, *Assistant Secretary of State.*

SIR: I am this day in receipt of the letter from the Secretary of State announcing the release of certain prisoners from Fort Warren, and also the action in the case of W. E. Kearny. Please inform the Secretary of State that I will immediately advise the prisoners in Fort Warren of the matter. * * *

I am, very respectfully, yours,

SETH C. HAWLEY.

FORT WARREN, *Boston Harbor, November 28, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington.*

SIR: I have the honor to forward the oaths of the following-named persons who have been released by your directions, viz: * * * S. H. Wooldridge, Henry G. Thurber, Joseph Back, Frank M. Crow, L. S. Holsclaw, J. W. Griffith, Anderson McDowell, William Grubbs, J. W. Robards, J. T. McFeal, and W. E. Kearny.

I am, sir, with highest respect, your obedient servant,

J. DIMICK,
Colonel First Artillery and Brevet Colonel, Commanding Post.

[Inclosure.]

I, W. E. Kearny, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States against all enemies whether domestic or foreign, and that I will bear true faith, loyalty and allegiance to the same any ordinance, resolution or law of any State convention or legislature to the contrary notwithstanding; and further that I do this with a full determination, pledge and purpose without any mental reservation or evasion whatsoever; and further that I will well and faithfully perform all the duties which may be required of me by law, hereby stipulating that I will neither enter into any of the States in insurrection against the Government of the United States nor hold any correspondence whatever with persons residing in those States nor transmit any correspondence between any disloyal persons without permission from the Secretary of State; and also that I will not do anything hostile to the United States during the present insurrection. Further that I have not paid and will not pay to any person a fee or give to him anything of value as a consideration for interceding for my liberation. So help me God.

W. E. KEARNY.

Sworn to and subscribed before me this the 28th day of November, A. D. 1861, at Fort Warren, Boston Harbor.

J. DIMICK,
Colonel First Artillery and Brevet Colonel, Commanding Post.

NOTE.—On the same date F. M. Crow, H. G. Thurber, J. W. Griffith, J. T. McFeal, Joseph Back, J. W. Robards, William Grubbs, Anderson McDowell, S. H. Wooldridge and L. S. Holsclaw subscribed to the same oath.

Case of John C. Stovin.

This individual [John C. Stovin] is an Englishman by birth and the first that is known of him in this country he came to Cumberland, in the State of Maryland, to reside about the year 1854, where he married the daughter of Dr. George Lynn and settled as a permanent dependent of his said father-in law. He left Cumberland about the year 1856 and it is understood that he went to Illinois and was absent from Cumberland about two years, when he returned again to the house of his said father-in-law and resumed his dependence upon him and continued the same until his death in 1860. From that time he remained a burden upon the widow and family of his said deceased father-in-law until the time of his arrest as hereinafter stated. On the 16th day of July, 1859, this Stovin declared his intention to become a citizen of the United States and made oath renouncing forever his allegiance to Queen Victoria in the circuit court for Allegany County, in said State of Maryland, according to the form of the statute provided in the case of citizens or subjects of other countries desiring to become citizens of the United States. From the outbreak of the rebellion in December, 1860, he has been a secessionist and a sympathizer with the rebellion and his associations have been with persons of like sentiments, so that he incurred the dislike and suspicion of all the loyal people of Cumberland. In the summer of 1861 when Colonel Wallace, of the Eleventh Indiana Volunteers, had his regiment stationed at Cumberland a detachment of said regiment under Captain Lyman was directed to perform some duty at the house of Josiah H. Gordon, a disloyal member of the house of delegates, and Stovin came there while he was engaged in such duty and interrupted the performance thereof and was arrested by the said Captain Lyman and detained for two or three hours, when he was discharged, and he thereafter boasted that he would make a claim through the British minister against the Government of the United States and recover a large amount of damages for said arrest by Captain Lyman. He also threatened to poison a spring from which the said Eleventh Indiana Volunteers used the water, and in frequent seditious conversations constantly justified the rebels of the insurrectionary States in their rebellion, during all which time the said town of Cumberland was threatened by the rebel forces and frequent alarms were spread among the inhabitants of immediate attacks, and great insecurity was felt owing to the presence in town of many sympathizers with the rebels of whom Stovin was notorious. Wherefore it was deemed judicious as a precautionary measure to take the said Stovin into custody, which was accordingly done by direction of the Secretary of State on or about the 8th of October, 1861, and he was soon after placed in confinement at Fort McHenry. He immediately appealed to the British minister to interfere for his release but more especially to urge a claim in his behalf against the Government of the United States for damages by loss of property and interruptions of business by reason of his arrest and detention to a large amount, while the fact was that he never possessed property to the value of a dollar nor was ever engaged in any business

on his own account nor ever had credit or character enough to establish him in any business. The apparent danger of rebel attacks and of seditious uprisings having passed away and the consequent necessities for the detention of Stovin having therefore ceased he was at the instance of the British minister discharged from custody on or about the 13th day of November, 1861, and the said minister informed thereof.—*From Record Book, State Department, "Arrests for Disloyalty."*

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DEPARTMENT OF STATE, *Washington, September 28, 1861.*

Maj. Gen. N. P. BANKS, *Darnestown, Md.*

GENERAL: I inclose herewith to you information* which has been placed in my hands relative to J. C. Stovin, of Cumberland, Md., and will thank you to examine his case and inform me whether, in your judgment, it would be feasible to arrest him. Please preserve and return these papers to this Department.

I am, general, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

CUMBERLAND, MD., *October 8, 1861.*

F. W. SEWARD, Esq., *Assistant Secretary of State.*

SIR: This morning a party of cavalry from Williamsport arrested John C. Stovin. If you wish to secure more of the rebel bands in this section of our State place Stovin in solitary confinement, when he no doubt will implicate some of those whose names I give below, men who have used him to act the spy and letter agent. Those men I have no direct legal means to convict, but Stovin no doubt has.

With the sole wish to serve my country, very obediently,

DAVID TAYLOR.

W. W. McKaig, attorney; Dr. R. S. McKaig, merchant; C. A. Thruston, attorney; Thomas Devecmon, attorney; John P. Roman, attorney; Dr. G. Stubblefield, nothing; Judge Perry, circuit court; James M. Schley, attorney; Samuel Smith, attorney; Dr. T. A. Healey, physician; Dr. B. A. Daugherty, physician; Michael Trieber, hotel keeper; Ashriel Willison, horse dealer; William Blake, merchant tailor; Capt. C. H. McBlair, late U. S. Navy; Daniel Wineon, canal supervisor.

P. S.—I may be mistaken in some of those men, but they are an installment of a party who with Stovin have met at the Revere House, kept by Michael Trieber, and have kept up no doubt a rebel mail running. Stovin is a shallow knave, and could be very easily made to convict a large number of the traitors here.

D. T.

—

DEPARTMENT OF STATE, *Washington, October 11, 1861.*

Maj. Gen. N. P. BANKS, *Darnestown, Md.:*

Send John C. Stovin to Fort McHenry.

WILLIAM H. SEWARD.

*Not found.

DEPARTMENT OF STATE, *Washington, October 11, 1861.*

Maj. Gen. JOHN A. DIX, *Baltimore, Md.*

GENERAL: I have directed that one John C. Stovin, arrested by a party of cavalry at Williamsport, Md., be sent to Fort McHenry for reasons which are given in a communication from David Taylor, esq., Cumberland Md., a copy of which I inclose to you. Will you please examine the case and report to me as soon as you conveniently can your opinion upon it.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CONFIDENTIAL.] DEPARTMENT OF STATE,
Washington, October 18, 1861.

Right Hon. LORD LYONS, &c.

MY LORD: I have the note of Consul Bernal which you unofficially placed in my hands.

John C. Stovin on the 16th of July, 1859, in the State of Maryland, on oath in open court renounced his allegiance to every foreign prince, potentate or sovereignty whatever and particularly to Queen Victoria. With your passport in his hand countersigned by me he was found on the 10th day of this month actively engaged in seditious proceedings to foment the insurrection in the State of Maryland which has only been prevented by the presence of a large military force and the erection of extensive fortifications. The public safety requires that for the present he remain in custody. He is confined at Fort McHenry under a suspension of the writ of habeas corpus. I shall not lose sight of the prisoner's case nor allow him to remain unnecessarily long in custody.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., October 18, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have examined the case of Mr. John C. Stovin so far as any examination is practicable. There is nothing against him except the allegations contained in the letter of Mr. David Taylor herewith returned. Mr. Stovin, who is a British subject as I suppose, states that he was the agent of a company whose operations have been suspended by the war; that he has been waiting for the reopening of the Baltimore and Ohio Railroad; that he knows all the parties in Mr. Taylor's letter; that he has never met them at the Revere House except casually; that he has never been engaged in transmitting or receiving letters to or from Virginia, and that he has never taken any part in the contest now in progress between the Government of the United States and the Confederate States which are in insurrection against it. There is no evidence to rebut this statement or to sustain that of Mr. Taylor. He says that he and Mr. Taylor had a quarrel some months ago and that Mr. Taylor is a naturalized Englishman. I did not let him know there was a letter from the latter.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General, Commanding.

DEPARTMENT OF STATE, *Washington, October 19, 1861.*

GEORGE A. HOFFMAN, *Postmaster, Cumberland, Md.*

SIR: Will you please inform this Department whether in your judgment there is sufficient reason for detaining John C. Stovin who was recently arrested in your village as a disloyal and dangerous person?*

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

WASHINGTON, *October 26, 1861.*

Hon. WILLIAM H. SEWARD, &c.

SIR: In your confidential note of the 18th instant you do me the honor to inform me that Mr. John C. Stovin on the 16th of July, 1859, renounced in open court his allegiance to any foreign prince, potentate or sovereignty whatever and especially to Queen Victoria.

You will perceive, however, by the inclosed copy of a dispatch from Mr. Bernal, Her Majesty's consul at Baltimore, that Mr. Stovin adheres to his assertion that he has only taken the oath declaring his intention to renounce his allegiance to the Queen and has not taken that by which an alien on becoming an American citizen actually renounces his allegiance to his natural sovereign.

It was on the faith of a solemn assertion to this effect that a British passport was granted to him and submitted to you for counter signature. You will perhaps remember that the passport stated on the face of it that Mr. Stovin was "a British subject who had declared his intention to become a citizen of the United States but had not actually become a citizen thereof."

I could not feel any hesitation in sanctioning the granting of a British passport to a person to whom that description was applicable. In fact soon after the notice requiring persons in these States to provide themselves with passports was issued I made particular inquiries at the State Department respecting the cases of British subjects who had declared their intention of becoming American citizens. I was informed in reply that the Government of the United States had no right and was under no obligation to grant a passport to a foreigner who had merely declared his intention to become a citizen of the United States. It was pointed out to me that the law requires a period of several years to elapse before that intention can be carried into effect and that the person who may have declared it may change his mind and has entire liberty to do so.

It was added that until the final act of naturalization such a person is to all intents a subject or citizen of his native country and therefore that foreigners whether they may have declared their intention to become citizens or otherwise must obtain passports from the proper authorities of their own country.

I have the honor to be, with high consideration, sir, your most humble servant,

LYONS.

[Inclosure.]

BRITISH CONSULATE, *Baltimore, October 22, 1861.*

LORD LYONS, *K. C. B., &c.*

MY LORD: I have the honor to acknowledge the receipt this morning of your dispatch of the 19th instant referring to the case of Mr.

*No answer to this inquiry can be found.

Stovin. I went down to Fort McHenry and procured an order from the commandant to "see Mr. Stovin in the presence of the officer of the day on guard." He repeated the story he has always told—that he took an oath declaring it to be his intention to become a citizen of the United States and renounce his allegiance to any foreign prince, &c. But as your lordship is doubtless not aware these are only preliminary steps which confer no actual or present rights and privileges, and it is not until some time afterward (two years I believe) that the individual can take the second oath and receive his final papers of naturalization. In the meantime he has none of the privileges of an American citizen. This second and final act Mr. Stovin declares he never performed.

He is confined in a small guard room with several other persons. In the course of a conversation that I had with General Dix in regard to his case he was good enough to tell me that he had written to Mr. Seward respecting the examination held by him, namely, that the only allegations against Mr. Stovin were contained in a letter written by a gentleman (whose name he did not give me); that these charges were firmly denied by Mr. Stovin and that there was no evidence either to sustain the former or rebut Mr. Stovin's denial. This was the substance of General Dix's report to the best of my recollection.

In reply to your lordship's inquiry I beg to state that the passport issued by me to Mr. Stovin distinctly said that the bearer was a British subject who had announced his intention of becoming an American citizen but had not actually become one.

I have, &c.,

F. BERNAL.

DEPARTMENT OF STATE, *Washington, November 2, 1861.*

Right Hon. LORD LYONS, &c.

MY LORD: I have received your note of October 26. I give you herewith a copy of the [naturalization] oath* which was taken by John C. Stovin on the 16th of July, 1859. You will see that although it is a declaration of an intention to become a citizen of the United States it is nevertheless an absolute and permanent abjuration of his allegiance to his native sovereign. My view in communicating the fact to you was that you might probably not be so deeply impressed with a claim upon you made by a person who had voluntarily renounced the allegiance upon which your interposition was sought.

I am not disposed, however, to raise a question upon his claim to the protection of the British Government and I shall treat the same as fully conceded. Maryland occupies a peculiarly important position in regard to the Federal Union. Immediately south of it an insurgent army has for a long time invited co operation in Maryland and threatened this capital. An army has been stationed there and fortifications built by authority of the United States. The law and courts have proved temporarily unreliable for the maintenance of the Federal Union there and it has therefore been found necessary to place some agitators of division temporarily in military custody. John C. Stovin is one of these persons. Although he was furnished by you with a passport with my consent it is found that he used it to disturb and endanger the public peace and safety.

He cannot be released from custody consistently with the welfare of the community in which he lives. On the other hand if he shall give

* Not found.

reliable assurances of the loyalty he owes to the United States his duress will not be prolonged a day beyond the time when the danger to be apprehended from his being set at large shall have passed.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

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DEPARTMENT OF STATE, *Washington, November 11, 1861.*

Col. JUSTIN DIMICK, *Fort Warren, Boston, Mass.*

SIR: Let J. C. Stovin, a prisoner confined in Fort Warren, be released on his engaging upon oath that he will neither enter into any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State; and also that he will not do anything hostile to the United States during the present insurrection. I transmit this order to John S. Keyes, esq., U. S. marshal, who has been instructed by this Department to cause a police examination to be made in some cases of the persons and baggage of prisoners discharged from custody to the end that no correspondence or other improper papers be conveyed by them to persons outside the fort.*

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, November 14, 1861.*

Maj. Gen. JOHN A. DIX, *Baltimore, Md.:*

* * * It is presumed you have received the order for the release of Stovin. At all events discharge him.

F. W. SEWARD,
Assistant Secretary.

—

WASHINGTON, *March 19, 1862.*

Hon. WILLIAM H. SEWARD, &c.

SIR: You will no doubt recollect the correspondence which passed between us in the months of October and November last respecting the arrest and imprisonment of Mr. John Carville Stovin.

Mr. Stovin has now submitted to Her Majesty's Government a printed statement of a claim which he makes against the Government of the United States for pecuniary compensation for his imprisonment and for the loss of property which it entailed. I do myself the honor to transmit to you a copy of the statement.†

Mr. Stovin complains in the first place of certain acts done on the 19th of June, 1861, which appear to Her Majesty's Government to have been acts of lawless interference by certain military officers of the United States Government with his personal liberty and also with his property, a horse belonging to him having been taken without payment. It does not, however, appear that these acts were authorized or sanctioned by the Government of the United States or that Mr. Stovin may

*This order was repeated November 18 to Colonel Burke at Fort Lafayette, New York Harbor.

† Stovin's statement omitted; it is a recitation of the circumstances of his arrest, and a denial of the alleged causes therefor, with a demand for $150,000 damages.

not have adequate civil remedies for them by the laws of the United States as now administered.

The interference with his personal liberty was only of a few hours' duration and Her Majesty's Government are not disposed to treat instances like this of mere casual abuse of military power by individual soldiers and officers as furnishing sufficient grounds for international complaint.

Her Majesty's Government conceives, however, that the subsequent arrest of Mr. Stovin on the 7th of October and his imprisonment from that time until the 14th of November are acts of which the responsibility clearly belongs to the executive government of the United States. It appears from the note which you did me the honor to address to me on the 10th of October last that Mr. Stovin was accused of being found in the course of that month actively engaged in seditious proceedings to foment insurrection in the State of Maryland and that his arrest and imprisonment were justified by the United States Government under the suspension of the writ of habeas corpus on the ground that the public safety required that for the present he should be kept in custody. The accusation was denied by him as soon as he had an opportunity of learning its nature. Her Majesty's Government do not perceive that any attempt was ever made to support or substantiate it in any manner whatever. The name of the accuser was not divulged and the charge itself appears to Her Majesty's Government to have been absolutely false and groundless.

Mr. Stovin was nevertheless arbitrarily detained in prison for more than a month; he suffered during that time very severe hardships and by the sudden and violent interruption of his business he seems to have undoubtedly incurred serious and unavoidable pecuniary losses, although the amount at which he himself estimates them may perhaps be much exaggerated. It seems therefore to Her Majesty's Government that Mr. Stovin is entitled to ample redress for these injuries; and Her Majesty's Government have accordingly instructed me to bring this case before you and to ask for compensation for him.

In order to avoid all possible misapprehension I will say distinctly in conclusion that in laying before you Mr. Stovin's own printed statement I by no means intend to express either for Her Majesty's Government or for myself any opinion as to the particular sum, $150,000, at which he himself estimates the compensation due to him.

I have the honor to be, with high consideration, sir, your most obedient humble servant,

LYONS.

WASHINGTON, *April 15, 1862.*

Hon. WILLIAM H. SEWARD, &c.

SIR: With reference to the note which I had the honor to address to you on the 19th of last month concerning the claim of Mr. John Carville Stovin, I beg to submit to you an extract from a letter which I have received from Mrs. Lynn, mother-in-law of that gentleman.

Mrs. Lynn believes that a commission has been sent to Cumberland to investigate matters connected with the claim in question. I do not know whether or no she is correctly informed, but if an investigation of the kind be in progress it appears to be not unreasonable that she as representative of the interests of her son-in-law should ask to be heard in support of his claim.

I have the honor to be, with high consideration, sir, your most obedient humble servant,

LYONS.

[Inclosure.]

Extract from letter of Mrs. Lynn to Lord Lyons.

CUMBERLAND, *April 10, 1862.*

* * * I learned by accident yesterday that a commission sent here by the Government of the United States was taking affidavits in reference to the claim of my son-in-law, J. Carville Stovin, against the United States for imprisonment. Mr Stovin cannot safely reside here owing to the prejudice against him and he has no one to care for his interest but me. I was surprised therefore to learn that this commission instead of giving me notice went about the work in a secret manner and from that manner am inclined to believe that the personal enemies of Mr. Stovin were selected to act as witnesses.

I understand that the charge against Mr. Stovin of complicity with the Southern Confederacy is dropped and an effort is now made to show that his loss was less than he claims. I do not know how this may be, but I do know to my sorrow that this wrong resulted in taking the bread from me and my fatherless children and being satisfied that it was without cause. * * *

DEPARTMENT OF STATE, *Washington, April 16, 1862.*

Right Hon. LORD LYONS, &c.

MY LORD: I have received your note of yesterday accompanied by an extract from a letter of a Mrs. Lynn, of Cumberland, Md., touching the complaint of her son-in-law, Mr. John C. Stovin, against this Government and asking to be heard in support of the complaint. As the complaint referred to has been presented in the name of Her Majesty's Government no such application from Mr. Stovin or his representatives can be entertained. Any information, however, which Her Majesty's legation itself may think proper to communicate in support of the claim of Stovin will be impartially considered.

I avail myself of the occasion to offer to you a renewed assurance of my very high consideration.

WILLIAM H. SEWARD.

Cases of J. H. Maddox and Thomas H. Maddox.

The only papers on file in the Department of State in the case of [Joseph H.] Maddox refer exclusively to his release, being mostly correspondence relating thereto, his bond, parole, &c. From statements in the letters of Maddox on file it would appear that he was arrested on the order of the Navy Department, charged with being about to attempt to go to Virginia, and was sent to Fort Lafayette; thence transferred to Fort Warren from which he was released on his parole not to enter into or correspond with any person in the seceded States or do any act hostile to the Federal Government November 21, 1861, according to an order from the Department of State, November 2, 1861.

This person [Thomas H. Maddox] was arrested by the military authorities in Maryland and sent to Fort Lafayette September 24, 1861, by order of Lieutenant-General Scott. He was charged with disloyalty to the United States Government. Maddox was released by order of the Secretary of State October 3, 1861, on taking the oath of allegiance and stipulating not to hold any correspondence with persons residing in the insurgent States without consent of the Secretary of State.—*From Record Book, State Department, "Arrests for Disloyalty."*

Case of William F. Getty.

W. F. Getty was arrested in Washington October 1, .
Brig. Gen. R. B. Marcy and committed to the Thirteenth
and from thence transferred October 30, 1861, to the Old Cap.
was charged with being a spy and with having in violation of the .
dent's proclamation crossed the lines of the Federal forces and visi
Richmond. The report of the provost-marshal of Washington by his agent, Major Allen, dated October 29, 1861, shows that Getty endeavored some time during the last of September to obtain a situation as a secret agent of the United States Government, pretending that he knew many secessionists in Baltimore who could not be known to the police of that city. Having been sent to General Dix with a letter from Colonel Marcy, he was referred by the former to Marshal Dodge, of Baltimore, and receiving no encouragement returned to Washington. On the 30th of September Colonel Marcy telegraphed to General Dix making inquiries about Getty and received a reply stating that the police report that—

> Mr. Getty is a very bad man and is a spy of the Confederates. We arrested his paramour, a notorious courtesan, and read his letter to her. We know him well.

The following extract from the letter above referred to indicates that Mr. Getty was or had been engaged in practices inimical to the United States Government:

> FREDERICK, MD., *Wednesday Night.*
>
> DEAR BECKIE: Jennie was arrested on her way up, but I guess she has been released by this time. Even if not nothing can be done with her. If it had been my case I should have fared differently. * * * I was sorry that she was detained, but it was far better for her to have been arrested than for me. * * *
>
> FRANK.

Jennie Smith, the person referred to in the above letter, was arrested in June, 1861, at the Relay House, and on searching her under-garments a quantity of percussion caps and military buttons were found. She is represented to have been a violent secessionist and as having visited the rebel camps in Virginia. The said William F. Getty remained in custody at the Old Capitol February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

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HDQRS. CITY GUARD, PROVOST-MARSHAL'S OFFICE,
Washington, D. C., October 29, 1861.

Brig. Gen. A. PORTER, *Provost-Marshal.*

DEAR SIR: I have the honor to report that a man named William F. Getty arrived here about the 21st of September last from the South; that he was on the following day brought by Mr. Hanscomb, of The New York Herald reporting force, to the residence of General McClellan. Getty represented that he was originally from Baltimore but had been in Virginia, and was there employed by General Johnston, of the rebel army, in writing army orders, &c. Getty made some disclosures to General McClellan calculated in his estimation to give General McClellan a favorable impression of his adaptation to enter the secret service. Soon after he (Getty) made application to Colonel Marcy, chief of staff, for a situation in the secret service of the United States Government under General McClellan, and was at that time referred to me.

In conversation with Getty he told me that he was well acquainted with prominent secessionists in Baltimore, whom he said could not be known to the police force acting under the orders of General Dix. I expressed to Getty my unqualified confidence in the honesty, ability and resources of Provost-Marshal Dodge and his very able assistant, Mr. McPhail. Still Getty insisted that he knew of rebels in Baltimore whom he himself could reach and whom no one else could. I suggested that he might procure a letter from Colonel Marcy to Major-General Dix, to whom he might impart the information which he claimed to possess, and that General Dix might deem it best to give him employment in his department. Getty also pretended to have valuable information about the movements of the secessionists on the Western Shore of Maryland. Having procured a letter of introduction from Colonel Marcy to General Dix Getty left for Baltimore accompanied by Mr. Hanscomb, of The New York Herald, who has been a very warm friend of Getty ever since his arrival here.

Getty called at my office on the 30th day of September last and stated that he had seen General Dix and the general would like very much to avail himself of his services but that he (General Dix) had no fund provided out of which he could pay him (Getty), and that the general had so stated to Colonel Marcy. After a consultation between Colonel Marcy and myself in reference to Getty it was deemed advisable to telegraph General Dix and learn from him of the truth of Getty's statements. The following is a copy of the dispatch sent to General Dix:

WASHINGTON, *September 30, 1861.*

Major-General DIX, *Commanding, Baltimore:*

Have you seen Mr. Getty? Do you think his services valuable? If so Mr. Allen will employ him and detail him for your use.

R. B. MARCY,
Chief of Staff.

On the following day a reply was received from General Dix of which the following is a copy:

FORT MCHENRY, *October 1, 1861.*

Col. R. B. MARCY:

I sent Mr. Getty to the police who as Mr. Allen will tell you are thorough and efficient. They report to me as follows:

"Mr. Getty is a very bad man, and is a spy of the Confederates. We arrested his paramour, a notorious courtesan, and read his letter to her. We know him well."

JOHN A. DIX.

I was in the company of Colonel Marcy when he received the foregoing dispatch from General Dix and was by him ordered to arrest Getty as a spy, which order was executed by Getty's arrest within an hour after it was given to me, and he has been ever since confined in the prison corner of Thirteenth street and Pennsylvania avenue, northwest, Washington.

Getty upon his arrest denied the charge of being a spy, and I dispatched one of my operatives to Baltimore with letters to General Dix and to Provost-Marshal Dodge and Assistant McPhail for the purpose of obtaining all the evidence which they or either of them might possess bearing on Getty's case. I have further to report that Getty in his conversation with me never alluded to his having had an interview with Marshal Dodge until after the receipt of the telegram from General Dix to Colonel Marcy, and then only when asked by me if he had not seen Marshal Dodge he gave me an affirmative answer, commencing at the same time to use terms of discredit in regard to the marshal aforesaid which were cut short by my arresting Mr. Getty and sending him to the

prison as aforesaid. Upon the arrival of my operative at Baltimore he called upon Provost-Marshal Dodge and every facility in his power as well as in that of Deputy McPhail's was furnished to my operative and no opportunity on their part was allowed to pass that might aid his mission, and I beg leave to say here in my report to you that I feel greatly obliged to both of those able and efficient officers for the many ways in which they have shown their kindness to me personally and to very many of my operatives while employed in the business of this office.

Provost-Marshal Dodge stated to my operative in substance that the information which Getty pretended to have in his possession and for imparting which he asked in return that he should be employed in the service of the United States, and in a most responsible position, was nothing more than what had already been published in The Sun newspaper of Baltimore, and therefore possessing no possible value to the Government. The marshal stated further to my operative that Getty's character was bad; that he was associated with a courtesan named Jennie Smith who with Getty went to Virginia in June last; that the said Jennie Smith was arrested by Colonel Jones, of the Sixth Massachusetts Volunteers, at the Relay House, having at the time on and about her person a large number of percussion caps; that from Getty's own statement the provost-marshal, Mr. Dodge, was satisfied that Getty had been at Richmond and Winchester, Va., and that his sentiments previous to going to Virginia were secession.

I have further to report that Deputy Provost-Marshal McPhail confirmed and corroborated the facts related to my operative aforesaid by Marshal Dodge, and also further stated that only the week before my operative aforesaid went to Baltimore in relation to Getty's case he (McPhail) had arrested the same woman, Jennie Smith, searching her person and the house in which she was found, and finding upon her person several letters from Getty as Jennie herself acknowledged, over different signatures, sometimes signing himself as "Frank" and again as "Will;" that Deputy McPhail gave to my operative two of said letters, one dated at Frederick, Md., Wednesday night, and addressed to "Beckie," who appears to have been another woman who sometimes passed as "Mrs. Getty;" that the last-mentioned letter reads as follows:

DEAR BECKIE: Jennie was arrested on her way up, but I guess she has been released by this time. Even if not nothing can be done with her. If it had been my case I should have fared differently. Tell Jennie to come up by way of Ellicott's Mills. She can get a buggy to take her to the Mills. After she passes the Relay there is no danger whatever. I was sorry she was detained, but it was far better for her to have been arrested than for me. I expect to see her in a few days.

FRANK.

That the other letter which my operative received from Deputy Marshal McPhail was written by Getty to Jennie Smith, the aforesaid courtesan, and reads as follows:

HARPER'S FERRY, VA., *Monday, June 10, 1861.*

DEAREST: It is almost impossible to get a letter to you as bridges are being burned almost every day between this point and the Point of Rocks; and as to receiving your replies I can only advise you to direct to Point of Rocks, and take the chances of friends going up and coming down. Mr. Kappelle is still here. We will probably go down to Richmond this week. If I do I will tell you so before I leave.

In haste,

WILL.

P. S.—You had better write Mr. Minnes and have him get letters from box 581 and forward them to you.

That Mr. McPhail told my operative further that he learned from Jennie Smith while she was under arrest by him, as aforesaid, that herself and Getty while in Virginia were agents of The Baltimore Sun; that Jennie stated to him (Mr. McPhail) that she was in favor of the South, and that she would prefer to help them if she could; that Jennie further stated to him (Mr. McPhail) that she had been in company with General Johnston, of the rebel army, several times. And further Mr. McPhail told my operative that he had heard of Getty's arrival in Baltimore, and was on the lookout to arrest him when he learned that Getty had been to the office of the provost-marshal in Baltimore seeking employment with a letter from General Dix, and that he had in his company Mr. Hanscomb, one of the reporters of The New York Herald, being the same gentleman alluded to before in this report.

I beg further to report while in this connection that when Mr. Getty first applied to me for employment after having been referred to me by Colonel Marcy that he (Getty) offered to act as a secret agent of the Government with no other reward than to be allowed to receive at some point on the Potomac near to Frederick, Md., The Baltimore Sun and pass with it beyond our lines into Virginia. A proposition which upon its face was evidence of his unfitness for so responsible a trust as he sought at the hands of General Dix and Colonel Marcy, as well as of his anxiety for some pretext for communicating with the enemy to no good purpose for this Government.

I have further to report that my operative aforesaid called upon General Dix at Fort McHenry where he was received by the general and aided in every way that my operative could desire. My operative reports to me that Major-General Dix told him that Getty came to Fort McHenry at the time before alluded to when he sought employment of the provost-marshal in Baltimore, and brought letters to him (General Dix) from Colonel Marcy, and that Getty on that occasion was accompanied by Mr. Hanscomb, reporter for The Herald aforesaid, and that he made application to him (General Dix) for employment, he (Getty) stating to him (General Dix) that Colonel Marcy and General Porter were very anxious that he (General Dix) should give him (Getty) employment. He (Getty) had never seen General Porter on the subject. That General Dix further stated to my operative aforesaid that as Getty and Hanscomb left his office that Hanscomb remarked to Getty that they (meaning himself and Getty) should have to go back to Washington.

I also ask to further report that upon my operative leaving Baltimore, Deputy Marshal McPhail gave him a letter from himself (McPhail) addressed to me in which he stated among other things in substance that Getty had been engaged ever since the war commenced in giving aid and comfort to the enemy; that he was the chum and lover of the notorious Jennie Smith, who when arrested in June last at the Relay House was found to have percussion caps and military buttons under her garments, and that his (McPhail's) impression was that Getty was gathering information for the rebels rather than for the Federal Government. In concluding his letter to me, the deputy marshal aforesaid says: "If Getty is not guilty of the charge of being a spy he is certainly not fit to be trusted by the Government on account of his associations." In concluding this already perhaps too lengthy report permit me to add that although the evidence of this case is not as full and complete as might be necessary to sustain the charge against Getty of being a spy yet it goes very far to show that he is a dangerous man to be at large in the present exigency of the Government. His own

loyalty is at least doubtful and his associations a
sympathize with our enemies. He is an active, educa
ing in no small degree the elements of character and the
which render his safe-keeping in my judgment a military ne.
All of which is respectfully submitted.

Your obedient servant,

E. J. ALLEN.

COMMISSION RELATING TO POLITICAL PRISONERS,
Washington, March 21, 1862.

W. P. WOOD, Esq.,
Supt. of the Old Capitol Military Prison, Washington, D. C.

SIR: You will please discharge William F. Getty * * * on [his] taking the oath of allegiance to the Government of the United States.

Very respectfully, yours,

JOHN A. DIX,
EDWARDS PIERREPONT,
Commissioners.

I, William F. Getty, of the city of Baltimore, State of Maryland, do solemnly swear that I will support, protect and defend the Union and Constitution and the Government of the United States as established by that Constitution against all enemies whether domestic or foreign; and that I will bear true faith, allegiance and loyalty to the same any ordinance, resolution or law of any State convention or legislature to the contrary notwithstanding; and further that I do this with a full determination, pledge and purpose without any mental reservation or evasion whatsoever; and further that I will well and faithfully perform all the duties which may be required of me by law. So help me God.

WM. F. GETTY.

Sworn to and subscribed before me this 21st day of March, 1862.

EDWARDS PIERREPONT.

Case of William H. Aymar.

William H. Aymar, of New Orleans, claiming to be a British subject, was captured on the 1st of October, 1861, on the schooner Joseph H. Toone, of which he was nominally the owner, off Timblier Island to the southward, apparently endeavoring to evade the blockade and enter the port of New Orleans. The capture was made by Captain Alden, of the U. S. steamer South Carolina. Aymar was detained, as well as the vessel and crew, and was lodged in Fort Lafayette on the 12th of November, 1861. The schooner Joseph H. Toone was an American-built vessel and no information is at hand relative to her transfer to British ownership. It does not appear that any inquiry has been instituted touching the time, place or other circumstances or the good faith of her change of nationality, nor touching the reality of the pretended ownership of Aymar, which he says accrued by purchase just previous to her sailing on this voyage. Aymar left New Orleans on the same vessel on the 25th of August, 1861, and safely evading the block-

ade arrived at Havana, where the vessel was discharged, again loaded and cleared for Tampico, Mexico, and sailed on the 25th or 26th of September, and was captured on the 1st of October, as before stated. On the 23d of November, 1861, Aymar was released from confinement. In Aymar's correspondence are occasional expressions showing the nature of the enterprise in which he was engaged with his vessel when captured. In a letter addressed to Henry L. Church, who appears to be a partner of Aymar, dated December 6, 1861, he says.*—*From Record Book, State Department, "Arrests for Disloyalty."*

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WASHINGTON, *November 19, 1861.*

Hon. WILLIAM H. SEWARD, &c.

SIR: Mr. William H. Aymar, a British subject who is imprisoned in Fort Lafayette, has made an appeal to Mr. Archibald, Her Majesty's consul at New York. I have the honor to request you to cause orders to be given to enable Mr. Archibald to visit the prisoner.

I have the honor to be, with high consideration, sir, your most obedient humble servant,

LYONS.

—

FORT LAFAYETTE, N. Y., *November 19, 1861.*

Hon. W. H. SEWARD, *Secretary of State.*

SIR: On the 1st of October, 1861, the British schooner Joseph H. Toone, Captain Pennington, bound from Havana to Mexico, owned by me (a British subject) and having on board a cargo principally belonging to Spanish subjects, was seized by the U. S. steamer South Carolina, Captain Alden, and myself, captain and crew have been sent to this fort as prisoners of war. Feeling convinced that the United States Government will do me justice and restore my property on proper proof of my innocence of any intention to run the blockade or in any way violate the strict neutrality which I in common with all Her Britannic Majesty's subjects am commanded to observe, I trust that you will give the necessary instructions for a prompt examination, or if that is not practicable allow me to give sureties to remain in the Northern States until my presence is required by the proper tribunals.

I remain, very respectfully, your most obedient servant,

WILLIAM H. AYMAR.

—

DEPARTMENT OF STATE, *Washington, November 21, 1861.*

The Right Hon. Lord LYONS, &c.

MY LORD: I have the honor to acknowledge the receipt of your note of the 19th instant requesting that Mr. Archibald may be enabled to visit William H. Aymar, a British subject imprisoned in Fort Lafayette, and to state in reply that orders have been given for his discharge.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

*This and other quoted extracts from Aymar's intercepted correspondence is here omitted. For full text of letter, see p. 911 *et seq.*

DEPARTMENT OF STATE, *Washington, November 22, 1861.*

Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

COLONEL: You are hereby authorized to discharge from custody William H. Aymar, a British subject, understood to be in confinement at Fort Lafayette.

I am, colonel, your obedient servant,

WILLIAM H. SEWARD.

—

FORT HAMILTON, *New York Harbor, November 23, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: I have the honor to acknowledge the receipt of your letter of the 21st instant directing the release of William H. Aymar. I have to state that Aymar together with ten other prisoners was this morning released in pursuance of your order dated 22d instant and turned over to Marshal Murray.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

—

Intercepted letter of W. H. Aymar, after his release.*

SAINT ANDREWS, NEW BRUNSWICK, *December 6, 1861.*

HENRY L. CHURCH,
(Care Mr. Dyas, Richmond Road, London, Canada West.)

DEAR CHURCH: If you are a regular reader of the New York papers you will have noticed that your humble servant was for a time confined as a prisoner of war in Fort Lafayette. As the statements were very incorrect, I will relate all the circumstances of the case from beginning to end.

On the 25th of August last I left New Orleans as passenger on board the British schooner Joseph H. Toone, bound for Havana, Cuba, and loaded with rice, &c. I was interested in the rice, which was sold in Havana to great advantage. After discharging the schooner was put on the berth for Tampico, Mexico, and was soon laden with a general cargo, arms, &c., for said Mexican port. Circumstances caused me to purchase the J. H. Toone just previous to her sailing for Tampico, and in company with other passengers I sailed in her for Tampico on 25th or 26th of last September. Immediately after leaving Havana we experienced a very strong gale which lasted several days, driving us from our course and preventing the captain taking daily observations. On the 1st of October, when from forty to fifty miles from land and to the southward of Timblier Island we fell in with the U. S. steamer South Carolina, Captain Alden, and much to our surprise (as the J. H. Toone was a British vessel, was owned by a British subject, myself, and was quietly proceeding to her port of destination, Tampico) we were seized on suspicion that it was our intention to run the blockade. She had on board a cargo principally belonging to Spanish subjects, and which consisted of articles frequently sent from Havana to Mexico. This cargo had been properly cleared by the custom-house authorities in Cuba, and invoices and bill of health had been duly approved by the Mexican consul.

*There were other intercepted letters, but only one is used as indicating the tone of the whole.—COMPILER.

For some hours after our seizure I confidently expected the release of my vessel, cargo and passengers and was naturally very much surprised when I was informed by Captain Alden, of the steamer South Carolina, that he had concluded to detain vessel and cargo and should send myself, passengers and crew to New York as prisoners of war. Of course I protested at such extraordinary proceedings, but my remonstrances were of no avail and I in company with Mr. Lewis, a brother of General Lewis, of New Orleans, and others taken from the Toone were transferred to a U. S. steam-ship and after remaining on board of her one month we were with all my crew sent to New York in steam-ship Powhatan, and after being compelled to submit to much indignity we were on the 12th of November safely lodged in that far-famed hotel, Fort Lafayette, where I presume we would all have remained until the end of the war had I not been a British subject and entitled to the protection of my Government.

Immediately on landing from the Powhatan I addressed a letter to the British consul at New York, who at once sent me a legal adviser through whom my case was represented to the proper authorities at Washington and to Lord Lyons. The result was an immediate order for the release of all who had been on board the J. H. Toone, with the exception of three or four who were merely placed on parole until their testimony could be taken by the prize commissioners. Our release took place on 23d of November and since that time I have been busily engaged pushing my claim for value of vessel and cargo. I am now quite confident of success and my lawyer tells me that the case is a clear one and that he has no fears for the result. He (the lawyer) occupies a very high position at the bar and is the legal adviser of the British and Spanish consulate and I have every confidence in him and in his ability. The case will probably be decided in thirty or sixty days. All the evidence or testimony has been taken and it is altogether in favor of the vessel. In fact the United States Government or the captors now admit that they seized us merely on suspicion, but in law we were on the high seas being more than forty miles from any land. The claim will amount to at least $100,000 and I am compelled to be in Havana the latter part of this month in order to have the proper authenticated invoices and certificates forwarded to my attorney in New York.

Before I was released I was handed by the marshal a written obligation* which I was requested to sign. * * * I refused to take any such oath or obligation on the ground that I was a British subject, and my nationality prevented my interfering on either side, as my Queen had commanded me in common with all her subjects to observe a strict neutrality. My objection sufficed and I was allowed to go on my way rejoicing, and when I recover my property or the value thereof I will be still more rejoiced; but I am perfectly satisfied that I shall not only get well remunerated for my vessel and the shippers for their goods but hope also one of these days to get damages for false imprisonment.

When I left New Orleans, August 25, your brother was in good health and spirits and hopeful for the future. Just previous to leaving he and I made a short visit to Rienzi Plantation and spent three or four days with Mr. Richard Allen. I also left James Allen in good health. Last season's business closed very satisfactorily—better than I anticipated, but what of the future? Gloomy for the South? Not so. The Southern ports are certain to be opened before many months. Some of the Atlantic cities may have their harbors closed, but the cotton heretofore shipped

* See Seward to Burke, November 21, ordering Aymar's release.

at those ports must find an outlet—New Orleans. Let me advise yo not to be at all uneasy. You will eventually lose nothing by this wa Whatever may be the result I being a British subject the propert will be secure. * * * Address me under cover to Mr. B. F. Mill ken, Eastport, Me.

Hoping that peace may soon dawn and that we may again all par take of macaroni seasoned with Italian sauce, I am, yours, faithfully,

W. H. AYMAR.

DEPARTMENT OF STATE, *Washington, December 12, 1861.*

ROBERT MURRAY, Esq., *U. S. Marshal, New York.*

SIR: W. H. Aymar, the owner of the Joseph H. Toone, who was recently released from Fort Lafayette is expected to return to New York soon on his way to Havana. If he comes you will please convey him to Fort Lafayette and recommit him to the custody of Colonel Burke.*

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

Cases of Richard H. Stanton and others.

Richard H. Stanton, of Maysville, Ky., was arrested on the 2d day of October, 1861, by order of General Nelson, together with six others whom the general styles "active secessionists," viz: William Hunt, William T. Casto, Isaac Nelson, George Forrester, B. F. Thomas and James H. Hall. In communicating the fact of this arrest to the War Department General Nelson says:†

In pursuance of the said request of General Nelson, Stanton, as well as the persons arrested with him, was soon afterward transferred to Fort Lafayette for safe custody. Stanton by his own representations and through many other persons who interested themselves in his behalf claimed to be loyal and to be guiltless of any act which should have caused his arrest. It has generally happened in the history of arrests made for disloyalty and for precautionary purposes during the present rebellion that persons against whom there has been the most explicit proof or for whose detention the most emphatic reasons existed have made the loudest and most continuous asseverations of loyalty and have marshalled their hosts of personal friends to sustain such asseverations with unexampled unanimity. Although General Nelson did not send forward proofs of the charges which he made against Stanton it was not therefore deemed that the professions of the prisoner and the *ex parte* testimony of his friends ought to be taken as conclusive of his innocence, especially as in his very appeals for discharge he made and reiterated statements quite inconsistent with such loyal regard for the duties of citizenship as can inspire undoubting confidence in cases like this. On the 4th of November, 1861, Stanton addressed a letter to the Secretary of State in behalf of himself and the others above named arrested with him in which speaking for the whole party he alleges that they had never "engaged in the rebellion or intended to do so, never contributed

* No record of Aymar's subsequent arrest.

† Extract omitted here. See full text of Nelson's letter, p. 916.

money, never advised men to go in the Southern army nor in any other manner committed any act of disloyalty to the Government," and then says:

> It is proper, however, to say to you that we were in favor of Kentucky's maintaining a neutral position in the contest and equally opposed to the invasion of the State by the Federal forces as by the Confederates, and advocated that policy.

It is unnecessary to remark that the expression of these sentiments is as conclusive proof of a disloyal heart as the commission of any of the acts mentioned by General Nelson.

On the 17th of December, 1861, Stanton addressed a letter to the President of the United States in his own behalf in which he repeats his offensive parallel between the national forces and the rebels, and has the effrontery to use this language:

> I was, however, most earnestly opposed to the sending of arms into Kentucky and believed that the arming of one political party against the other could result in no good and was only calculated to engender trouble. I was opposed also to the invasion of the State by either the Federal troops or the Confederates and advocated in good faith the perfect neutrality of Kentucky.

On the 26th day of December, 1861, the said Stanton was released from custody on taking the oath of allegiance with stipulations against future misconduct.

William T. Casto was arrested at Maysville, Ky., his residence, on the 2d day of October, 1861, by order of General Nelson as being one of a clique of rebels there who were fomenting treason and disturbance in Eastern Kentucky. He was sent to Camp Chase in Ohio and subsequently to Fort Lafayette at General Nelson's request. On the 29th of November, 1861, General Nelson wrote to the Department of State requesting Casto's release on taking the oath of allegiance. On the 4th of December, 1861, in compliance with General Nelson's request Casto was ordered to be released on his taking the oath of allegiance but he declined to receive his discharge from confinement on such terms. On the 17th of January, 1862, another order of like import was made for his enlargement but he again refused to comply with the conditions. The said Casto remained in custody at Fort Lafayette February 15, 1862, when he was transferred to the charge of the War Department.

Isaac Nelson was arrested by order of General Nelson in Kentucky in October, 1861, and sent to Camp Chase, Columbus, Ohio, and from thence transferred to Fort Lafayette. General Nelson writing to the Secretary of State under date of 29th of November, 1861, says:

> In October last for reasons that met the approval of the War Department I arrested and sent to Columbus, Ohio, the following active secessionists, viz, R. H. Stanton, William Hunt, William T. Casto, Isaac Nelson, George Forrester, B. F. Thomas and James H. Hall, and I beg to request that these men with the exception of R. H. Stanton may be released on their taking the oath of allegiance.

An order was issued from the Department of State dated December 4, 1861, directing Colonel Burke, commanding at Fort Lafayette, to release Nelson on his taking the oath of allegiance. He was released December 7, 1861.

George Forrester was arrested October 2, 1861, in Kentucky, by order of Brigadier-General Nelson and sent to Columbus, Ohio, and from thence he was at the request of General Nelson transferred to Fort Lafayette by order of the Secretary of State. He was charged with disloyalty and with being an active secessionist. On the recommendation of General Nelson an order was issued from the Department

of State dated December 4, 1861, directing Lieutena
commanding at Fort Lafayette, to release Forrester on
oath of allegiance, &c. He was accordingly released Dec.

B. F. Thomas was arrested by order of General Nelson at May
Ky., and committed to Camp Chase, Columbus, Ohio, October 2, 186.
and from thence transferred to Fort Lafayette. He was charged with
fitting out men and raising money for the rebel government. An order
was issued from the Department of State dated December 4, 1861,
directing Colonel Burke, commanding at Fort Lafayette, to release
Thomas on his taking the oath of allegiance stipulating that he will
neither enter any of the States in insurrection against the United
States nor hold correspondence with persons residing in those States nor
do any act hostile to the United States. He was accordingly released
December 7, 1861.

William Hunt was arrested in Kentucky by General Nelson about
October 1, 1861, taken to Camp Chase in Ohio, and afterward trans-
ferred to Fort Lafayette. He was charged with being a violent seces-
sionist and attempting to aid the rebels with money and with recruiting
men for the Confederate Army. He was released by order of the Sec-
retary of State December 7, 1861, on taking the oath of allegiance.

James H. Hall was arrested October 2, 1861, at Maysville, Ky., by
General Nelson, committed to Camp Chase and afterward transferred
to Fort Lafayette by order of the Secretary of State. Hall was charged
with having strong secession sympathies and with assisting the rebels
with money and men. He was released December 7, 1861, by order of
the Secretary of State on taking the oath of allegiance.

The first information the Department of State had concerning this
man [William B. Tolle] was a letter from General W. Nelson dated
October 5, 1861, directed to Hon. S. P. Chase and referred to this
Department, in which General Nelson says he arrested Tolle and others
on the 2d instant on a charge of fitting out men for the Southern army,
subscribing moneys, &c., and asking his release at the request of his
Union relatives; that he will be kept under surveillance, &c. An order
was issued from the Department of State dated October 5, 1861, direct-
ing A. C. Sands, U. S. marshal of Ohio, to release Tolle on his taking
the oath of allegiance, engaging not to enter or hold correspondence
with any insurrectionary State during the present insurrection. He
was accordingly released October 17, 1861.—*From Record Book, State Department, "Arrests for Disloyalty."*

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CAMP KENTON, *Maysville, Ky., October 5, 1861.*

Hon. S. P. CHASE, *Washington City.*

DEAR SIR: On the 2d instant I arrested several traitorous scoun-
drels who were engaged in fitting out men for the Southern army, sub-
scribing moneys, getting up nightly drills and doing the manner of
things usual among the secessionists. These men with the Hon. R. H.
Stanton at their head I sent to Cincinnati to the care of the U. S.
marshal there, and I trust they will be cared for effectually. Their
arrest has relieved the community here of an incubus the most
depressing.

Amongst them is a man named W. B. Tolle. His wife is a good
Union woman of a good Union family. Hon. W. H. Wadsworth, the

Member of Congress from this district, offers to be responsible for his future conduct if I will ask his release and provided Tolle will take the oath of allegiance of which there even seems to be some doubt. I promised his father-in-law to ask his release this morning, and I request that you will do me the favor to cause him to be discharged if he takes the oath of allegiance. My object is to show these rascals that we believe ourselves strong enough to afford to be generous. I will have him kept under surveillance and if he shows the slightest restiveness I will bag him afresh. His public arrest attracting attention to him will take away his power to do harm and make him afraid to attempt it. The rascal subscribed $200 to fit out a secession company, but at the earnest request of his Union relatives I am willing he should be let off—till next time.

Begging your favorable attention to this, I remain, yours, truly,

W. NELSON.

[Indorsement.]

Hon. W. H. SEWARD:

Though averse in general to the release of parties arrested yet if the case is in your jurisdiction I hope you will give the order Nelson desires. The prisoners I believe are at Camp Chase, near Columbus.

S. P. CHASE.

CAMP KENTON, *Near Maysville, Ky., October 7, 1861.*

Hon. SECRETARY OF WAR.

SIR: On the 2d instant I ordered the arrest of Hon. R. H. Stanton, formerly Member of Congress from this district, and with him six other active secessionists and sent them down to Cincinnati, Ohio, to the care of General Mitchel. This man Stanton is the head of secession in Northeast Kentucky. He is the depositary of money for fitting out men from this and adjoining counties for the Southern army. He was actively engaged at the time of his arrest in establishing and maintaining nightly drills of armed traitors. He is in regular correspondence with Richmond, Va.

He received and announced to his traitor friends a message from Breckinridge but the day before his arrest to this effect: That he (Breckinridge) would be back at Prestonburg on or about the 10th of October and would assume command as general, and that all the companies willing to serve under him would meet at that spot; and further that the main body of Beauregard's army would winter in Kentucky and that they (the secessionists) need not be afraid; they would be supported. As many as eight mounted messengers have left Stanton's house in one night. He has harbored in his house an officer of the Confederate Army. Two hundred and fifty-nine armed men of this neighborhood have gone to Prestonburg under his advice and aid. He is the soul of the rebellion in this part of Kentucky. After becoming satisfied of his doings I arrested him and sent him to General Mitchel and he is now at Camp Chase.

My object in writing is to request that he may be removed farther from the scene of his villainies. He is too close to us still. He is a man of wonderful intellectual energy, personally truculent and cowardly but morally a very Catiline. His arrest has struck secession dumb here.

Very respectfully,

W. NELSON,
Brigadier-General,

[Indorsement.]

WAR DEPARTMENT, *October 14, 1861.*

Respectfully referred to the Secretary of State with request to have prisoners removed and cared for as indicated by General Nelson.

THOMAS A. SCOTT,
Acting Secretary.

DEPARTMENT OF STATE, *Washington October 14, 1861.*

Brig. Gen. W. NELSON, *Camp Kenton, near Maysville, Ky.*

GENERAL: Your letter of the 7th instant relative to the arrest of R. H. Stanton and six other active secessionists has been received from the War Department. You will please send them to Fort Lafayette, New York Harbor, and report to this Department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CAMP CHASE PRISON, [*Columbus,*] *Ohio, October 14, 1861.*

HARRISON TAYLOR, Esq.,
F. T. HOOD, Esq.

GENTLEMEN: We appeal to you as fellow-townsmen and personal friends to lay before the proper authorities this communication and if possible procure our release or return to Kentucky. We assure you that it is not our intention and never has been in any manner to violate any law of the Federal or State government or to resist the authorities of either. The constituted authorities of the State having declared by legal enactments the policy of the Government and the duty of its citizens the only course for us and all other persons in the State is to give cheerful obedience to the laws. This we have always intended to and we pledge ourselves we will in good faith do if permitted to return home.

We authorize you for each and all of us to pledge us to the proper authorities that as good citizens we will give implicit obedience to the laws of the Federal and State governments and in no manner knowingly resist or violate either. We are citizens of Kentucky; our fate and our fortunes are identified with her and she having decided the controversy between the parties we deem it our duty cheerfully to acquiesce in the decision of the constituted authorities and to give to the laws of Kentucky and of the United States our cordial obedience. We trust you know us well enough to believe that this pledge will be kept in good faith.

With much respect, we are, your friends,

R. H. STANTON.
B. F. THOMAS.
WM. HUNT.
ISAAC NELSON.
JAMES H. HALL.
GEO. FORRESTER.

OFFICE OF DISTRICT ATTORNEY,
Cincinnati, October 26, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: In pursuance of your telegram to the marshal of this district directing the release of W. B. Tolle, of Mason County, Ky., a

prisoner at Camp Chase, Ohio, I have the honor to inform you that the prisoner has been released on taking and subscribing the oath of allegiance to the Government, which oath subscribed by him is herewith inclosed.*

Very respectfully, your obedient servant,

F. BALL,
U. S. Attorney.

NEW YORK CITY, *November 4, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Myself and six other citizens from Maysville, Ky., were arrested at that place on the 2d day of October, 1861, by order of General Nelson, then in command of the camp at that place, under a general charge of treason against the United States. At the time we were taken we were engaged in our usual and ordinary occupations, never having been in any manner engaged in the rebellion or intended to do so. We never contributed money, never advised men to go in the Southern army, nor in any other manner committed any act of disloyalty to the Government. We have never been informed of any specific charge against us and are utterly unconscious of having done anything to justify our arrest.

It is proper, however, to say to you that we were in favor of Kentucky maintaining a neutral position in the contest and equally opposed to the invasion of the State by the Federal forces or by the Confederates and advocated that policy, hoping that the State would be in a position to maintain peace within her borders and mediate between the two sections so as to restore peace and safety to the Union. But Kentucky by her legally constituted authorities decided not to remain neutral and passed laws in pursuance of that policy. As good citizens we felt it our duty to obey the laws of the State and at the time of our arrest as we had always done were giving cheerful obedience to the laws of both the State and Federal governments.

When arrested at Maysville one circuit judge issued a writ of habeas corpus in our behalf which was not allowed by the general to be executed and we were hurried away from the State. In Ohio a similar writ was issued by the judge of the U. S. court and that forbidden to be executed by General Mitchel who sent us to Camp Chase where we have been kept for a month and are now on our way to Fort Layfayette where we have been ordered.

Thus you see that we have made every effort in our power to have a legal investigation of our case and to meet any charges which may exist against us if any but with no effect. We are citizens of the State of Kentucky, disposed to obey all the laws of it and the Federal Government, and have been thus as we most humbly conceive most unjustly dealt with. We have never been disloyal to the Government nor intended to be, and are willing in good faith to take the oath of allegiance and keep it with scrupulous fidelity. We appeal to you to permit our release on the condition that we take the oath of allegiance; or if you prefer it direct that we be returned to Kentucky and delivered to some U. S. commissioner to inquire into our cases and if there be any charges against us that we may be tried by the loyal tribunals of this country.

The following are the names of the prisoners: R. H. Stanton, Benjamin F. Thomas, William Hunt, William T. Casto, George Forrester, Isaac Nelson and James H. Hall.

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* Omitted.

We understand we are ordered by you to Fort Lafayette. The prisoners from that fort have been ordered to Fort Warren. We beg you not to permit us to be taken to Fort Warren but return us to Cincinnati or to Kentucky by the guard now with us, that our cases may be legally examined if you will not order our release upon the terms above proposed.

Very respectfully,

R. H. STANTON.

—

MAYSVILLE, KY., *November 11, 1861.*

The undersigned citizens of Maysville would state that they are well acquainted with their fellow-citizens R. H. Stanton, James H. Hall, Benjamin F. Thomas, Isaac Nelson, William T. Casto, William Hunt and George Forrester who have lately been arrested in our city and sent out of our State for either past political offenses or from apprehension that such offenses might be committed by them. We are informed by those in whom we have confidence that all these prisoners (with the exception of Mr. Casto, who protests his innocence of any offense and demands a trial) have over their own signatures pledged themselves to abide by and perform all the laws of the State and Federal governments and yield a cheerful acquiesence to all such authority; that as Kentucky has taken her position in the controversy now dividing the country, and that as good citizens whose interests are identified with her they will do nothing to militate against that position. We are also informed that all of these prisoners without exception have signified their entire willingness to take the oath of allegiance to the State and Federal governments, and this they propose to do cheerfully and willingly. They are also willing to be tried by any of the courts of Kentucky for any and every charge that may be preferred against them or to give any bonds with security of undoubted character for their future good behavior. From our personal knowledge of these gentlemen and their standing, position and character in our community if they should now under all the circumstances take the oath of allegiance or otherwise promise fidelity and loyalty to the general and State governments we believe that full confidence may be placed in their complying with that obligation.

C. B. COONS.
J. BARBOUR.
LEWIS COLLINS.
A. M. JANNARY.
H. T. PEARCEY.
JAS. A. JOHNSON.
M. P. MARSHALL,
Senator of Marion and Lewis Counties, Ky.

—

MAYSVILLE, KY., *November 18, 1861.*

The PRESIDENT OF THE UNITED STATES.

SIR: The undersigned Union men of Kentucky take the liberty of laying before Your Excellency the copy of a communication* addressed to F. T. Hood and H. Taylor by R. H. Stanton, Isaac Nelson, Benjamin F. Thomas, James H. Hall, William Hunt and George Forrester, dated

* Omitted here. This letter will be found in its proper chronological order at p. 917.

October 14, 1861. These men were arrested in this city, sent to Camp Chase and from there to Fort Lafayette where they are now confined. We understand that they are political prisoners. We are not, however, fully informed of the exact nature of the charges preferred against them or upon which they were arrested.

The original communication from them is in the possession of Brigadier-General Nelson but we transmit herewith a true copy of it. Without intending to be understood as indorsing the protestations of innocence contained in the document we respectfully ask that they may be discharged from imprisonment and returned to their families upon condition that they will come under such obligations as will satisfy the Government and the community to which they desire to return of their intention hereafter to conduct themselves as loyal, obedient citizens to the constituted authorities of both the Federal and State governments. We also take the liberty of laying before you a copy of the proclamation of Brigadier-General Sherman, lately in command of the Military Department of Kentucky, concerning arrests of this character.

We are, respectfully, your obedient servants,

FRANCIS T. HOOD.
H. TAYLOR.

[Inclosure.]

HEADQUARTERS DEPARTMENT OF CUMBERLAND,
Louisville, Ky., October 31, 1861.

The removal of prisoners (except spies and prisoners of war) from the State without giving them an opportunity for trial by the loyal tribunals of the country does not meet the approval of the commanding-general. It is ordered that all such prisoners now under arrest or who may hereafter be arrested shall be taken before a judge or commissioner of the United States most convenient to the place of arrest, to be examined and dealt with according to law.

W. T. SHERMAN,
Brigadier-General, Commanding.

—

LOUISVILLE, KY., *November 22, 1861.*

MR. WILLIAM NELSON NEWELL, *Maysville, Ky.*

DEAR SIR: I have received your letter of November 8 asking my interposition in behalf of Isaac Nelson and six others who are under arrest and have been conveyed beyond the bounds of the State. I have no jurisdiction over the case in any way as the parties are no longer in this department, but any communication their friends may address to the Secretary of War regarding them I will favorably indorse.

Respectfully,

W. T. SHERMAN,
Brigadier-General, Commanding.

[Indorsement.]

NOVEMBER 22, 1861.

HON. SECRETARY OF WAR:

I have read the letter on the other side of this sheet from General Sherman to William Nelson Newell. I have no hesitation in advising the release of Isaac Nelson upon his agreeing to be a loyal citizen of

the State of Kentucky and United States. I have the honor to represent this district in the senate of Kentucky, and am of an opinion that the release of Mr. Nelson upon his oath will be acceptable to the people and for the benefit of the United States.

I am, sir, your obedient servant,

M. P. MARSHALL.

—

CAMP NEAR LOUISVILLE, KY., *November 29, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington.*

SIR: In October last for reasons that met the approval of the War Department I arrested and sent to Columbus, Ohio, the following active secessionists, viz, R. H. Stanton, William Hunt, William T. Casto, Isaac Nelson, George Forrester, B. F. Thomas and James H. Hall. At my request these persons were afterward transferred to Fort Lafayette. The campaign on the Big Sandy has completely quieted the eastern portion of Kentucky for the present at least, and I beg to request that these men with the exception of R. H. Stanton may be released on their taking the oath of allegiance which they are willing and anxious to do. I am satisfied that this course in regard to them would be of service to the cause in that portion of the State. Their power to do harm is at an end even if they were so inclined, and they are too small game to hold longer.

Not so, however, with Stanton. He served several terms in Congress and is an astute, truculent fellow and the head of the secession movement in Northeastern Kentucky. This man's industry and being wholly unscrupulous renders him too dangerous to be turned loose.

Trusting that it may suit your views of policy to grant my request, I have the honor to be, very respectfully, your obedient servant,

W. NELSON,
Brigadier-General.

—

LOUISVILLE, *November 30, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State:*

It is advisable to release all except Stanton. On no account release him.

NELSON,
Brigadier-General.

—

DEPARTMENT OF STATE, *Washington, December 4, 1861.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

SIR: Let William T. Casto, a prisoner confined in Fort Lafayette, be released on taking the oath of allegiance* to the Government of the United States stipulating that he will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State; and also that he will not do anything hostile to the United States during the present insurrection. I transmit this order to Robert Murray, esq., U. S. marshal, who has been instructed by this Department to cause a police examina-

* Casto declined to take the oath and was not released until February 22, 1862.

tion to be made in some cases of the persons and baggage of prisoners discharged from custody to the end that no correspondence or other improper papers be conveyed by them to persons outside the fort.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

[NOTE.—This order was also made same day in the cases of Isaac Nelson, William Hunt, George Forrester, James H. Hall and B. F. Thomas.]

—

FORT LAFAYETTE, *December 6, 1861.*

Hon. W. H. SEWARD.

MY DEAR SIR: I have been informed that General Nelson remonstrates with the Department against my release, and it may be that my release may not be granted on that account. I have now been in custody for two months, one-half of which was spent in a most comfortless and exposed condition at Camp Chase, the consequence of which is that my health has been greatly impaired and part of the time I have remained here I have been quite sick. If it is not your intention to grant me an immediate release I respectfully ask that you will grant me a parole for one month to remain in New York City and Brooklyn. I have a sister living at Brooklyn at whose house I would stay but would like to have the privilege of going to the city. If it please you to grant me this favor I shall be ever grateful.

With the greatest respect, your obedient servant,

R. H. STANTON.

[Inclosure.]

FORT HAMILTON, *New York Harbor, December 6, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, &c.*

SIR: From what I know of the prisoner, Mr. Stanton, I would respectfully recommend that his request be granted provided the Hon. Frederick P. Stanton, of Kansas, would be a guarantee of the parole of his brother.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel Third Artilllery, Commanding.

—

FORT HAMILTON, *New York Harbor, December 7, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: Please receive oaths of allegiance and stipulations of George Forrester, James H. Hall, Isaac Nelson, William Hunt and Benjamin F. Thomas. This by authority of yours of the 4th instant.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel Third Artillery, Commanding.

[Inclosure.]

I, George Forrester, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States against all enemies whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same any ordinance, resolution or law of any State convention or legislature to the contrary not-

withstanding; and further that I do this with a full determination, pledge and purpose without any mental reservation or evasion whatsoever; and further that I will well and faithfully perform all the duties which may be required of me by law, and that I will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State, and also that I will not do anything hostile to the United States during the present insurrection. So help me God.

GEORGE FORRESTER.

Sworn to and subscribed before me this 7th day of December, 1861.

ROBT. MURRAY,
U. S. Marshal.

[NOTE.—The oath and stipulation signed by Messrs. Hall, Hunt, Nelson and Thomas was identical with the above.]

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WASHINGTON, *December 7, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Having called to pay my respects to you without succeeding in obtaining an interview I trouble you with this letter. A number of my constituents and townsmen were arrested by Brigadier-General Nelson in Maysville, Ky., sent to Camp Chase, Ohio, and thence to Fort Lafayette, New York Harbor. I remember the following, viz, R. H. Stanton, esq., W. T. Casto, James H. Hall, Benjamin F. Thomas, William Hunt, Isaac Nelson and George Forrester. These persons were arrested without warrant and instantly hurried from their homes and State and a trial by habeas corpus denied. The public safety may require the arrest and detention in this manner of dangerous and important persons; nevertheless I do not entertain a doubt but that a number of these citizens should at once be discharged and sent home to their families and friends. I will name such as I place in this class: William Hunt, Benjamin F. Thomas, Isaac Nelson, George Forrester and James H. Hall. The four first named are unimportant persons—very much out of place in Fort Lafayette. I do not believe anything can be established against them but secession talk and sentiments. * * *

General Nelson after their arrest freely consulted with me and I with him and I assert that no facts came to our knowledge compromising them. General Nelson promised me before we left for Prestonburg to interfere in their behalf, and expressed the opinion that they should be allowed to come home. Their families (my neighbors) are in great distress. They promise obedience to the laws. They are slight, unimportant people. I strongly recommend their immediate release and to this end I am a respectful petitioner. I protest against their further imprisonment without a trial at least in the loyal and peaceful place of their arrest.

It would be gratifying to the Kentucky Members of Congress as well as to myself to know that Mr. Stanton and Charles S. Morehead and other Kentuckians held as prisoners are made as comfortable as their former standing and habits require and the public interest permits. I trust you will excuse this remark since I have heard through a colleague that Mr. Morehead was not comfortably lodged.

With sentiments of great respect, I have the honor to be, very truly, your obedient servant, &c.,

W. H. WADSWORTH.

U. S. MARSHAL'S OFFICE, *New York, December 11, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: The inclosed letter was received by me this day from R. H. Stanton now confined in Fort Lafayette. I know nothing of the merits of his case beyond the fact that the five Kentuckians discharged by me on Saturday in pursuance to your order vouched for his loyalty and his willingness to take the oath of allegiance. I accordingly promised to forward any communication that he might send me in relation to his arrest to the Department of State, and await your instructions.

I am, sir, your most obedient servant,

ROBERT MURRAY,
U. S. Marshal.

[Inclosure.]

FORT LAFAYETTE, N. Y., *December 7, 1861.*

ROBERT MURRAY, Esq., *U. S. Marshal.*

MY DEAR SIR: I understand you were at the fort to-day, and I regret that I could not have had an interview with you. The Kentucky prisoners who were arrested with me you are aware were released to-day. Our cases are precisely alike. None of us had committed any offense and there existed in the Department at Washington no charges against either of us. I am detained I have not the least doubt through the instrumentality of one or two malignant men who have abused the confidence of General Nelson. I have never taken any part in the rebellion, never designed to do so, nor have I contributed in any way to aid it. I have always given cheerful obedience to the laws, never advocated the secession of Kentucky, and have always been willing to take and keep in good faith the oath of allegiance. I have been informed by Mr. Forrester that you kindly propose to intercede for my release upon a statement from me of what I am willing to do. I do not know anything else I can do more than take the oath of allegiance. The rebellion does not rage in my region nor do I know of any intention there upon the part of anybody to engage in it. If I had the disposition to do wrong I could do no harm there and no possible injury could result from my release. If you can aid me in effecting it I shall be under everlasting obligations to you.

With great respect, your obedient servant,

R. H. STANTON.

P. S.—My health has been very much impaired since my confinement and I feel sure I cannot improve in that respect while here.

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FORT LAFAYETTE, N. Y., *December 17, 1861.*

His Excellency ABRAHAM LINCOLN,
President of the United States.

SIR: Near three months ago while giving cheerful obedience to the laws and in the peaceful pursuit of my usual and ordinary occupations I with several other citizens of Maysville, Ky., was arrested by order of General William Nelson and sent to Ohio, where I was imprisoned at Camp Chase for a month and from thence transferred to this fort where I have been kept confined ever since.

At the time of my arrest there was no insurrection in my neighborhood and none intended or contemplated. I had never engaged in the rebellion or thought for a single moment of doing so. I never encour-

aged others to do so, but on the contrary exerted myself to restrain the young men of my county from going off to the rebel army, and practical proof of this fact I am informed is on record in the State Department.

I was, however, most earnestly opposed to the sending of arms into Kentucky, and believed that the arming of one political party against the other could result in no good and was only calculated to engender trouble. I was opposed also to the invasion of the State by either the Federal troops or the Confederates and advocated in good faith the perfect neutrality of Kentucky, believing if the war could be kept from within her borders it would not only save her from a terrible calamity but place her in such a position as would enable her to mediate between the parties and bring about a restoration of peace and re-establishment of the Union. I sincerely believed if when in your letter to Governor Magoffin you left the matter of the withdrawal of the Federal troops from the State to the Union Representatives of Kentucky they had agreed to a withdrawal both armies would have been withdrawn and the State not only saved from the horrors of war, but in a position by her wise counsels to have brought about a peaceful settlement of the national troubles. In accordance with these views I voted. My views in this respect may have been unwise and erroneous but they were at least sincere. Because I entertained and advocated them I was I suppose considered a secessionist.

I never did advocate the secession of Kentucky and no man lives who can truthfully say I did. I know that I have been misrepresented and maligned to the Government. It can only have been done by men who are my personal foes. I declare to you upon the honor of a gentleman that I never had a thought of disobeying any law of either the State or General Government or taking part in any rebellion either against the State or Federal Government. When the legislature of Kentucky after Governor Magoffin's receipt of your letter refused to request the withdrawal of the Federal troops and established a different policy, I considered the questions which before that had divided the people as finally settled and as a good citizen I deemed it my duty to submit to and obey the laws which the constituted authorities of the State had enacted in pursuance of that policy. I did obey the laws and never had a thought of doing otherwise.

General Nelson when he caused my arrest knew nothing personally of my disposition or sentiments. I feel satisfied if he had known my real views, conduct and intentions I would not have been arrested. He doubtless acted from the representations of others who misled him. It was natural to suppose that because I was earnestly opposed to arming one party in the State against the other, opposed to making Kentucky a bloody battlefield and in favor of neutrality that I was therefore a secessionist and rebel. I was neither, and at the time of my arrest was giving cheerful obedience to the laws, quietly pursuing my ordinary business and with no thought or intention of disloyalty either to the Federal or State government.

I have signified my perfect willingness to take the oath of allegiance and have never doubted that my public and private character were a sufficient guarantee that I would keep it in good faith. It seems, however, that I cannot be released and am kept a prisoner here. Those arrested with me have all been released upon taking the oath of allegiance and I cannot comprehend the reason why I am made the solitary exception to a rule which it seems has been applied to all others against whom no charges of crime are alleged, which I understand is true as to myself. I appeal to your justice and humanity to cause me to be

released. I declare before high Heaven that I have done nothing or ever intended to do anything which if done would merit this punishment. If I am charged with any act of disloyalty or intention to commit any act of disloyalty it is a monstrous falsehood come from whom it may.

I have a very large, helpless and dependent family, perhaps as large if not the very largest in my neighborhood, upon whom my exile from home and imprisonment falls most heavily. They need my care and protection, and I beg you to interpose your authority and spare them further suffering by ordering my release. With great confidence in your sense of justice and humanity, I am, with the highest respect, your obedient servant,

R. H. STANTON.

FORT LAFAYETTE, N. Y., *December 18, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor herewith to inclose you an article taken from The Maysville (Ky.) Eagle of the 12th instant containing a refutation of a vile and infamous calumny which it seems has been used to fasten upon me the guilt of disloyalty, and I respectfully ask that the article may have your attention. I have been imprisoned now near three months and though having made every exertion in my power to ascertain what charges were made against me this is the only specific and definite one of which I have yet heard. I suppose it forms the basis of General Nelson's request of the Department that I may be detained as a prisoner. It turns out to be a base and slanderous falsehood and shows with what facility in these times bad men may engender mischief.

If there are any other charges against me directly imputing disloyal acts or intentions or even insinuating them against me I declare before high Heaven they are false no matter by whom made, and I pledge my life that they are as susceptible of as clear and satisfactory a refutation as the one referred to in The Eagle. General Nelson when he caused my arrest knew nothing nor could he have known anything personally of either my conduct, disposition or sentiments in regard to the then existing troubles. He has no doubt therefore been imposed upon and misled by bad men who are too ready in these times to invent slanders upon those whom they dislike and to magnify mere suspicions into veritable facts.

With the highest respect, your obedient servant,

R. H. STANTON.

[Inclosure.]

The gentlemen who were arrested in this city by order of General Nelson last fall have been released and have returned to this city, with the exception of Messrs. Stanton and Casto who were detained in custody. The citizens of Maysville are pleased with the release of these gentlemen from confinement, receiving it as an indication that the Government has satisfactory assurances that their being at liberty will not be productive of evil to the cause or disturb the peace of this community. We are informed that Mr. Casto refused to take the oath and the Government officials did not feel justified in releasing him until he had entered into obligations of fealty to the Government.

We have not been informed of the special reasons which induced the longer confinement of Mr. Stanton but we are told it was done by the order of General Nelson who may have evidence against him sufficient to warrant a civil prosecution. We feel that it is due to Mr. Stanton

to correct a misstatement concerning him made by th
any one would take as good authority. In speaking of
Grayson we said that one of the prisoners had made a con
implicated Mr. Stanton in a conspiracy to invade Kentucky
upon this city. We are informed that the man, whose name is
has made oath that he never made such a confession and that he kn
nothing of any connection of Mr. Stanton with the raids upon this State.

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FRANKFORT, KY., *December 19, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington, D. C.*

DEAR SIR: The undersigned Union members of the General Assembly of Kentucky earnestly request that Richard H. Stanton, of Kentucky, now a prisoner in Fort Lafayette, may be returned to Kentucky for trial before the proper tribunal within this Commonwealth. We are satisfied that the detention longer of Mr. Stanton will subserve no public interest. His return for trial will gratify many true friends of the Government, satisfied as they are that if Mr. S. has been guilty of an offense against the Government he will be punished; if innocent an opportunity will be afforded him to vindicate himself.

Very respectfully,

George P. Webster, Cyrus Campbell, Jno. W. Finnell, L. W. Andrews, Geo. H. Yeaman, Joseph Ricketts, J. R. Thomas, W. L. Conklin, Rich'd J. Browne, F. L. Cleveland, Rich'd A. Buckner, Geo. M. Thomas, Wm. J. Heady, H. Griffith, J. H. Harney, V. B. Young, J. W. Anderson, B. J. Clay, James Calvert, J. B. Cochran, R. Cochran, A. A. Curtis, Alf. Allen.

We would be satisfied with the release of Mr. Stanton upon his taking the oath of allegiance and voluntarily coming under obligations to the Government and to the community to which he desires to return to conduct himself as a loyal citizen to the State and Federal governments.

George Poindexter, H. Taylor, W. C. Ireland, P. L. Maxey, V. B. Young, D. P. Mears, L. W. Andrews, Alex. Lusk, Otho Miller, Joseph Ricketts, James Calvert, J. B. Cochran, R. Cochran, C. F. Bruneaux, A. A. Curtis, J. R. Underwood, B. R. Young, N. A. Rapier, R. Gibson, Alf. Allen, Zeb. Ward, D. W. Johns, John W. Campbell, J. R. Thomas, W. L. Conklin, R. J. Browne, F. L. Cleveland, H. Griffith, Wm. J. Heady, J. H. Harney, J. Tevis, Nat Wolfe, J. W. Anderson, J. P. Sparks, S. G. England, W. S. Rankin.

The undersigned Union senators concur in the request that R. H. Stanton be restored to his liberty on taking required oath.

M. P. Marshall, John F. Fisk, R. H. Field, Jas. H. G. Bush, W. B. Read, M. P. Buster, James Speed, Henry D. McHenry, S. E. De Haven, Nathan McClure, C. T. Worthington, I. A. Prall, R. T. Baker, John B. Bruner, T. T. Alexander.

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FORT LAFAYETTE, *December 22, 1861.*

His Excellency ABRAHAM LINCOLN,
President of the United States.

SIR: I had the honor a few days since to address you on the subject of my imprisonment at this place. You will pardon me if I again tres-

pass upon your attention. I have never been allowed to know the exact charges upon which I have been now three months confined, but General Leslie Coombs, of Kentucky, informed my brother a few days ago that he had heard in Kentucky that General Nelson's charges against me were of having had meetings and consultations at my house in aid and encouragement of the rebellion, and also that I had some agency in procuring arms for the intended resistance to the Government in that quarter. If it be true that such charges are made against me I can only say that they are in every particular false and untrue without even the shadow of a foundation in truth. No such meetings or consultations were ever held at my house at any time by anybody nor would I have for a moment permitted it. No arms to my knowledge were ever procured or sought to be procured by me or any one else of whom I knew nor was any resistance to the Government ever intended or contemplated that I know of. The whole story is a fabrication. Fortunately for me two gentlemen of the highest standing and respectability, Mr. Hiram Bassett, teller in the Maysville Bank of Kentucky and now grand master of the Grand Lodge of Kentucky, and his father, James Bassett, esq., lived at my house at the time and have actual personal knowledge that these charges of General Nelson are false. They were present at home all the time I was myself and no such meetings could possibly have occurred without their knowledge. General Leslie Coombs, now in Washington, knows both these gentlemen and can bear testimony to their high character and integrity. I refer to them as well as to all my neighbors in vindication of myself against these foul calumnies. You are too just to permit a citizen to be unjustly oppressed if you can prevent it and I appeal to you again to interfere and either direct my absolute release or grant me a parole that I may have an opportunity of vindicating myself in some satisfactory way against what I again assure you are utterly false and groundless charges.

With the highest respect, I have the honor to be, your obedient servant,

R. H. STANTON.

—

FORT LAFAYETTE, *December 22, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: General Leslie Coombs, of Kentucky, informed my brother a few days ago that he had heard in Kentucky that the charges made by General William Nelson against me were of having held meetings and consultations at my house in aid and encouragement of the rebellion; also that I had some agency in procuring arms for the intended resistance to the Government in that quarter. My word against that of General Nelson may not be of much weight in my present situation, but I beg nevertheless to say that if such are the charges upon which I am held a prisoner there is not one word of truth in them nor the shadow of foundation in truth for even a suspicion of the kind. There never was a meeting or consultation for such a purpose at my house or any other place that ever I attended. I never invited any living soul there for that purpose nor did even any person come nor would I have permitted it.

It is equally false that I had any agency in procuring arms for the "intended resistance to the Government in that quarter." No arms so far as I know ever were procured for such a purpose or sought to be procured,

nor was there to my knowledge any design to resist the Government or take up arms or otherwise engage in the rebellion in that quarter.

I am perfectly amazed that such charges have been made by General Nelson, and am utterly at a loss to imagine how even a suspicion of such conduct on my part could have been indulged. Fortunately for me two gentlemen of the highest standing and respectability in Maysville lived at my house at the time—Hiram Bassett, esq., teller in the Bank of Kentucky, and his father—both of whom know these charges against me to be false. They were there at my house all the time when I myself was there and I refer to them and all my neighbors in vindication of myself against these foul calumnies. General Leslie Coombs is now in Washington; has known Mr. Hiram Bassett (who is now grand master of the Grand Lodge of Kentucky) for many years and can assure you of his integrity and high character. He also knows Mr. James Bassett, his father. I beg further to say that I never wrote a line to any living man in the seceded States on the subject of the rebellion nor to any one elsewhere in promotion of the rebellion; nor did I ever write or talk to any man with a view of procuring arms to resist the Government and never entertained the idea for a single moment of encouraging or aiding such resistance.

Having thus recorded my denial of General Nelson's charges against me as far as I have learned them, and referred you to persons by whom they can be actually disproved, I have the honor to be, your obedient servant,

R. H. STANTON.

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DEPARTMENT OF STATE, *Washington, December 24, 1861.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

SIR: Let Richard H. Stanton, a prisoner confined in Fort Lafayette, be released on taking the oath of allegiance to the Government of the United States. I transmit this order to Robert Murray, esq., U. S. marshal, who has been instructed by this Department to cause a police examination to be made in some cases of the persons and baggage of prisoners discharged from custody to the end that no correspondence or other improper papers be conveyed by them to persons outside the fort.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

I, Richard H. Stanton, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States against all enemies whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same any ordinance, resolution or law of any State convention or legislature to the contrary notwithstanding; and further that I do this with a full determination, pledge and purpose without any mental reservation or evasion whatsoever; and further that I will well and faithfully perform all the duties which may be required of me by law. So help me God.

R. H. STANTON.

Sworn to and subscribed before me this 26th day of December, 1861.

HARRY B. NOBLE,
First Lieut., Eighth Infantry, Judge-Advocate of Court-Martial.

FORT LAFAYETTE, *January 10, 1862.*

Hon. WILLIAM A. RICHARDSON, *Washington, D. C.*

SIR: I take the liberty of addressing you, presuming upon an acquaintance made some years ago on Lake Superior, when you were traveling with Mr. Hanscom, of Michigan, from Sault Ste. Marie to Superior City. If you should fail to recollect me you may remember a little excursion up the Bay of Superior to some aborigine lodges on the 4th of July, 1855, and a certain passage at arms "a la skiff oar" with one of the party on our return.

It is hardly necessary to say to you that I am prisoner here or to detail to you the particulars of my arrest and imprisonment. I will merely state that on the 2d day of October ultimo I was arrested in the town of Maysville, Ky., by the order of General William Nelson and hurried off to Camp Chase in the State of Ohio where I remained one month and was removed thence to this place. Both at Maysville and Cincinnati I endeavored faithfully to ascertain the cause of my arrest and only learned a short time since that no charges have been preferred against me. At the time of my arrest there was no excitement whatever in the part of the State where I lived, and General Nelson established his military camp near our town among citizens who were quietly pursuing their ordinary avocations.

I should not complain of the treatment I have received at the hands of my enemies if I had done anything to deserve it, and one would think that more than three months' imprisonment utterly without cause would be sufficient to gratify the malice of a fiend. My views in regard to the proper position for Kentucky to take in the rebellion could have been the only possible pretext for my arrest, for otherwise I had taken no part in politics whatever. I favored the neutrality of Kentucky which was advocated as you know at one time or another by every party in the State, and have been always anxious for the restoration of peace, as I have property interests both in the North and South.

I have been informed by authority that no charges have been sent against me to the office of the Secretary of State, and I think surely I ought to be allowed my parole. I do not know how to proceed unless it be to request some friends to call upon the Secretary of State and make my statement. I have property in Kentucky which I am willing to pledge for my parole if it cannot be obtained otherwise. Three persons, Messrs. Gwin, Benham and Brent, have been thus released, and I see by this morning's papers that Governor Morehead of Kentucky has been released on his parole. I have no claims upon you except the common claim of humanity, but I shall be ever grateful to you if you will make my cause known to the proper authorities and secure my release from this long confinement. Will you be kind enough to reply to my letter?

Very respectfully, your obedient servant,

W. T. CASTO.

DEPARTMENT OF STATE, *Washington, January 16, 1862.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

SIR: Let W. T. Casto, a prisoner confined in Fort Lafayette, be released on taking the oath of allegiance to the Government of the United States stipulating that he will neither enter any of the States in insurrection against the authority of the Government of the United States nor hold any correspondence whatever with persons residing in

those States without permission from the Secretary of State; and also that he will not do anything hostile to the United States during the present insurrection. You will please make the stipulations a part of the oath. I transmit this order to Robert Murray, esq., U. S. marshal, who has been instructed by this Department to cause a police examination to be made in some cases of the persons and baggage of prisoners discharged from custody to the end that no correspondence or other improper papers be conveyed by them to persons outside the fort.

I am, sir, very respectfully, yours, &c.,

F. W. SEWARD,
Assistant Secretary.

FORT LAFAYETTE, *January 17, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: Learning that all communications from prisoners in regard to their cases must be directed to you and not to any one in the character of attorney or agent, I take this opportunity of respectfully presenting mine. I was arrested in Maysville in the State of Kentucky on the 2d day of October last, by order of General William Nelson and was immediately sent to the State of Ohio, where at Camp Chase near Columbus I was kept for one month and was thence removed to this place where I have since been detained.

I have endeavored assiduously to learn the cause of my arrest but have not heard up to this time that any charges whatever have been alleged against me either in Kentucky or in Washington, and indeed I am confident that none to my prejudice can be sustained. At the time of my arrest there was no excitement in regard to the rebellion in the part of the State where I lived, but on the contrary all was peaceful and quiet, and so far as I know there was no one aiding the rebellion by speech or act. If my arrest was made to gratify the private malice of enemies at home I think that an imprisonment of nearly four months far away from my business and friends would be sufficient to gratify even them, but if they should desire that I be sent to Kentucky to answer charges of treason or any other charges I would gladly accept the opportunity it would give me to disprove any and all allegations that have been made to injure me in the estimation of the community in which I reside. If, however, you should not think it advisable to send me home for trial I would be glad to receive a parole that will enable me to visit my home at least for a short time that I may settle my business which I left in a deranged condition with nobody in my stead to take charge of it. At the beginning of the year the debts that have accrued in my favor and against me cannot be arranged by an agent without great detriment to my interests; but I desire a parole chiefly that I may visit a near female relative residing at Aberdeen in the State of Ohio who is at the point of death and whom it would be a great gratification to see once more if only for a short time. Inclosed you will find a letter* which I received concerning her a few days ago.

I have no friend in Washington to whom I can refer you except perhaps Col. W. A. Richardson, of Illinois, whom I met some years ago on Lake Superior. I am not certain that he will remember me, but I can refer you to Col. W. H. Lytle, U. S. Army, of Cincinnati, who is my friend and who I feel confident would cheerfully serve me at this time.

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* Omitted.

I may further state that I have some property in Kentucky and would be able to give bond and security for the faithful observance of my parole.

Very respectfully, yours,

W. T. CASTO.

P. S.—Will you be kind enough to return the inclosed letter?

W. T. C.

—

FORT LAFAYETTE, *January 20, 1862.*

Hon. W. H. SEWARD, *Secretary of State, Washington.*

SIR: Having written to you a few days ago in regard to a parole and receiving yesterday a proffer of a release conditioned on my taking the oath of allegiance, to prevent any misapprehension on your part on account of my failure to take the oath I avail myself of the delay of my former letter which has not yet reached you to address you a few lines that will explain it.

The order states that I was arrested on the 5th of November, whereas I was arrested on the 2d of October and have been in prison now nearly four months. My former letter will explain to you the circumstances of my arrest and other facts not necessary to be repeated here. I am confident as are all my friends at home that my arrest was made to gratify the private malice of secret enemies and not on account of any disloyal acts or intentions, which acts or intentions they have been unable or fear to allege against me. If any charges could have been even plausibly preferred against me it is reasonable to suppose that nearly four months during my imprisonment would have given ample opportunity. I have never during this long time requested my release and have awaited patiently the returning sense of justice of those who were instrumental in bringing me to this trouble.

A few weeks ago I addressed letters to Hons. J. J. Crittenden and L. W. Powell to interest themselves to procure me a parole, but they have not replied thinking I suppose it was not the policy of the Government to grant them. But finding that paroles were subsequently permitted to some who were in this and other places for valid reasons I have since addressed one letter to yourself and another to Colonel Richardson, of Illinois, the only gentleman in Washington with whom I can claim an acquaintance. The oath in my case it seems to me would imply that I have at least given some cause to justify my long imprisonment and thus far gratify the malice of enemies who have traduced my character during my absence and otherwise seriously injured me. As I stated in my former letter my business has suffered and at the beginning of the year must suffer greatly more without my personal attention. A short visit home would enable me to arrange my matters which I left in a very confused condition. I have a near, dying relative concerning whom I sent you a letter inclosed in my former whom a parole would enable me to see likely for the last time. These, sir, are the only reasons I have to offer you for a brief parole. I hope you may deem them sufficient.

Very respectfully,

W. T. CASTO.

P. S.—Inclosed you will find the letter* referred to in my former letter but which was omitted by mistake.

W. T. C.

*Omitted.

U. S. MARSHAL'S OFFICE, *New York, January 21, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: Agreeably with instructions communicated in your letter of th 17th [16th?] instant I proceeded to Fort Lafayette to administer the oath of allegiance and release W. T. Casto. * * * [He] refused to take the oath and consequently remains in custody. * * *

I am, sir, your most obedient servant,

ROBT. MURRAY,
U. S. Marshal.

—

WAR DEPARTMENT, *Washington, February 21, 1862.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette, New York Harbor.*

COLONEL: You may release on the 22d of February instant the following prisoners confined in Fort Lafayette upon their engaging upon their honor that they will render no aid or comfort to the enemies in hostility to the Government of the United States: W. T. Casto. * * *

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

—

FORT LAFAYETTE, *New York Harbor, February 22, 1862.*

We the undersigned do solemnly promise upon our word of honor that we will render no aid or comfort to the enemies in hostility to the Government of the United States.

W. T. CASTO.
[AND 35 OTHERS.]

Case of Capt. Michael Berry.

Capt. Michael Berry, of the "high seas," was arrested by order of the Secretary of State in New York October 7, 1861, and conveyed to Fort Lafayette, and was on the 1st of November transferred to Fort Warren. The charges against Captain Berry were his openly expressed sympathy for the rebel cause; talked secession loudly and publicly, and when captain of a steamer running between New York and Charleston and after South Carolina had formally seceded he carried the rebel flag into and out of the port of Charleston, and that as a token of his loyalty to the rebel cause he was presented with and accepted a cane from a committee of citizens of Charleston. The said Michael Berry remained in custody at Fort Warren February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

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DEPARTMENT OF STATE, *Washington, October 24, 1861.*

Hon. SETH C. HAWLEY, *New York.*

SIR: Herewith I transmit to you certain statements in reference to the case of Capt. Michael Berry, now confined in Fort Lafayette, N. Y.

Will you please consult John A. Kennedy, esq., superintendent of police, and remit to me with your opinion thereon these papers?

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

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413 BROOME STREET, NEW YORK, *November 2, 1861.*

F. W. SEWARD, *Assistant Secretary of State, Washington, D. C.*

DEAR SIR: Yours of the 24th October in relation to the case of Capt. Michael Berry was received in due course of mail. I have delayed replying for a few days, making search for evidence against Mr. Berry. I do not find any one who can prove any specific acts of Captain Berry. The officers and sailors who sailed under him to and from the port of Charleston during the time when he carried the rebel flag are now absent with the great naval expedition. The arrest of Mr. Berry was made upon the newspaper statements of the time.

For the purposes of this communication I assume that the allegations against him are true. He has talked secession loudly and publicly. When captain of a steamer running between this city and Charleston and after South Carolina had formally seceded he carried the rebel flag on his ship into and out of the port of Charleston, and this defiantly in the face of Fort Sumter while yet in possession of U. S. forces. I take him to be guilty enough and that his guilt could be established by competent proof. I come to this conclusion from circumstances and the general report of his conduct by his friends.

I suppose, however, that the Government does not desire to imprison every man who has been guilty of treason, but only those whose liberty is inconsistent with the public safety. Captain Berry is not a man of influence or position nor has he any marked degree of ability. He is intemperate in his habits and indiscreet in his manner. In manner he is what is described in vulgar phrase a "blower." His conduct while running to and from the port of Charleston was induced by commercial greed which leads astray numbers of better men than he. He flattered the self-love of the rebels and thus secured their applause, with which he was weak enough to be flattered, and their money. The carrying of the Palmetto flag was of little account practically. It did the United States no harm and the rebels no good. It was only a badge of treason indicating the animus of the man. Undoubtedly freights were carried in his ship which offered real "aid and comfort to the enemy." But of this there are no proofs nor has that ever been alleged against him as an offense.

I think the public safety does not require the further detention of Captain Berry and that he may safely be discharged on taking the oath of allegiance. Captain Berry in his commercial intercourse with Charleston acted for Spofford & Tileston, the distinguished shipping house. The freights of his ship were theirs, and though there is no doubt that the firm in question forwarded vast quantities of freights which were contraband of war, even arms and ammunition, clothing and military stores, yet no one, not even the Federal officials, ever questioned their transactions. They were the principals in the treasonable business and he the agent. While they are at large and respected and cherished he ought not to be in durance unless the public safety demands it.

Nevertheless if you wish me in these respects to found my conclusions upon the legal guilt or innocence of the parties, then I should be

constrained to report adverse to Captain Berry. But if the suggested considerations of public policy may be taken into account, then for the reasons stated I should report in favor of setting Captain Berry at liberty.

I am, very respectfully, yours,

S. C. HAWLEY,
Chief Clerk.

I herewith return the letter of Messrs. Beebe, Dean & Donohue.

—

PARKER HOUSE, BOSTON, MASS., *November 14, 1861.*

F. W. SEWARD, *Assistant Secretary of State, Washington.*

SIR: I have to-day made my first visit to Fort Warren. * * * I am engaged in ascertaining who among the political prisoners are clearly not cases to be set at liberty. By to-morrow I expect to complete that list, which will narrow the field of inquiry. From among the balance I shall then try to find out those who clearly ought to be set at liberty. I think in some cases and I fear in many I may be compelled to ask you for such papers as you may have on file, but of that hereafter.

I see that Michael Berry is yet a prisoner. I am glad of it. I fear my conclusion forwarded you in his case was erroneous. Hope he will not be dismissed on the strength of it but held for further consideration. He is more of a man and therefore more dangerous than I thought.

I am, very respectfully, yours,

SETH C. HAWLEY.

—

413 BROOME STREET, NEW YORK, *November 23, 1861.*

F. W. SEWARD, *Assistant Secretary of State.*

DEAR SIR: Since writing you a note from Boston in relation to Capt. Michael Berry I have had further interview with the captain and have come to the conclusion that he may as well remain where he is. I inclose* herewith in Captain Berry's handwriting his conditions. His property is wholly real estate. The assurance that the United States will guarantee his title against confiscation with 500,000 bayonets makes no impression upon the captain.

I think from certain things said in our interview that he has it in his mind to go to England and take ventures in running the blockade. His knowledge of the coast navigation and the wants of the people South would make him troublesome perhaps.

I am, very respectfully,

S. C. HAWLEY.

—

FORT WARREN, *December 3, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: It is painful to me now getting to be an old man bordering upon sixty years of age and always a peaceable, law-abiding citizen to address one of the high officers of the United States from the walls of a prison, and I assure you, sir, that this pain is in no degree mitigated by the reflection that it is by the order of that high officer that

*Not found.

I have been placed and am now detained within this fortress. Why, sir, am I thus in my old age deprived of my liberty? I know of no act on my part which can justify or even be a pretext for my imprisonment. For forty-five years man and boy I have been sailing between New York and Charleston and during all that time have changed employers but once and then only because the party with whom I first engaged withdrew from the line. This ought to be satisfactory evidence of my good character and good conduct. You, sir, have been a passenger with me between New York and Charleston and ought to know something of me personally.

I know not of any specific charge against me, certainly not of any offense against the law. But it has been rumored that I owe my arrest and imprisonment to my having raised the Palmetto flag upon my vessel, the steam-ship Columbia, in March last. This I do not deny; but let me explain the circumstances. It was a flag that I had used as my private signal and as a racing flag for fifteen years. I had used that same flag when you, sir, were a passenger with me some twelve or fifteen years ago, and Daniel Webster, John A. Dix, and many other distinguished citizens have sailed with me with that flag flying. To General Dix I rendered a great service with it only two years ago in signaling a vessel sailing from Charleston to Florida on which he wished to take passage for Florida to visit his sick wife then lying in a critical state. In March when I used it in a way which it appears has given offense there was peace between the North and the South and business and intercouse between the two sections were prosecuted as usual. My vessel was still making her accustomed trips. In leaving New York on that occasion I made my departure at the same time with the Yorktown, one of the Richmond steam-packets which led to a trial of speed between her and the vessel which I commanded. In this as in all other cases of the like kind which had occurred hundreds of times I raised the flag before referred to simply as a racing flag and not as an act of any political significance whatever. In fact I am not and never have been a politician. I never even voted in my life. At the same time that I raised this flag I had and kept at its appropriate place on the peak of my vessel the U. S. flag. How this can be construed into an offense and tortured into a sufficient cause for my imprisonment I am unable to conceive. And I think, sir, when you give the subject your reflection you will come to the conclusion that great injustice has been done me and that I ought to be immediately discharged.

But I understand from Mr. Hawley, who has visited the prisoners here on your behalf, that I cannot expect a discharge unless I will consent to take the oath of allegiance to the Constitution and Government of the United States. This I did when I was admitted to citizenship, for I am of Irish birth, but to do it again and under existing circumstances would probably subject me to great loss and leave me destitute in my old age. Already I have lost $30,000 in vessels recently seized and confiscated by the United States Government in consequence of their being in part owned by citizens of the South. I own property to the amount of $25,000 in Charleston which would probably be confiscated by the South should I take the step which you require of me. Surely justice and humanity forbid that you should impose upon me such a hardship. I am ready to give such parole as under the circumstances would be safe for me and it would be reasonable and just for you to ask, and upon such terms I pray you to order my discharge.

I am, with great respect, yours, &c.,

M. BERRY.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., January 20, 1862.

Col. J. DIMICK, *Commanding at Fort Warren.*

SIR: * * * Cannot you procure the release of Capt. M. Berr who was a merchant captain? I would be willing to give any mercha captain in our hands, if any. With your assistance, colonel, I hope can do much to relieve needless suffering to our fellow-countrymen.

With the highest respect, your obedient servant,

BENJ'N HUGER,
Major-General.

FORT WARREN, *Boston Harbor, January 31, 1862.*

Maj. Gen. B. HUGER, *Commanding, Norfolk, Va.*

GENERAL: * * * Captain Berry is held as a prisoner of state. Should he be placed in a position to be exchanged which I think will be done then I will most cheerfully exchange him.

I am, general, with great respect, your obedient servant,

JUSTIN DIMICK,
Colonel First Artillery, Commanding Post.

COMMISSION RELATING TO POLITICAL PRISONERS,
Boston, May 7, 1862.

Col. JUSTIN DIMICK, *Fort Warren, Boston.*

COLONEL: The following persons having complied with the conditions required by the Commission you will please discharge them, viz: * * * Michael Berry. * * * You will at the same time return to each of them any property in your possession belonging to them.

Very respectfully, yours,

E. D. WEBSTER.

MAY 7, 1862.

I, Michael Berry, of Charleston, S. C., do hereby give my parole of honor that I will render no aid or comfort to the enemies in hostility to the Government of the United States, and that I will not go into any of the States in armed insurrection against the authority of the Government of the United States; and further that I will not hold any correspondence with persons residing in those States without permission from the Secretary of War.

M. BERRY.

Signed in presence of—

E. D. WEBSTER.

Case of E. B. Grayson.

This man [E. B. Grayson] was arrested in Washington October 7, 1861, by order of Provost-Marshal-General A. Porter and confined in the Old Capitol Prison, and from thence transferred to Fort Lafayette by an order issued from the Department of State dated December 20, 1861. He was charged with sympathizing with the rebellion against the Government of the United States and with being a general in Jeff. Davis'

army. An order was issued from the Department of State dated November 29, 1861, directing General Porter to release Grayson on his taking the oath of allegiance. General Porter reported to the Secretary of State December 2, 1861, that Grayson declined to take the oath on any condition. The said E. B. Grayson remained in custody at Fort Lafayette February 15, 1862, when in conformity with the order of the War Department of the previous day he was transferred to the charge of that Department.*—*From Record Book, State Department, "Arrests for Disloyalty."*

Case of the Flanders Brothers.

Joseph R. and Francis D. Flanders, residing at Malone, Franklin County, N. Y., were arrested under an order issued by the State Department on the 11th day of October, 1861, and conveyed to Fort Lafayette, whence they were afterward transferred to Fort Warren. Many complaints were made of disloyal and seditious conduct on the part of these men, of whom Joseph R. Flanders was represented as a lawyer of ability, controlling his brother, Francis D. Flanders, who published a disloyal sheet called The Franklin Gazette.

It was represented in September, 1861, that willful and vindictive in his feelings he (Joseph R.) has made himself particularly officious during the last six or eight months in proving to the people of Franklin County through the columns of the Gazette by letters and in public speeches to meetings called for that purpose, that the Southern States had a right to secede and that the prosecution of the war on the part of the North was aggressive and wrong, and that under the baleful influence of the two Messrs. Flanders and the paper mainly the public sentiment of Franklin County was much distracted, the enlistment of soldiers greatly hindered and retarded and that in several of the towns nearly as many persons could be enlisted for the Southern Confederacy as could be for the United States, and that in one town a large number of citizens raised and maintained a secession flag for several days until a force was collected to demolish it, when Judge (J. R.) Flanders sent a message to them advising them for safety to take down the flags and disperse, which was done.

Affidavits were presented to the Department of which the following are copies.†

On the 3d of May, 1861, Mr. T. S. Mears, of Fort Covington, addressed a letter to J. R. Flanders in which he uses these words:

> All honor to those distinguished men, Mr. Douglas among them, who, forgetting the comparatively insignificant interests of party and self, have rallied around the time-honored flag and the constitutional government of our country. It grieves me, my old friend, to hear that your voice, your aim and your efforts are not with them, and infinitely more to be informed that you would palsy the arm raised to parry the blow and defend our country's flag. Have I been misinformed? We have such reports in circulation here.

Mr. Flanders answered this letter on the 6th day of May, 1861, saying.‡

This letter of J. R. Flanders was published by F. D. Flanders in The Franklin Gazette in May, 1861, with some additions made by the writer laudatory of the men and the cause of the insurrection and denouncing the President as committing at every step an act of usurpation and trampling upon the Constitution and the principles of free govern-

* For order releasing Grayson see Thomas to Porter, p. 238.
† Omitted; full purport shown in following correspondence.
‡ For Flanders to Mears, May 6, see p. 947.

ment. The Franklin Gazette, published by F. D. Flanders, was all the time from the outbreak of the rebellion conducted in the same spirit manifested in the letter of J. R. Flanders. August 17, 1861, it said:

There is but one course to pursue—pronounce against the war, denounce the usurpation and the military despotism at Washington, demand peace and the recognition of the Southern Confederacy as the only method of saving from certain and universal destruction our free institutions, the liberties of the people and the property, business and prosperity of the country.

August 31, 1861, the Gazette published the proceedings of the meeting at Fort Covington on the 24th of August where J. R. Flanders made the disunion and secession speech described in the foregoing affidavits, with a set of resolutions written by J. R. Flanders, one of which is as follows:

Resolved, That every consideration of patriotism and of public interest demands the immediate discontinuance of the present unnatural and destructive civil war, though this should involve the recognition of the independence of the Southern Confederacy; that a continuance of the war will not restore the Union, but will only render its ultimate reconstruction the more distant and hopeless.

The Gazette having been excluded from the mails by order of the Postmaster-General for its disloyalty on the 21st of September it appeals for increased support as follows:

Our friends in every town and every neighborhood should now make an effort to add to our subscription. * * * We are fighting by peaceful discussion and lawful agitation the old battle of the Revolution over again. The liberties then won are now prostrate under the heel of a military despotism.

In the issue of September 28 the Gazette draws a parallel between recent events in our own country and "the acts of the Russian Government against the freedom of the Poles" and "the despotic measures of Austria in Hungary and Italy." It says:

The overthrow of the State government and legislature of Missouri is of but recent occurrence. Last week the legislature of Maryland was broken up by an armed force.

It presents as parallel and of the same character with the acts so described some severe military measures of repression in Hungary. The same paper says:

There is no really intelligent man who does not know that the deplorable contest in which the two great sections of our country are engaged will result in the recognition of two separate confederacies.

October 5, 1861, the Gazette said:

This war will be a disastrous failure on the part of the Lincoln Administration and will result as Mr. Douglas foretold in a treaty of separation.

October 12, 1861, the Gazette has these words:

This war of conquest has but just begun and already it has converted the Government itself into a despotism and the last vestige of freedom is fast disappearing. * * * Were we to stop the war now and make peace even upon terms of separation with the South we might re-establish our liberties. But conquer the South and the same causes which have already converted our Government into a despotism would operate to keep it such. * * * Then it comes plainly to this that war upon the South has transformed our Government into a despotism. A conquest of the South would forever keep our Government a despotism. From the first we can escape if we will but stop the war. * * * Let him who believes conquest possible, which we do not, take warning in time. No man can in his sober senses favor this war unless it be the politician who expects to get office by it or the public plunderer who expects to make money by it or the bloodthirsty abolitionist who hopes for servile insurrections and universal conflagration and massacre to grow out of it.

There is evidence that J. R. Flanders previous to the outbreak of the rebellion was by friendly correspondence encouraging the spirit of

treason in Kentucky. A well-known leader of the secessionists in that State, William Preston Johnston, wrote him on the 31st of December, 1860, thanking him for his kind feelings, assuring him that Kentucky, the most conservative Southern State, would certainly secede and inviting him to go there to reside. There is evidence in the correspondence of F. D. Flanders that his efforts to produce disaffection were understood to be intended to discourage and prevent enlistment. Our correspondent in Clinton County says:

> We can say for Ellenburg no Democrat has gone to the war from here. Those who have gone were bearers of the lantern last fall. Here we work according to orders from headquarters. Let those who elected the President subdue the rebellion.

That the course of both J. R. and F. D. Flanders was to a considerable extent successful in restraining and preventing enlistment in their locality there is the testimony not only of the boasts of their followers but of the complaints against them as above set forth. These persons appear to be partisan politicians of a peculiar type, adopting and advocating the most extreme views with a zeal and apparent conviction which incapacitate them for discrimination as to the rights and duties of citizens under the widely different circumstances of peace and war. Unlimited freedom of discussion is the habit of the American people and in times of peace no objection has ever been urged against the free promulgation of the wildest notions and the most absurd and foolish sophistries; though it cannot be claimed as a right at any time without restraint or responsibility to advocate the subversion of the Constitution. The acts of these persons are so connected that it is inconvenient to consider them separately. J. R. Flanders is the speaker and writer and F. D. Flanders the editor and publisher. In many of their most offensive acts they have been jointly guilty, F. D. Flanders publishing what the other had written. Their adhesion to the rebels and the aid and comfort they have given them have been shown in approving their doctrines and their course of action, justifying their treason, boasting of their power, exulting in their successes and glorifying their achievements. The said J. R. Flanders and F. D. Flanders remained in custody at Fort Warren February 15, 1862, when in accordance with the order of the War Department of the preceding day they were transferred to the charge of that Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

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POST-OFFICE DEPARTMENT, *September 20, 1861.*

HON. F. W. SEWARD, *Assistant Secretary of State, Washington.*

DEAR SIR: In reply to the letter* of the Secretary of State of current date addressed to the Postmaster-General recommending the prohibition of The Franklin Gazette newspaper from the mails for its treasonable character I beg to inform you that the proper order was made and duly given to the postmaster at Malone, N. Y., as well as to other parties through whom the order would be effectually enforced on the 9th of September instant.

Very respectfully, your obedient servant,

JOHN A. KASSON,
First Assistant Postmaster-General.

*Not found.

POTSDAM, *September 23, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Your letter of the 7th instant* advising me that you had sent the copies of The Franklin Gazette which I inclosed to you to the Postmaster-General with the suggestion that it would be well to prohibit its circulation in the mails came duly to hand. In that you asked my opinion whether it was necessary to take any further measures in reference to it, to which I replied that it might be well to await the result of that admonition, and that I would keep you advised of its results. The Postmaster-General closed the mails against that paper.

I herewith mail to you a copy of its last week's issue from which you can see the effect of the admonition upon the editor of that paper. I hardly know what advice to give. Perhaps a statement of the facts in reference to that county will enable you to perceive what remedy to apply. F. D. Flanders, the editor of the Gazette, has a brother, Hon. Joseph R. Flanders, practicing law in the village of Malone who has more brains than the editor and probably controls him. He was a member of the constitutional convention from that county in 1846 and subsequently its county judge, and is a man of very considerable ability. During the life of John C. Calhoun he was his disciple and has been an advocate of his doctrines ever since. Willful and vindictive in his feelings he has made himself particularly officious during the last six or eight months in proving to the people of Franklin County through the columns of the Gazette by letter and in public speeches at meetings called for that purpose that the Southern States had a right to secede, and that the prosecution of the war on the part of the North was aggressive and wrong, and that the South was really occupying the position now that the original States did in the war of the Revolution. I inclose you a letter from the Hon. Jabez Parkhurst,† of Fort Covington, and two affidavits† procured by him, which will give you some idea of the doctrines and teachings of the man. I will endeavor to procure and send you the published letter referred to in the affidavits. The letter and the affidavits are from respectable sources and entitled to all verity.

Under the baneful influence of the two Messrs. Flanders and the paper mainly the people of that county are much nearer equally divided in opinion as to the justice of the present war than in any other county I know of in the State. That whole county has raised but one company of volunteers for the war, and in several of the towns nearly as many persons could be enlisted for the Southern Confederacy as could be for the United States, and in one town as I mentioned to you before a large number of citizens raised and maintained a secession flag for several days until a force was collected to demolish it, when Judge Flanders sent a messenger to them advising them for safety to take down the flag and disperse, which was done.

Something should evidently be done in aid of the Union-loving people of that county. We naturally shrink from the exercise of sovereign power, yet I am inclined to think its exercise upon both F. D. and J. R. Flanders would be beneficial to our cause and country.

Very respectfully, your obedient servant,

WILLIAM A. DART,
U. S. Attorney.

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* Not found. † Omitted.

DEPARTMENT OF STATE, *Washington, September 27, 1861.*

WILLIAM A. DART, Esq.,
U. S. District Attorney, Potsdam, N. Y.

SIR: Your letter of the 23d instant with its inclosures has been received. Will you please consult fully with the Hon. Preston King as to what measures ought to be taken in the case of the Messrs. Flanders and report to me the result?

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

U. S. DISTRICT ATTORNEY'S OFFICE,
Potsdam, October 9, 1861.

Hon. WILLIAM H. SEWARD.

MY DEAR SIR: I had a conference yesterday and last evening with Hon. Preston King in reference to the Messrs. Flanders as suggested in yours of September 27. We discussed the matter in every light in which we could view it, and came to the conclusion that the presence of the Messrs. Flanders in Franklin County is productive of mischief and injury to the cause of our country. The insulting and defiant tone of the Gazette has emboldened weak-minded men to imitate its example.

In addition to the facts heretofore communicated to you a presiding elder of the Methodist Episcopal Church advised me that a man in Bombay, in the county of Franklin, has had a secession flag flying from his house for the last two weeks, and it is understood and believed that secret societies are organized in many of the towns of that county having for their object resistance to the collection of taxes, &c. I have found it difficult to procure legal evidence of the state of things in Franklin County from a fear which prevails there among loyal citizens of injury to their persons and property should it be known that they had been instrumental in bringing the secessionists to punishment. Several prominent citizens have declined to allow me to place their letters on file in the State Department or to send them to you from such apprehension.

I have no doubt (and in that opinion Mr. King concurs with me) that public good requires that Francis D. Flanders and Joseph R. Flanders should be arrested and confined at Fort Lafayette. Our loyal citizens there are becoming exasperated and call upon me every day to know if something cannot be done in their behalf. I send by this mail the Gazette for September 28 and October 5,* from which you can see the animus of the gentlemen. Our criminal laws are defective and do not reach a case like this. If I can get legal evidence of the existence of secret societies to resist the laws of the United States I will not trouble you with the matter, but bring them to justice in the courts.

On Saturday I shall leave Potsdam for Albany where I shall be in attendance on a district court for a week. The marshal and his deputies will be there. If any communication is made to me in answer to this I desire it to be made to me at Albany, at Congress Hall. Mr. King told me last evening that he would write to you to-day upon this subject.

Very respectfully, your obedient servant,

WILLIAM A. DART,
U. S. Attorney.

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*Not found.

OGDENSBURG, *October 9, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: Mr. Dart, the U. S. district attorney for this district, consulted me yesterday respecting charges against Joseph R. Flanders and F. D. Flanders, of Malone, in Franklin County. Mr. Dart had no copies of the affidavits that have been sent to your Department, but stated the substance of what they contained and other facts. The facts charged against the Flanders' do not constitute treason as that crime is defined by the Constitution. Some of the allegations are that Joseph addresses public meetings advocating the right of secession and denouncing the Government and the war. His brother publishes the paper which has been sent to you. Other persons instigated by them have formed combinations declaring the intention to resist the collection of taxes for the support of the war. The secession flag has been raised in two towns—in one case by an individual, in the other by the people of a neighborhood who declared their intention to defend it. When movements were made to organize a body of loyal men to go out and take it down by force Joseph sent a messenger to the disaffected neighborhood and the flag was taken down by the parties who raised it. Secret societies of the disaffected have been formed. The disaffected are persons whose opinions and action are influenced by the two Flanders. I do not doubt the disaffection and troubles in Franklin County are instigated and fomented by the Flanders' and that they deserve to be arrested and detained until they would consent to take the oath of allegiance or until their conduct could be fully investigated by a grand jury. Mr. Dart will write you fully.

Respectfully,

PRESTON KING.

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DEPARTMENT OF STATE, *Washington, October 18, 1861.*

EDWARD J. CHASE, Esq., *U. S. Marshal, Lockport, N. Y.*

SIR: You will arrest Francis D. Flanders and Joseph R. Flanders, of the county of Franklin, State of New York, and send them to Fort Lafayette. Secure all their letters and other papers and forward them to this Department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

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FORT HAMILTON, *New York Harbor, October 23, 1861.*

Col. E. D. TOWNSEND,
Assistant Adjutant-General, Washington City, D. C.

SIR: I have this day received as prisoners Francis D. Flanders and Joseph R. Flanders. They have been sent to Fort Lafayette by order of the honorable the Secretary of State of the United States.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

—

OGDENSBURG, N. Y., *October 30, 1861.*

Hon. W. H. SEWARD, *Secretary of State.*

SIR: You may recollect me as the late U. S. attorney of the northern district of New York. Allow me to premise the subject-matter of my letter by saying that I believe that I have labored more assiduously

and more successfully in behalf of my Government and country since the fall of Sumter than in all my life before. So much for my own position, which I think would be attested to by Hon. Preston King, D. S. Dickinson, Judge J. B. James and Hon. William A. Wheeler, and any and all other prominent Union citizens who are acquainted with me and my labors.

My object in writing to you is this: I wish to learn the charges against Joseph R. Flanders and Francis D. Flanders, late of Malone, Franklin County, and now of Fort Lafayette, and also to ask that an examination may be granted in their case as soon as possible. Since the arrest of these gentlemen I have visited Franklin County, which is my native county, the scene of their labors and their residence, and have obtained all the information that I belive exists tending to connect these men with treasonable action against the Government. I am of the opinion that the Government would not have arrested these gentlemen had the facts been accurately stated to them. I think the Government arrived at the conclusion that they had formed or connected themselves with treasonable organizations or had been in correspondence or other connection with rebels and traitors and were continuing therein and laboring in that cause. I think I know and can satisfactorily demonstrate that no treasonable organization (nor any with that tendency) exists or has existed in Franklin County; that the Flanders neither are nor have been connected with any organization (secret or public) that has any such objects in view. Their whole offense consists in editing and publishing The Franklin Gazette. and what has appeared in its columns is the only evidence in existence that can be brought against them, and I do believe as do the majority of the leading friends of the Government in Northern New York that however obnoxious and objectionable many of the articles of that paper appear to the minds of loyal and patriotic citizens that the Government would not deem this to be of sufficient importance to cause their arrest and confinement. The discontinuance of this paper from the mails some time ago deprived it of any circulation that would cause serious mischief.

It is my own opinion that their confinement, unless justified by more serious cause than appears from the Gazette, will do serious injury to the Union cause in Northern New York. I have conversed freely upon this subject within a few days with Hon. Preston King and Judge James, of this village, and Hon. William A. Wheeler, of Malone, Franklin County, and they agree with me in the opinion that a speedy examination and action by the Government should be made in this case that the Government may know precisely what charges can be sustained against them and thus be able to act advisedly in the premises. Judge James in a conversation since this letter was commenced says that this is his opinion provided the arrest proceeds from charges and causes beyond the publication of the Gazette, because he believes from my examination that none other exists, but as he has not read the articles in the Gazette he gives no opinion upon the policy of the Government in regard to holding them for that cause alone (whether with or without examination). Mr. Wheeler (who resides at Malone, the residence of the Flanders) informed me that he did not believe that either of them was connected in any way with treasonable or quasi treasonable organizations, nor did he believe that any such organizations existed in the county of Franklin; that in their paper (Gazette) was in his opinion all the evidence of treason or treasonable intent and that while he had been anxious for the suppression of the paper he considered that that course was the proper one and also sufficient to attain the desired end.

I have been anxious to arrive at correct conclusions in this matter before writing to you and with that object I visited Franklin County and I feel confident that no evidence exists that can connect these gentlemen with any traitorous organization, or that will show that any such organization exists in Franklin County. I have procured a full file of the Gazette, and while I disapprove and condemn much of the sentiment therein published and expressed and do not pretend to justify the same yet I think that the articles written and published will not of themselves alone form a basis which you or the Government will be willing to occupy as a complete justification for the continuance of their imprisonment without any judicial examination.

I wish, sir, that you will inform me fully in the premises as to wha can be done or what is right and proper to be done. I believe that the gentlemen to whom I refer will willingly express the same to you in writing if necessary, and that any amount of influence in the way of petitions can be obtained to support what is right and just in the premises. I have thought it better that I should write and give you such suggestions as I have and await such information as you may be pleased to give me before taking any other course. J. R. Flanders is a brother-in-law of mine and an intimate friend from my boyhood. He is a man of high social character and distinguished as a lawyer of great ability. Socially and professionally I believe he holds the respect and friendship of all who know him. His nearest and best friends are warm and energetic defenders and supporters of the Government and his separation from his family at this time is peculiarly distressing and severe. So likewise with F. D. Flanders. He has a brother-in-law who is a surgeon in one of our New York regiments. I met him in Franklin County on the same mission as myself to sympathize [with] and comfort his sister and to ascertain the facts in the case.

With the desire of making no unnecessary trouble to the Government nor any needless noise the friends of the Government who are likewise the social friends of these gentlemen wish to restore them to their families if that can be properly and safely done. Neither do we wish to trouble you with distressing details for we feel that you will do or cause to be done all that you can and still perform your duty to the country.

I remain, sir, yours, truly,

J. C. SPENCER.

P. S.—Although I hardly think it necessary I inclose some papers* which testify to my political position. I also inclose the letter of the U. S. attorney referring me to your Department.

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Letters found among the correspondence of the Messrs. Flanders seized after their arrest.

[No. 1.]

LOUISVILLE, KY., *December 31, 1860.*

Judge J. R. FLANDERS, *Malone, N. Y.*

DEAR JUDGE: Your favor of the 26th instant is received, and first to business. I think it was Hagan & Broadwell, attorneys, who recom-

*Not found.

mended Mitchell and examined into his affairs. They are reputable young lawyers with a good business. Hon. Charles P. James, of James & Jackson, is also perfectly trustworthy and competent. The bar of Cincinnati is very good.

I was for Breckinridge but my partner, Mr. Worthington, and many of my best friends were for Douglas. I arrived at different conclusions from them but have felt no asperity or partisan harshness in consequence. I thought you would be either for Douglas or Breckinridge. There were some nice constitutional points involved, and I maintain that it depends on which end one begins at where he will find himself in this controversy. If you begin at States' rights you wind up for Breckinridge; if you begin at rights of the people to govern themselves you hurrah for Douglas.

I thank you for your kind feelings toward my people as well as myself. I do not wish secession. I preferred retaliatory laws in the Union, but it was but a question of time—a little more long suffering. I was thought too ultra, but popular sentiment is fast leaving me behind. I regard a dissolution of the Union as inevitable. I know the propelling ideas of Republicanism too well to have any hope. The leaders may recede; the excited people will not. I have every feeling of kindness for those at the North who have resisted our subjugation and enslavement, but I assure you I speak the sentiment of 99 in 100 when I tell you unless promptly and fully Republicanism recedes and guarantees are given for our security and equality Kentucky, the most conservative Southern State, will certainly secede. Moreover any attempt to coerce a Southern State will rally an army to its support. Kentucky will not permit any troops to cross her border for that purpose. Still we are striving to hope against hope through our love for the Union.

You don't mean me when you make some allusion to offending somebody last year. I have always said, my dear judge, that you were the only man I thought I would be willing to make my executor in New York; I still hold the same opinion. If all the lawyers here did not starve I would wish you at home here—a citizen. Can't you come anyhow and let me see your honest face once more? My wife and the girls are well. I live a little way in the country and am happy.

Yours, truly,

WM. PRESTON JOHNSTON.

[No. 2.]

MALONE, *February 11, 1861.*

P. CAGGER, Esq.

DEAR SIR: I have this moment received your circular soliciting from me a contribution toward the expense of printing 50,000 copies of the proceedings of the late Democratic State convention. I most respectfully decline to make such contribution. I regard the proceedings as unworthy of the occasion, as not coming up to the spirit and demands of the Democracy of the State and that it would be far more creditable to all concerned that they should be suppressed instead of receiving an extensive circulation. Instead of passing the wishy-washy resolutions which it did, not one of which except the second (which was not hatched at the nocturnal incubation on the committee and must have been forced upon it by some outside pressure in the morning) made any approach to what the occasion called for, the convention should have placed the responsibility for the present condition of public affairs upon the dominant party in the free States where it belongs; have declared that it

rests with that party to effect a settlement of existing sectional difficulties and left it to take the initiative in measures of adjustment at the same time expressing our readiness to co-operate in any just and reasonable compromise and pledged the Democracy of New York to resist any measures of coercion whether under cover of the enforcement of the laws or otherwise against the seceding States.

Really the only good that the convention could have done was to take a firm and decided attitude against coercion, embodying in a resolution upon that subject the sentiments embraced in the paper submitted by the sensible Mr. Johnson and in the eloquent and manly speeches of Tremain and Thayer. And that was the spirit of the convention; but I saw from the beginning that the whole thing was gotten up by a few individuals for some purpose of their own. This was plainly manifested by Governor Seymour's speech on Thursday. It was also indicated by Mr. Ludlow's haste to move the appointment of a committee on resolutions and the resistance which was made to the enlargement of that committee so as to embody more fully the sense of the convention. Then the resolutions printed on slips showed that the committee was averse to giving expression to the predominant feeling of the convention—opposition to coercion—and Mr. Johnson, Chancellor Walworth or some other good and true man not on the committee must have forced the committee in the morning under fear of the consequences of presenting to the convention such a lame and impotent abortion as the report as originally prepared would have been to accept the second resolution, the only redeeming feature in the whole series. And the resistance which was made by the committee in convention to any amendments showed how the whole thing was being managed.

And the proceedings as published in The Atlas and Argus are unfair and suppress material circumstances. I myself made a motion to strike out of the fifth resolution all relating to the Crittenden proposition and gave my reasons therefor. The same pressure as in other cases of proposed amendments was brought to bear to get rid of this and to induce me to withdraw it, but I stood firm and insisted upon a vote. But in the proceedings published in The Atlas and Argus this is entirely suppressed and my constituents and I stand impliedly committed to this mode of settling matters when we are opposed to this plan of taking the sense of the people upon the subject of adjustment, deeming a national convention the only means of bringing about a satisfactory and permanent adjustment.

You now have my reason for declining to comply with your application for a contribution.

Yours, truly,

J. R. FLANDERS.

[No. 3.]

MALONE, *May 6, 1861.*

[Mr. T. S. MEARS.]

MY DEAR FRIEND: I received by due course of mail your frank and friendly letter of the 3d instant. I thank you for its expression of friendship and personal kindness and most cordially and sincerely reciprocate them. I like your method of dealing with the subject to which your letter relates by appealing directly to me for information concerning my position in the present crisis in our public affairs and saying to me what you have to say of me in case you are not misinformed in regard to my views.

And now, my dear friend, I owe it to the spirit of candor and frankness exhibited by you to answer with equal candor and frankness.

This compels me to say that you are not misinformed in regard to my position. I am firmly and unalterably opposed to the whole war policy of the Administration. For thirty years I have held the opinion that the States are sovereign; that the Constitution of the United States is a compact between the States composing the Federal Union; that they are the only parties to that compact; that each is to judge for itself of its infraction and of the mode and measure of redress and that as in all cases of compacts, treaties or leagues between sovereigns by which a confederacy is formed, each may lawfully withdraw from it, or in other words secede from the confederacy whenever it shall deem that it has sufficient cause and that this is a reserved right of the States under the Constitution and entirely consistent with it. Of course this would still leave it incumbent upon the seceding State to discharge or assume its share of the public debt and entitle it to a proportionate share of the public property, all of which should be arranged and adjusted by amicable negotiation, as the seceding States have proposed in the present controversy. This view of the character of our system of Government and of the rights of the States is taken almost verbatim from the Virginia and Kentucky resolutions of 1798 and 1799, which have ever been the text-book of the Jeffersonian Democracy and were expressly accepted as such by the Democratic party of the Union in its platform adopted in national convention at Cincinnati in 1856, and since reaffirmed. They constitute and always have constituted my party creed, but of course not yours.

Entertaining these opinions I deny the right of the Federal Government to attempt to subjugate by military power a State which secedes. I regard a contest brought on by such attempt—and that is really the character of the present contest—as a struggle on the part of the seceding States to maintain the principles of constitutional liberty against despotic pretensions and aims, and my sympathies are wholly with those who are thus defending the right of self-government. Mind I do not argue with you; I am merely stating my views and if you held the principles which I do you would feel and act as I do. They are my principles adopted in my very boyhood as you well know and clung to since with increasing devotion and fidelity up to the present hour as the only safeguard of free government in this land. I appeal to Heaven to bear witness to the sincerity of my political faith. It is a part of my very being, as dear to me as life itself and I cannot give it up. I cannot deny it; I cannot be false to it be the consequences what they may.

But suppose I am wrong in these opinions. I still say that the Federal Government ought not to attempt to coerce the seceding States by military power. I recognize the right of every distinct community to choose for itself the institutions under which it will live; that governments exist only by the consent of the governed, and whenever any government becomes grievous and oppressive to such community it has a right to cast it off and institute such new government as may be deemed most conducive to its happiness. These are deductions from or rather repetitions of the doctrines of the Declaration of Independence—principles which were consecrated by the blood and vindicated by the glories and triumphs of the Revolution. They are as dear now as they were then; they are as vital to liberty now as they were then and the seceded States have the same right to proclaim them in resistance to Northern aggression and coercion now as the thirteen colonies had to hurl them in the teeth of King George in answer to his demand of passive submission then.

The spirit of the age and above all the spirit of American liberty as thus inherited from the Revolution by every section of our country require that the independence of the Confederate States should be recognized by the Government of the United States. As a consequence the U. S. troops should have been withdrawn from the Southern forts, and Lincoln having refused to do this and avowed a determination to re-enforce and hold them, and that too for the purpose of reducing Southern people to submission to his Government, they had no alternative but to take them or voluntarily submit to subjugation. I therefore think that the South Carolinians were justified in taking Fort Sumter and I rejoice in their success; but it is charged that they fired the first gun and thus commenced the war. Very well; call it that if you please. They were compelled to do so or surrender their independence without a struggle. I admire their heroism and devotion to their rights manifested in that glorious achievement. Did I not do so I should be false to every principle which I hold dear and every impulse of my heart.

Standing where I do you can see that I must necessarily be opposed to all measures for encouraging and sustaining the war which Lincoln threatens to wage against the South. My sympathies upon general principles of government and political freedom (and this throws entirely out of view the question of domestic slavery and all the issues and strifes to which it has given rise) are with the South in this contest. She stands strictly on the defensive; she makes no war upon the North; she will not invade the North unless she be first invaded. All she asks is to be let alone; to be permitted to depart in peace. Give her assurance that she may and the sword at once drops from her grasp and not a drop of blood will be shed in fraternal strife. And she offers and has repeatedly and from the outset offered to pay her share of the public debt, to account for all Federal property within her limits upon a fair and equitable apportionment and division of the public property between the two sections and to adjust all questions of difference by friendly negotiation. But all her overtures have been rejected and answered by threats of coercion—coercion. She has prepared to meet this as best she could and has taken only defensive measures.

A war of aggression upon the South under such circumstances—and such a war Lincoln declared in his proclamation of the 15th of April and in his two subsequent ones blockading the Southern ports—would be one of the most wanton and wicked wars in all history. And to call it a war in favor of the Union is in my judgment the most false of all pretenses.

The Union cannot be saved or restored by civil war, and this every man of the smallest measure of intelligence and judgment knows. Were the South to be conquered in such a contest it would not restore the Union of free and sovereign States recognized and guaranteed by the Constitution. Our flag—revered and glorious as it is—cannot sanctify tyranny and injustice or justify a war upon the principles of that grand, heroic old contest in which it was borne, and from the blood and fire of which it emerged torn and battle-stained, it is true, but still bravely flying the token of victory, freedom and peace, and if it should now be established in triumph over the South by the might of armed hosts it would wave only over a land blasted and destroyed and above the graves of a free and gallant race who preferred to die rather than live degraded and disgraced.

But you cannot conquer the people of the South. Eight millions of men like them bred to freedom and determined to be free cannot be

subjugated. And if you are dreaming and others are dreaming such a dream you and they will soon awake to realities which will startle and disappoint you all.

But enough of prophecy. I have frankly stated my position. There I stand (I can stand nowhere else), and be assured there I shall stand "till the crack of doom."

With the kindest regards to your family and assurances of the most sincere personal friendship to you, I remain, yours, truly,

J. R. FLANDERS.

[No. 4.]

CHATEAUGAY, *September 16, 1861.*

Mr. F. D. FLANDERS, *Malone, N. Y.*

SIR: Having for a few months past taken your interesting paper (and yet none of the time having the same views as that sheet contains), I feel now that I can no longer read a paper which upholds the rebellious part of the Union and condemns all that is done under the present Administration. I therefore consider it my duty (as well as the duty of all who take it) to order it to stop coming to me, and by sending no more to me you will oblige,

M. J. WARREN.

U. S. DISTRICT ATTORNEY'S OFFICE,
Potsdam, November 5, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Under your warrant of arrest of the 11th of October the Messrs. Flanders, of Malone, Franklin County, N. Y., were arrested and taken to Fort Lafayette. That contained no warrant to search for and seize papers. Yours of the 18th came to Albany after the marshal and myself had both left and did not come to my hands until last week when Deputies Dow and Tucker made a search for papers and correspondence and seized a large amount of papers* as to F. D. Flanders, I fear of no value, and of little if any against Joseph R. The deputies were satisfied from the conduct of the ladies of the above-named gentlemen that their papers had been overlooked and everything of a treasonable nature disposed of. Certain resolutions, however, in the handwriting of J. R. Flanders and an address understood to have been delivered at an organization of a secret society in Bombay, the articles of association of which society are blindly set forth in a paper found in that town recently with the names of many of the prominent citizens of that place appended to it (a copy of which is here inclosed) may be of service. That society is now in actual operation, holding weekly meetings, and their objects and purposes are understood to be treasonable.

James C. Spencer, esq., ex-district attorney of this district and a brother-in-law of J. R. Flanders, has I understand in company with others gone to Washington to procure the release of the Messrs. Flanders. I inclose his letter to Mrs. J. R. Flanders and ask that its contents be noted. Mrs. F. D. Flanders is now editing The Franklin Gazette and I inclose to you the two issues† of it since her husband's arrest. Mr. Spencer's note, "Tell Louisa to draw it mild in the Gazette or she will make all my labor in vain," was intended for the editress of

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* See p. 945 *et seq.* for portions of correspondence seized.
† Not found.

that pestilential sheet. If she does "draw it mild" it will be for the purpose of getting her husband released when it will be put forth with new vigor. The paper is now perhaps doing more mischief than before. The fact that it may be able to reveal the inside of a Government prison coupled with the novelty of its being conducted by a woman lends to it an interest which increases its circulation. Having begun the task I think it would be incomplete without suppressing the paper altogether. Upon the arrest of Messrs. Flanders they both made assurances to their friends publicly that they would never take the oath of allegiance. I think they should be required to do so before being released.

As to the Bombay association I will if there is anything of it prosecute it before the ordinary tribunal.

Very truly, your obedient servant,

WILLIAM A. DART,
U. S. District Attorney.

[Inclosure No. 1.]

BOMBAY, *May 7, 1861.*

We the undersigned citizens of the United States of America, believing that we are possessed of certain inalienable rights set forth in the Declaration of Independence, viz, life, liberty and the pursuit of happiness, also liberty of speech and liberty of the press, and having reason to fear that these rights are about to be wrested from us by the Black Republicans, and believing further that if permitted to carry out their designs they will take our lives and destroy our property:

Now therefore we are determined and firmly resolved that we will resist all unlawful encroachments upon our just rights and that although we pledge ourselves to support the Constitution of the United States and all just and equitable laws of our country, we will not submit to be ruled by violence and mob law from whatever source they may come.

Now therefore in view of the dangers to which we are exposed we this day organize into a society to be named in accordance with the principles set forth in this declaration:

The Sons of Liberty, for the purpose of protecting each other's person and property, to which we hold ourselves firmly bound and pledge our sacred honors. The officers of this society shall consist of a president, vice-president, secretary and treasurer. Five members shall be sufficient to organize this society.

COMMODORE P. MOORE,
DUNBAR MOORE,
ISAAC L. W. REYNOLDS
[AND 22 OTHERS.]

[Inclosure No. 2.]

Resolved, That the present unhappy and deplorable condition of our country is plainly the consequence of the triumph of a sectional party in the late Presidential election, an event which it was foreseen and foretold would prove the destruction of our sisterhood of free and sovereign States.

Resolved, That a portion of the States of the confederacy having deemed this event a sufficient cause for a separation from that portion of their co-States by whose agency it was brought about and having declared such separation it was an act of both folly and wickedness to attempt to bring them back into the Union by force of arms, for "war is disunion, certain, inevitable, final and irrepressible."

Resolved, That this war upon the seceding States was commenced by the President in palpable violation of the Constitution, and has been attended at every step of its progress by a bold and reckless disregard of the provisions of that sacred instrument. In the suspension of the habeas corpus, the establishment of martial law, the seizure and imprisonment of citizens without warrant or legal authority, the raising of standing armies and quartering them upon whole States in subversion of State authority, the shooting down of unoffending citizens and even women and children by his armed soldiery in the streets of our cities, the searching of houses and the seizure of private papers by the military alone, the President has committed acts which at a much earlier and less enlightened period than the present would have brought the head of an English sovereign to the block, and when committed by the Chief Magistrate of a constitutional Republic he should at least be held rigidly responsible in the mode prescribed by the Constitution and the laws for these high-handed attacks upon public liberty.

Resolved, That this war can result in nothing but evil. It has already prostrated the business of the country and destroyed the prosperity of the people. It is loading us with a burden of debt and taxation which will continue and depress the energies and prosperity of the people for ages. It is spreading mourning and woe throughout the land and when it shall end, be it sooner or later, all its sacrifices and evils will only have resulted in leaving us a dissevered country and making of us two distinct peoples, divided and alienated from each other, because as history will surely attest and the civilized world will declare, the degenerate and ungrateful sons of a portion of the founders of our liberties and free government would not respect and fulfill in good faith and in a fraternal spirit the compact entered into by their fathers with their Southern brethren.

Resolved, That every consideration of patriotism and of public interest demands the immediate discontinuance of the present unnatural and destructive civil war, though this should involve the recognition of the independence of the Southern Confederacy; that a continuance of the war will not restore the Union but will only render its ultimate reconstruction the more distant and hopeless.

[Inclosure No. 3.]

OGDENSBURG, *October 31, 1861.*

DEAR AUGUSTA: Your letters with Joseph's arrived to-day when I was hard at work for the boys and I assure you they gave me new courage to work on. You may get up hope as high as you can carry (seventy-five pounds to the square inch will not burst the boiler) for I feel very sanguine that we shall get them out, and soon too I hope. Tell Louisa to draw it mild in the Gazette or she will make all my labor in vain. I am satisfied that Wheeler's account to you is correct. I think I understand the whole matter, and if I do not I certainly shall, and shall be able to work understandingly.

Yours, truly,

JAMES.

DEPARTMENT OF STATE, *Washington, November 12, 1861.*

WILLIAM A. DART, Esq.,
U. S. District Attorney, Potsdam, N. Y.

SIR: Please consult the Hon. Preston King in reference to the case of Mrs. Flanders, and should he concur in deeming it advisable arrest her

and convey her to this city to be delivered into the custody of the provost-marshal.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

MALONE, FRANKLIN COUNTY, N. Y., *November 15, 1861.*

Hon. WILLIAM H. SEWARD.

DEAR SIR: Knowing you are a noble man and have been much harassed with the cares of state I venture and fear to address a letter for your own perusal. Our enemies in this and we believe in an adjoining county have used their utmost exertions to stop a little Democratic sheet published in this town. It is respectful and has always been toward the Government, though acting according to its convictions it could not fully coincide with it. Its crime, if crime it be, and only crime has been in holding to the peace policy. We do not deny that it still holds to the same opinion. But we cannot believe that the Secretary of State does or ever has feared The Franklin Gazette will overthrow the Government or that it is guilty of giving aid and comfort to the enemy.

Why not then, dear sir, allow it egress through the mails? I will not deceive you. Its editor, F. D. Flanders, was more than three weeks ago taken without knowing the charges against him and without an examination in any shape to Fort Lafayette, and from thence soon removed to Fort Warren. All his friends hereabout believe you were wrought upon to give the order of arrest by our Congressman, William A. Wheeler, Mr. Dart, of Potsdam, and perhaps Preston King, of Ogdensburg, and we can only think the act on their part was one of personal spite, not from patriotism or out of a disinterested love to the Government. It can be proved, however, that William A. Wheeler has said to a number of respectable gentlemen that he had no part in the matter.

My husband is an innocent but not a fawning man. He is true to his country. I do not write at this time to plead my husband's cause. I call on you to confer with the Postmaster-General about revoking the order which forbade the Gazette privileges of mail transportation. I have since my husband's arrest become its editress, and having a family of small children dependent now on me for support and feeling myself guilty of no disloyalty to my native land I dare appeal to your sense of justice, and entertain a strong hope that you will speedily look into the case and inform me of your decision.

Yours, most respectfully,

LOUISA B. FLANDERS.

MALONE, N. Y., *December 6, 1861.*

Mr. SEWARD, *Secretary of State.*

HONORED SIR: I apply to you the second time for a withdrawal of the order forbidding mail facilities for The Franklin Gazette. Have not my husband's enemies by this time become satisfied with the evils they have inflicted upon an innocent, free born and free bred man? Have any charges of disobedience to any law been proved against him and must his innocent babes suffer also? We are a loyal family but we love peace and will abide the decision of a just jury if you will give us

the opportunity of a lawful trial. If we are proved law-abiding, loyal citizens shall we—that is, our whole innocent family—suffer like condemned criminals? My husband is a poor man and his printing establishment is his only means of procuring bread for his dependents. But if he is poor he is conscientious and believes in peace as the preserver of the Union. Has he not the God-given right to say so? Has not his wife the same right? I believe in "Peace on earth, good will toward men." I believe in the Prince of Peace, and shall we like the Apostle Paul and Silas be imprisoned for publishing our convictions? Will Mr. Seward's secretary put this letter into the Secretary of State's own hands that he may know our guilt if there be any? My husband and I will take the oath of allegiance to the Constitution of the United States at any time it may be offered. Should an American citizen be required to do more? Please, sir, do let me hear kindly from you as soon as possible after the receipt of this.

Most respectfully and hopefully, yours,

MRS. F. D. FLANDERS.

MALONE, N. Y., *December 14, 1861.*

Hon. WILLIAM H. SEWARD.

SIR: I wrote you just one week ago and this will be the third letter penned by myself for your inspection, and if I receive no answer to this I shall probably write you till I do for I must be heard. I was born a free citizen of a free country, and until I have transgressed the laws of my country, or until my country is no more except in name, while I tread its sacred soil I have as good a right to my "inalienable rights" and to my pursuit of happiness as yourself, even though your position is far exalted above me.

Sir, I am a weak woman—weak in body, but your God is my God and knoweth my wrongs received from the hands of enemies. You cannot be an enemy to those of whom you of yourself know nothing, and should you however harassed you must be by your mountain of cares punish an American citizen without first a trial by court? No martial law has been proclaimed in this State and I do not believe that you hold to a despotic government. Why then, sir, cannot the paper now under my charge have the privileges of mail transportation? It advocates charity and love as being the generators of peace and prosperity among brethren. Is there crime in such advocacy? If so please direct me where to find it in the statutes. If The Franklin Gazette is of but little consequence and influence why fear its weakness? If it be of any influence we want to use it against England in case she threatens us too loudly. My husband writes me: "If there is to be war with England I want to be out of my prison so as to give her one blow myself, for you know how I hate everything English." Sir, I choose England above all other kingly governments, but I love my country and my whole country next to my God. At least I think I do though she has so deeply wronged me. True it is no way to make reasoning beings love aught by its scourges inflicted on you and yours, but my country "with all thy faults I love thee still," and if necessary will fight with all the power given me by Heaven for you.

Will Mr. William H. Seward's secretary put this into Mr. Seward's hands?

Yours, respectfully,

MRS. F. D. FLANDERS.

EXECUTIVE DEPARTMENT, *Albany, January 10, 1862.*

His Excellency ABRAHAM LINCOLN, &c., *Washington, D. C.*

SIR: Mr. Roswell Bates and Mr. Benjamin Raymond, of Franklin County, are about to visit Washington and desire an interview with you on a subject of no little importance. They are gentlemen of excellent character and I bespeak for them your kind attention. They are accompanied by Mrs. Francis D. Flanders and Mrs. Joseph R. Flanders whose husbands are in Fort Warren in the State of Massachusetts. The Messrs. Flanders are citizens of Franklin County in this State and their wives will represent to you the cases of their respective husbands, and they will ask either for their release or for a trial to determine whether they ought to be confined. I respectfully ask you to give a patient hearing to the facts which they will present.

I have the honor to be, with high regard, your obedient servant,

E. D. MORGAN.

ALBANY, *January 24, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State:*

Will you please forward to me a permit for Mrs. F. D. Flanders to visit her husband at Fort Warren? She is waiting here for that purpose.

E. D. MORGAN,
Governor of New York.

ALBANY, *January 25, 1862.*

Governor SEWARD, *Secretary of State.*

SIR: Do not throw this earnest letter aside until you shall have read its contents. It would speak to you of a deed which from present appearances may yet be the cause of death; and would you have false accusers to be the direct means of your being a murderer? I cannot believe that God has permitted a man with your noble powers of mind to be wholly destitute of generous sympathies, though a person in very deep trouble may have to dive deep down into the recesses of your heart to reach them. Nor can I believe that you have no sense of the honor it would restore to our country by showing to other nations that justice is not fled from it, though it may have been a while abased and quiescent in amaze at this horrid war among the brethren of these former proud United States. Nor can I believe that you would (appreciating the principles of liberty as you assuredly do) require honest men to swear before the Great Eternal to support a policy of the present Administration which went against their conscientious convictions of right. It must be that Secretary Seward has soul enough in him of the humane kind to allow a dying man the rightful American privilege of a just trial; that if he be guiltless the stigma of traitor shall not follow him to his grave and rest an everlasting stain upon his children's honor.

One and the only accusation coming from any reliable authority, and that I have learned since I saw you at Washington, is the Flanders brothers instigated or upheld the raising of a secession flag in Franklin County. The Republicans of said county would disprove the truth of such accusation. If other accusations against the brothers are as groundless you have been most woefully deceived by their personal enemies. Can you be willing to have wicked, unscru-

pulous men glory in the having of your honorable self to be their instrument by which they avenge themselves of their enmity? Governor Seward, you hold a position in the eyes of the world superior to the President's. Will you permit injustice to follow ever in your footsteps and have the story written indelibly in history? Your mind, however great and powerful it be, is necessarily at a time like this taxed with cares of state weighty and almost innumerable, and in the midst of your burden I do not entreat you to in wrath remember mercy, but I do ask you, elevated so high in position as you are, to rise above personal feelings and remember justice is expected at your hands. Should you be kind enough to answer this letter, if by only one line, please direct to me at Fort Warren immediately upon the receipt of it or if delayed direct to me at Albany, Delavan House.

Respectfully, yours,

MRS. F. D. FLANDERS.

DEPARTMENT OF STATE, *Washington, February 1, 1862.*

MRS. F. D. FLANDERS, *Delavan House, Albany.*

MADAM: Your letter of January 29 has been received. In reply I am directed by the Secretary of State to say that Mr. F. D. Flanders will be released from confinement on taking the oath of allegiance to the Government of the United States stipulating that he will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State; and also that he will not do anything hostile to the United States during the present insurrection. A copy of the oath is herewith inclosed.

I am, madam, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

WAR DEPARTMENT, *Washington, February 21, 1862.*

Col. JUSTIN DIMICK, *Fort Warren, Boston Harbor.*

COLONEL: You may release on the 22d day of February instant the following prisoners confined in Fort Warren upon their engaging upon honor that they will render no aid or comfort to the enemies in hostility to the Government of the United States * * * F. D. Flanders, J. R. Flanders. * * *

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

Cases of James McKay and the Crew of the Steamer Salvor.

James McKay was captured on the 14th of October, 1861, by the steamer Keystone State, Captain Scott, U. S. Navy, commanding, on board his steamer Salvor about twenty miles south of Tortugas. Captain McKay with his vessel had supplied the U. S. officers at Tortugas with beef-cattle until prohibited by the commanding officer at that post. The Salvor was taken and used by the Government afterward for three months for which service McKay received something more than $1,000. She was then turned over to McKay to be taken to Havana for repairs

on condition that he would not take her into any port in the hands of the insurgents or perform any service for them. A short time after the Salvor arrived at Havana McKay disposed of her, as he claims, taking in payment notes and also power of attorney to sell and as master sail for Nassau, New Providence, with a cargo of contraband and other goods. As stated above the vessel was captured while attempting to run the blockade under English colors and taken to Philadelphia as a prize while McKay was sent to Key West and committed to Fort Taylor. The grand jury of the district court of the United States for the southern district of Florida—regular November term—returned an indictment for treason against James McKay "not a true bill." By a letter of January 23, 1862, to the Secretary of State, from Maj. B. H. Hill, the Department of State was advised that McKay had been released from military custody and would proceed to Washington and report himself to the Secretary of State. McKay arrived in Washington about February 1, 1862, where he remained February 15, when in accordance with the order of the War Department of the preceding day he was transferred to the charge of that Department.

This man [Charles Butler] was mate of the steamer Salvor and was captured with that vessel while endeavoring to run the blockade near Tortugas October 14, 1861, by the U. S. steamer Keystone State. The Salvor was taken to Philadelphia by a prize crew and Butler was committed to Fort Lafayette. Butler claimed to be a subject of Denmark, and for the purpose of ascertaining the facts of his nationality he was by order of the Secretary of State released from Fort Lafayette January 8, 1862, and was placed in the custody of U. S. Marshal Murray, of New York.

William J. Browning, first engineer on board the steamer Salvor, was captured with that vessel while endeavoring to run the blockade about twenty miles south of Tortugas October 14, 1861, by the U. S. steamer Keystone State, Captain Scott commanding. The Salvor was taken to Philadelphia by a prize crew and Browning was transferred to Fort Lafayette. December 14, 1861, an order was issued from the Department of State to Lieut. Col. Martin Burke, commanding at Fort Lafayette, to release Browning on his taking the oath of allegiance, &c. He was accordingly released December 17, 1861.

George McNabb was assistant engineer of the steamer Salvor and was captured with that vessel while attempting to run the blockade about twenty miles south of Tortugas, October 14, 1861, by the U. S. steamer Keystone State. The Salvor was taken to Philadelphia by a prize crew and McNabb was committed to Fort Lafayette. He was released December 17, 1861, by order of the Secretary of State on taking the oath of allegiance.

Donald McKay was captured from on board the steamer Salvor while attempting to run the blockade some twenty miles south of Tortugas by Captain Scott, commanding U. S. steamer Keystone State, on the 14th of October, 1861. McKay, a boy fifteen years of age, was the son of the owner and master of the Salvor, which vessel contained a cargo of contraband and other goods. He was brought to Philadelphia by a prize crew on board the Salvor and sent to Fort Lafayette where he remained February 15, 1862, when in accordance with an order from the War Department of the preceding day he was transferred to the charge of that Department.

Francisco Menendez, captain of the bark M. S. Perry or Salvor, was captured by the Keystone State, Captain Scott commanding, on the 14th of October, 1861, about twenty miles south of Tortugas. The Perry was attempting to run the blockade with the British flag flying and with a cargo of contraband and other goods. Menendez was brought in with the prize to the port of Philadelphia and forwarded to Fort Lafayette. He was released February 3, 1862, by order of the Secretary of State, having given in his evidence before the prize court at Philadelphia.

This person [Hunter Semple] was one of the crew of the bark M. S. Perry which was captured by the U. S. steamer Keystone State October 14, 1861, south of Tortugas while attempting to run the blockade with contraband goods. He was brought in with the prize vessel to the port of Philadelphia and sent to Fort Lafayette. The said Hunter Semple was released by order of the Secretary of State February 3, 1862, having given his evidence before the prize commissioners.

The only information the Department of State has concerning these men [Messrs. Barrett and Ball] is contained in two letters, one dated Key West, Fla., November 15, 1861, addressed to T. J. Boynton, esq., U. S. district attorney, Key West, Fla., from B. H. Hill, major Second Artillery, commanding, asking whether in the examination before the grand jury any evidence was elicited to criminate Messrs. Barrett and Ball, passengers on the steamer Salvor when she was captured and then in confinement at Fort Taylor, further stating that if there is no charge against them he proposes to release them on their taking the oath of allegiance; to which U. S. Attorney Boynton replies that he is possessed of no evidence criminating Messrs. Barrett and Ball and has no reasons to urge why they should not be released on their taking the oath of allegiance.

Frederick Louis, one of the crew of the bark M. S. Perry, was captured by the U. S. steamer Keystone State October 14, 1861, about twenty miles south of the Tortugas attempting to run the blockade. Louis was brought with the prize to the port of Philadelphia and forwarded to Fort Lafayette. An order was issued from the Department of State dated January 29, 1862, directing Marshal Murray, of New York, to release Louis from Fort Lafayette, he being a foreign subject and his testimony being no longer required in the prize courts. He was released February 1, 1862.

William Reed was one of the crew of the steamer Salvor or M. S. Perry and was captured with that vessel while attempting to run the blockade about twenty miles south of Tortugas October 14, 1861, by U. S. steamer Keystone State, Captain Scott commanding. The Salvor was taken into the port of Philadelphia by a prize crew and Reed was sent to Fort Lafayette. An order was issued from the Department of State dated January 10, 1862, directing Marshal Robert Murray to release Reed unless his testimony was indispensable. He was accordingly released January 15, 1862.

Peter Fernandez was one of the crew of the M. S. Perry or Salvor, which vessel was captured by the U. S. steamer Keystone State, Captain Scott commanding, on the 14th of October, 1861, while attempting to run the blockade about twenty miles south of Tortugas. Fernandez was brought with prize to Philadelphia and forwarded to Fort Lafayette. He was released February 3, 1862, by order of the Secretary of State, having given his evidence before the prize court at Philadelphia.

Charles Tifft, of Key West, Fla., was arrested at that place on the 17th of October, 1861, on the charge of having furnished funds to McKay, the master of the steamer Salvor, for the purchase of arms in Havana to be run into a rebel port on board the said steamer. The case of Tifft was brought before the grand jury at the November term of the U. S. district court at Key West but he was not indicted. He was retained in custody, however, till the 6th day of December, 1861, when he was released on giving a bond with two sureties in the sum of $5,000 not to leave the island without the written permission of the commanding officer of the port. The Department of State had no information of this arrest till December 26, 1861, when a report from Maj. B. H. Hill, commanding post at Fort Taylor, dated December 6, 1861, stating the above facts, was received from the War Department.

Don Santos, one of the crew of the bark M. S. Perry or Salvor, was captured by the Keystone State, Captain Scott commanding, on the 14th of October, 1861, about twenty miles south of Tortugas. The Perry was attempting to run the blockade with the British flag flying and with a cargo of contraband goods. Santos was brought with the prize into the port of Philadelphia and forwarded to Fort Lafayette. He was released February 3, 1862, by order of the Secretary of State, having given his evidence before the prize court at Philadelphia.—*From Record Book, State Department, "Arrests for Disloyalty."*

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U. S. DISTRICT ATTORNEY'S OFFICE,
Key West, October 16, 1861.

[Maj. WILLIAM H. FRENCH.]

SIR: A note addressed to yourself by Commander G. H. Scott requesting you to return three men taken from the prize brought into this port by Commander Scott and now in Fort Taylor, by you sent to Hon. William Marvin, has been by him referred to me.* There is no doubt that the men mentioned are guilty of treason against the Government of the United States, the offense having been committed on the [high] seas. They can only be tried in this district after having once been brought here. It is consequently defeating the ends of justice to take or send them to New York. In addition to this fact the vessel has been libeled and an attachment regularly issued and the vessel, the Salvor or M. S. Perry, is now properly in the custody of the U. S. marshal. If the marshal should call on you for assistance in keeping or regaining possession of the prize it is my opinion you would be justified in giving it, but violence disproportioned to the nature of the outrage would not of course be justifiable, such for instance as sinking the vessel in the channel to prevent her leaving port.

I am, sir, your obedient servant,

THOS. J. BOYNTON,
U. S. District Attorney.

[Indorsement.]

The steamer is leaving without my being able to send any letters of advice or explanation.

WM. H. FRENCH,
Brevet Major, Commanding.

*Not found.

HEADQUARTERS, *Key West, October 17, 1861.*

Brig. Gen. L. THOMAS,
Adjutant-General, U. S. Army, Washington City, D. C.

GENERAL: On yesterday I had the honor to report in an indorsement upon a communication from the U. S. district attorney here that the steamer Keystone State had got under weigh, not permitting me to write *in extenso*. I now inclose a copy of the letter* from the American consul at Havana which I showed to Captain Scott, U. S. Navy, immediately after its receipt at about sundown. The Keystone State sailed and captured the Salvor at about 11 p. m. the same night (13th). The Salvor was brought in at sunrise the next morning. I boarded her and found the evidences so strong against her and against all on board that I sent the officer of the day to arrest Mr. McKay, the owner, also two persons named Ball and Doctor Barrett. These men are now confined in the fort.

The U. S. court here then asserted jurisdiction over this case which has been resisted by the naval commander, who refused to obey the arrest served on him and sailed away after two hours' notice to me of his intent, requesting at the same time that the three prisoners should be sent on board. I was not prepared to lend myself to such hasty action in the presence of a regularly organized U. S. court and declined doing so. It is very probable others on this Key and elsewhere are implicated in this treasonable attempt to aid the rebels.

This morning I arrested and have confined Mr. Charles Tifft, in charge of a large mercantile firm here. I have sufficient evidence to know that he has furnished McKay with means very recently on a late visit to the Havana. The unexpected sailing of the Keystone State to avoid the U. S. civil authorities carries off evidence which might trace out others and enables them to screen themselves from immediate suspicion. These prisoners will be sent to New York the first opportunity which presents, which may be when the steamer McClellan returns from Fort Pickens. I will now give a succinct history of the Salvor.

This propeller was built for a wrecker on the Upper Lakes but was purchased for McKay for the same purpose on the Florida Reefs. No business of that kind doing McKay employed her to carry cattle from Pease Creek to Havana and for the troops here and at Tortugas. The blockade stopped that and learning that Hartstene, late commander, U. S. Navy, was negotiating for her, I seized her on her next arrival here. The steamer was then employed by the quartermaster's department and made one trip to Pickens and to Tortugas. Running constantly in salt water her boilers burned out and I had a survey made on her by the assistant quartermaster and Assistant Engineer Grier, U. S. steamer Crusader, who reported her unsafe and unfit to go to sea. She was then anchored under charge inside the harbor. About the last of August having occasion to procure horses from the Havana the acting assistant quartermaster informed me that Captain McKay thought his steamer would be able to go and return with them. The quartermaster returned in about a week and reported that the steamer had broken down and could not be repaired for some time. Since then she has remained in the Havana. The horses, however, were purchased and arrived here in a schooner about a week since. The money was advanced by Mr. Tifft through Mr. McKay. The quarter-

*Omitted.

master has not paid for them. The amount is about $1,800. The consul's letter exhibits the rest of the transaction.

I am, general, very respectfully, your obedient servant,

WM. H. FRENCH,
Brevet Major, U. S. Army, Commanding.

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HEADQUARTERS, *Key West, October 18, 1861.*

General L. THOMAS,
Adjutant-General, U. S. Army, Washington City, D. C.

GENERAL: The inclosed dispatches* just received from the consulate-general at the Havana are self-explanatory. I cordially and earnestly request the attention of the Government to the vigilance of Mr. Savage, our consul at the Havana. To his unremitting energy it is due that the rebels were frustrated in the case of the Salvor. That there is no naval steamer or available war vessel on this station to intercept the others is referable to another department. The McClellan cannot take the prisoners.

I am, sir, very respectfully, your obedient servant,

WM. H. FRENCH,
Brevet Major, U. S. Army, Commanding.

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DEPARTMENT OF STATE, *Washington, October 31, 1861.*

Hon. GIDEON WELLES, *Secretary of the Navy.*

SIR: I have read with much interest the report and accompanying papers received with your letter* of the 10th instant of Commander G. H. Scott, commanding the U. S. steamer Keystone State, dated 25th instant relative to the capture of the steamship Salvor or M. S. Perry, and return them herein with my thanks. The course pursued by Commander Scott in bringing the said steam-ship to Philadelphia appears to have been very judicious. The slaves to whom he refers should I think be retained at the navy-yard there for such service as they can be usefully employed upon and it would perhaps be advisable to place on file in this Department such of the letters referred to in his report as are not required for the condemnation of the vessel.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

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NAVY DEPARTMENT, *Washington, November 9, 1861.*

Lieut. Col. MARTIN BURKE, U. S. Army,
Commandant, Fort Lafayette, N. Y.

SIR: The commandant of the navy-yard at Philadelphia has been directed to send the following-named persons to Fort Lafayette. They were on board the Salvor at the time of her capture by the Keystone State, viz: Ponche [Francisco] Menendez, captain; J. [Charles] Butler, first officer; W. J. Browning, first engineer; George McNabb, second engineer; Donald McKay, supercargo; Hunter Semple, cook; William Reed, Frederick Louis, Peter Fernandez, David Evans, seamen.

I am, respectfully, your obedient servant,

GIDEON WELLES.

* Omitted.

FORT LAFAYETTE, *November 12, 1861.*

JAMES MCNABB, Esq., *No. 16 John Street, New York.*

DEAR BROTHER: Having arrived at our destination in the fort here and having drawn up a petition to send to the English consul I beg that you will do us the favor to take it to him, as none of us know the directions, and oblige. We arrived last night and are much more comfortable here than on board the Princeton.

From your affectionate brother,

GEORGE MCNABB.

[Inclosure.]

FORT LAFAYETTE, *November 12, 1861.*

HER BRITISH MAJESTY'S CONSUL, *New York.*

SIR: Being confined in Fort Lafayette without just cause, and not having any opportunity to appear before you personally I hope, sir, you will excuse the writer of these lines for the inconvenience they might create you. I, the master of the British steamer M. S. Perry, in behalf of the officers and crew of said vessel, now confined in Fort Lafayette, petition you to look into our case the particulars of which are as follows:

The British steamer M. S. Perry (formerly called Salvor), owned by Mr. John McLenan, British subject in Havana, left Havana on the 13th of October last with a cargo of assorted merchandise consisting principally of coffee and cigars and eight passengers (owners of the cargo) on board, bound for Nassau, New Providence, via Key West. Two of said passengers were destined for Key West, the other six for Nassau; the cargo likewise was shipped and cleared for Nassau, New Providence. The said steamer was properly cleared in Havana as an English vessel through the custom-house and English consul. We passed the Moro Castle at 7.30 a. m. on the 13th of October last shaping our course for Key West to land the two passengers specified. The engine being in bad condition were obliged to stop engine every two hours or so for ten or fifteen minutes at a time to repair the engine. For that reason we kept a well westerly course (as the current sets strong to the eastward in the Gulf Stream) so as not to come to leeward (eastward) of Key West. The steamer didn't average more than three miles and a half per hour.

About 10 p. m. same day fell in with the U. S. steamer Keystone State, steering to the westward. We were then according to my reckoning about thirty-five miles to the southward and westward from Sand Key Light, which is in the vicinity of Key West, steering northeast. I was ordered by the commander of said war steamer to heave to which I immediately did. We were boarded and taken as a prize to Key West, where the ship's papers were taken ashore by the U. S. marshal and three passengers transferred to Fort Taylor, Key West. After remaining in Key West for two days the steamer Keystone State took the M. S. Perry in tow and started for Philadelphia where we arrived the 25th of October. We were examined before the prize commissioners and sent on board the Princeton, U. S. receiving ship in Philadelphia.

All communication with the shore being prohibited I had no opportunity to employ a legal adviser. I sent one letter to the British consul in Philadelphia but if said letter arrived at the point of destination I do not know as I did not receive any answer. Yesterday afternoon we

left for Fort Lafayette where we arrived last night. Four of the passengers, owners of the cargo, remained in Philadelphia I believe.

Hoping, sir, that you will listen to our petition and do something to[ward] our liberation or a hearing before proper authority, we sign ourselves, respectfully, your obedient servants,

FRANCISCO MENENDEZ,
Master of M. S. Perry.
CHAS. BUTLER,
Mate.
W. J. BROWNING,
First Engineer.
GEORGE McNABB,
Second Engineer.
HUNTER his x mark SEMPLE,
Cook.
PETER FERNANDEZ,
Seaman.
FREDERICK LOUIS,
Seaman.
WM. REED,
D. McKAY,
Passengers.

FORT LAFAYETTE, *November 20, 1861.*

Hon. W. H. SEWARD.

SIR: I was born in the city of Hoboken, State of New Jersey, and resided in the city of New York until the last six years when on account of bad health I removed to Havana, Island of Cuba, where I have resided since. On the 3d of October I engaged as engineer on board of the steamer Salvor, and on the 12th of the same month I signed articles granted by the English consul at Havana for a voyage to Nassau and return. I had no knowledge of the intention of the captain or owners until my capture by the U. S. steamer Keystone State, when I was informed by the prize officer in charge that we were taken for running the blockade. I gave the prize engineer all assistance in my power by standing watch and working the engine until it broke down.

I have not been in any of the Southern States for the last seven years, and the only time then was when I was second engineer of the steamer Empire City, in the employ of M. O. Roberts, of New York City, carrying the U. S. mail from New York, Havana and New Orleans. My assistant, Mr. George McNabb, is similarly situated, having resided in Havana the last three years. He also was born in the State of New Jersey and resided in Paterson until his removal to Havana.

And now, sir, having stated our situation, we respectfully petition our release from this place so as to enable us to return to Havana to work at our trade as engineers for the support of our families as they are depending on our labor for their daily bread, having no other means of living. That we are both Northern men and of good Union principles Consul Savage, of Havana, would vouch for us.

Honored sir, I would respectfully ask permission for my little daughter (Camilla Browning, eleven years old, accompanied by her grandmother, Ann Clark), residing No. 62 Bedford street, New York City, to visit me while I remain here. I have not seen her but once in the last three years.

Hoping that you will think favorably of our case and grant our petition, we respectfully subscribe ourselves, your obedient servants,

W. J. BROWNING.
GEORGE McNABB.

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DEPARTMENT OF STATE, *Washington, November 28, 1861.*

WILLIAM A. LIGHTHALL, Esq., *New York.*

SIR: I have received your letter of the 13th instant relative to Donald McKay, captured on board the steamer Salvor. In reply I have to inform you that it is not deemed expedient to release him at present, but you are at liberty to furnish him with any articles which may be necessary for his comfort.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

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FORT LAFAYETTE, *December 2, 1861.*

[Hon. WILLIAM H. SEWARD.]

HONORABLE SIR: I saw a letter from the State Department which was signed by Lieutenant Hawley saying not to employ any one to try to get me out. This is the way I understand it. I was taken in the prize Salvor which the Keystone State took. They left my father at Key West in the fort and I was brought here, for what I do not know. I am only fifteen years old. I asked Captain Scott to let me see my father before we come off and he would not do it. I think it is very hard. I had no interest in vessel nor cargo. I was merely a passenger with my father, and if it is in your power to let me know whether I am to stay here or not please let me know, for I want to go where my father is if it is possible. I have one or two friends in New York. I was instructed to write to you. If you can do anything for me will you please do so and give me an answer as I am anxious to get where my father is.

Your obedient servant,

DONALD McKAY.

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HEADQUARTERS,
Fort Taylor, Key West, Fla., December 6, 1861.

The ADJUTANT-GENERAL, U. S. ARMY, *Washington, D. C.*

SIR: When I assumed command of this post on the 7th ultimo I found four citizens confined as prisoners, viz, James McKay, Charles Tifft, R. H. Barrett and W. G. Ball, all of whom were arrested in connection with the capture of the steamer Salvor by the U. S. steamer Keystone State on the 14th of October and whose cases were reported to you by Brig. Gen. William H. French then in command.

Three of these cases I have disposed of as follows: Messrs. Ball and Barrett were passengers on board the Salvor and were arrested and detained principally as witnesses, but in the investigation before the grand jury in its November term did not appear to know anything of the cargo of the Salvor, and on the 15th of November I addressed a letter to the U. S. district attorney, a copy of which and his reply I inclose, upon which I released them upon the 21st ultimo. Both have taken the oath of allegiance. Mr. Charles Tifft is a merchant of Key West

and was arrested here on the 17th of October on the charge of having furnished funds to McKay for the purchase of arms, &c., in Havana, to be run into a rebel port on board the steamer Salvor. There was no evidence, however, to support this charge before the grand jury and the indictment for treason was returned the 7th of November as not a true bill, but Mr. Tifft had previously made himself very obnoxious to the loyal citizens of this community by his secession opinions and although he had taken the oath of allegiance it was believed that it was with the view of only saving himself from being sent off the island. I therefore did not think it proper to release him on the action of the grand jury. I am now satisfied that a period has arrived when the correctional punishment and confinement should terminate and on the application of Judge William Marvin, U. S. district judge of this district, and Charles Howe, U. S. collector of this port, whose joint letter I inclose,* and in consideration that he has now been confined since 17th of October I have released him. I have, however, taken the precaution to cause him to execute a bond with two sureties for $5,000 that he does not leave the island without the written permission of the commanding officer of this post.

Very respectfully, your obedient servant,

B. H. HILL,
Major, Second Artillery, Commanding.

P. S.—I also inclose a communication† just received from Mr. Charles Tifft.

[Inclosure No. 1.]

HEADQUARTERS, *Key West, Fla., November 15, 1861.*

T. J. BOYNTON, Esq., *U. S. District Attorney, Key West, Fla.*

SIR: I request that you will inform me whether in the examination before the grand jury on its recent term any evidence was elicited to criminate in any degree Messrs. Barrett and Ball, who are now in confinement in Fort Taylor. They seem to have been passengers on board the steamer Salvor when she was captured, and if there is no charge against them and no reason for longer holding them as prisoners I propose to release them on their taking the oath of allegiance.

Very respectfully, your obedient servant,

B. H. HILL,
Major, Second Artillery, Commanding.

[Inclosure No. 2.]

U. S. DISTRICT ATTORNEY'S OFFICE,
Key West, Fla., November 15, 1861.

Maj. B. H. HILL, *Commanding Fort Taylor.*

SIR: Your note of this morning concerning Barrett and Ball, now confined in Fort Taylor, is received. I have in my possession no evidence in any [way] criminating them and have no reason to urge why you should not carry out the intention you express of releasing them on their taking the oath of allegiance.

I am, sir, your obedient servant,

THOS. J. BOYNTON,
U. S. Attorney.

*Omitted. †Not Found.

FORT TAYLOR, *Key West, Fla., December 7, 1861.*

L. THOMAS, *Adjutant-General, U. S. Army, Washington, D. C.*

SIR: I have the honor to request instructions in regard to Capt. James McKay who I found a prisoner at this post when I assumed command. The case has been already reported to you by Major French. The grand jury in its November term had the case of Captain McKay before it, but the steamer Salvor, of which he was the reputed master and owner, was taken North for trial by Captain Scott, U. S. Navy, her captor, contrary to the wishes of the judicial authorities here, and on examination of the case before the grand jury there was really no evidence before it to criminate McKay and the bill of indictment was returned "not a true bill." I inclose the certificate of the U. S. clerk. I have, however, still detained Captain McKay and he is still a prisoner in this fort and I request instructions in relation to him. I presume that on examination of the cargo of the Salvor which was taken to Philadelphia, as I see by the newspapers, the measure of Captain McKay's guilt or innocence can be determined. He informs me that he has written to General Thomas, Adjutant-General. He has been confined in this fort since 14th of October and expresses his willingness to take the oath of allegiance.

Very respectfully, your obedient servant,

B. H. HILL,
Major, Second Artillery, Commanding.

[Inclosure.]

DISTRICT COURT OF THE UNITED STATES,
Southern District of Fla.:

I, George D. Allen, clerk of the district court of the United States for the southern district of Florida, do hereby certify that the regular November term of said court has this 7th day of November, 1861, adjourned *sine die* and that the grand jury returned an indictment for treason against James McKay "not a true bill," and an indictment for treason against Charles Tifft "not a true bill."

In testimony whereof I have hereunto set my hand and the seal of said court at Key West, this 7th day of November, in the year 1861.

GEORGE D. ALLEN,
Clerk.

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FORT TAYLOR, *Key West, December 7, 1861.*

General L. THOMAS, *Washington City.*

DEAR SIR: Since my confinement here now two very long months I have taken the liberty of addressing you twice* in which I tried to give you a brief sketch of how I got here. Up to this time I have heard nothing of my case other than a number of misstatements in relation to me from here which I observed in the public prints. By this time, however, I hope the steamer is discharged of her cargo and contents known, the owners of which are with the steamer and cargo, or the representatives of it, with the exception of 3 bags of coffee, 5,000 cigars and 4 cases of gin which belonged to myself. I was exceedingly glad to find that my negroes arrived out here some ten days since on a Government schooner with instructions to the captain to report with them to Commodore [Mc]Kean. This is charitable in their behalf to send them to

* Previous letters omitted because their substance is restated in this.

this climate. I wish that my young son had been sent with them as he is not known in Philadelphia and has neither clothes nor means and must therefore suffer in that climate. His mother urged me to take him with me from home for fear he would be led away during my absence and this is the result. I little doubt have you to thank for the negroes being returned out South. Whether ever returned to me or not it is a kindness to them as they desired it. I feel grateful.

As the Hon. Judge Marvin of this place is [going] North I cannot help troubling you once more [with] a statement of how I have been so unfortunately placed betwixt two fires and been so since commencement of our country's troubles. Ever since November, 1860, up till June, 1861, I was not at Tampa or with my family ten days all put together, being attending to my cattle exportations from Charlotte Harbor to Havana which for me was extensive and required my individual attention. Still I am named publicly in the prints of being a prominent individual in the secession cause and a commissioner for obtaining loans for the Confederate States. To this report I can only reply that I have never been requested by the State to occupy such a position nor have I ever asked any person or persons to aid in such, having more interest in making good my own engagements, which as matters have turned I have operated too extensively I regret to say, but would have done well both for the portion of country in which I lived as also for myself if our country had remained as formerly. As you are aware in too many instances is the country ruined by politicians and in Tampa there are three or four of those who have done nothing but live from the public crib while anything was there, of which I have had no hesitancy in telling them, and ever since the State seceded they have had their powers turned toward my downfall if possible as they were envious of my exertions and success in my undertakings.

When Major French arrived here with his officers and men, &c., from Texas I happened that day to arrive here from Havana with my steamer. The major and some of my old acquaintances came on board, all of whom I was pleased to see. During the afternoon Major Porter—now I believe Brigadier-General Porter—came on board and asked me if I would be kind enough to go and try to catch Lieutenant Platt and men who were slowly drifting out to sea on a flat with some Government property on board. I immediately looked and observed the fact, ordered steam on my boat and went and brought them back, for which Lieutenant Platt was very grateful and Major Porter offered to pay me which I refused, stating I was glad of having the pleasure of assisting old acquaintances. Major Porter thanked me and stated that he had asked the captain of steamer Galveston, belonging to Harris & Morgan, who refused. This act of mine was carried to my enemies in Tampa and noted against me.

In a week or two after Lieutenant Benson, post quartermaster at Tortugas, asked me if I could not supply him with beef or cattle at Tortugas. I replied that I had the cattle but that my engagements in Havana would not permit me to leave cattle on my way with them but on my next trip I would call to oblige him with what he then required, which I did to Tortugas and left him three head, being all he wanted. This was another heinous act of me and capital for my Tampa enemies. These acts of mine came to their ears in Tampa. They enlarged upon it, as I was never there, and spread around the country that I was carrying my cattle from Charlotte Harbor to Havana and then putting the Spanish flag on my boat, carried the same cattle back and sold them to the United States Government at Tortugas and Key

West, and that I was a general agent for the Government and a traitor and should be hung. These reports were spread extensively without my knowledge. The excitement occasioned by these few was the means of preventing Captain Aulder, of this place, who supplied citizens and troops here with beef for years, of being furnished with beef-cattle from neighborhood of Tampa as formerly, although Captain Aulder informed me that the governor and Mr. Mallory had written them of their approval of his doing so; and as I controlled all the beef-cattle and put up wharves, &c., at Charlotte Harbor I told Captain Aulder that he could be supplied at Charlotte Harbor by me, and then he could supply Key West and Tortugas, for which accommodation Captain Craven and Major French would allow me to pass and continue my business to Havana as formerly.

About the 20th of May I was asked by Major French if I could not take Judge Douglas and family as also several others, some of whose vessels had been seized here, and carry them to Tampa or rather to Cedar Keys. I told him if he desired it I would by being allowed to call at Tampa and obtain some wood, as some time previous to this I was informed that I could not go to Tampa with my steamer. I carried the persons to Cedar Keys as requested, for which I received or collected from them $180, my trip costing me $300; but many of them had no money. On my return from Cedar Keys to Tampa for wood Captain Hartstene, of the C. S. Navy, called on board my steamer and looked around her, but did not say anything in relation to purchasing. This I informed, I believe, Judge Marvin, of here, as also Major French. On my return from Havana about the 6th of June Commodore [Commander] Mervine seized or rather detained my vessel and crew, stating that she must not go to the mainland, neither must I myself. This was a serious loss to me as I had twenty men and horses gathering my cattle and they would be in readiness, which they were, for me and after keeping them for two weeks' herding let loose again. A few days after the vessel was seized by the commodore [commander] the quartermaster, Lieutenant Gillem, asked me how much my boat cost me a day for men's wages. I told him about $38 per day. He said he wished some stores from Tortugas and would send her down there. At his request I went and performed his desire. If I desired to do wrong I had then the power of taking my boat home, but if I had done so there was no security for her as I could not then nor since place her in safety in Tampa or Charlotte Harbor and all other places blockaded as where she could go the most of the Government vessels could go and take her away, hence the folly of my at any time being desirous of taking her there as is now represented. The vessel was therefore kept and crew by the quartermaster and used, and I was permitted myself to go and see my family at Tampa in a fishing smack in company with the Catholic priest who was returning to Tampa. On our arrival at Tampa or soon after some twelve men armed, at the suggestion I understand of these enemies of mine, seized the smack, stating that she belonged to Union citizens of Key West. I considered myself morally bound for the vessel as they had kindly placed myself and the priest home and as such I immediately informed the governor of the case who immediately sent down a person to release the smack. Upon this information being received these enemies made up their mind that she should not be delivered and that night they burnt the smack and threatened violence to the men who came with her. I immediately in connection with the agent of the governor procured a boat which I sent my son in down the bay and got the men safe off. By this time the reports concerning

myself had been spreading around the country to an alarming extent I found, for the safety of myself and family, I therefore demanded an investigation of the matter which was had, and after an investigation of over two weeks nothing could be substantiated more than that I obeyed the order of an officer of the United States Government. Whether that was my saving Lieutenant Platt and men or coming to anchor in the harbor of Key West when so requested by Captain Craven I know not. For this I had to find bonds for $10,000 to appear at circuit court in October last which under all the circumstances has been impossible for me to do. What may be the result of this to me I cannot now say.

After this being all over at Tampa I was informed that if I was at Key West I would receive my steamer and negroes back again as her boiler was not in good order, the Government having used her one month, for which I received only $1,026, I think, and up to this time is all I received, all the time since June 6 having officers and men on board for which I have paid out over $4,800 in cash and still due some. The steamer was detained here near three months. I was then allowed to take her and crew away on condition that she would not be carried to the Confederate States. I therefore left for Havana with the intention of having her boiler overhauled and obtain soft coal and send her on to New York and through my merchants in Havana to have her sold in their name, as I being a citizen of the South dare not sell her at the risk of my life North. Upon inquiry of the American consul, Savage, I found that my merchants could not hold her, as they were citizens of Havana, and by the proclamation of President Lincoln she would be subject to confiscation if I owned her and [was] found on the sea, as also my negroes by the proclamation then of Frémont, of manumission. I was therefore placed in a very unpleasant position and how to act I did not know. Could not sell my steamer for cash in Havana and otherwise it would be folly; durst not leave my negroes there I being under bonds to carry them off the island. I wrote Major French here that I did not see how I could return by way of Key West, as I promised him to bring fourteen ponies from Cuba for his battery, after observing these proclamations. He did not answer me. This therefore convinced me more of my risk. This was really hard, after going to the expense of having my boiler repaired, which took two weeks.

At last I was informed by a gentleman from Nassau, New Providence, that if I had my vessel in Nassau I could sell her he thought to a company there who was supplying that place with fresh beef from New York, but there was a risk in even getting her there. He told me—and which I had seen—several American schooners from Rhode Island and other parts [were] arriving with English colors, and that he himself was American and was in the same way. I therefore made inquiry of the English consul of the requisite to hold an English vessel. He very kindly told me, and after stating my condition to American Consul Savage he said he did not know any other way I could be secure under the circumstances. Therefore Mr. Savage accordingly drew up the bill in name of a British subject who gave me his notes and power of attorney to sell the vessel. Being under such heavy expense and short of money I put her for Nassau, New Providence, and in a few days received some freight, enough I presumed to pay expenses going there, and left with part of a cargo and owners of same on board on 13th of October for Nassau. My negroes being on board and my young son I was desirous of making the mainland of Florida and requested the captain to steer the vessel for Tortugas, so that when I made the

land in sight I intended sending my young son and negroes in a boat and send them home and for him to inform the court there the impossibility of my getting home. No person on board knowing my intention of this I did not see any use in telling them until I saw the land. It is well known I could not take my negroes to Nassau, and after I had got clear of my son and negroes I myself, steamer, &c., to proceed to Nassau, as first intended. In trying to place my property as above stated in safety, as certainly could have been done by me at a proper time if Commodore Mervine had not taken the advantage of the privilege granted me at first by Major French and Captain Craven, which is an advantage taken of their own acts, and in which the Government troops and this island were benefited in being supplied with fresh beef; in short my property was taken and retained until these proclamations were proclaimed, and my other property and family being in the South and I dare not sell my steamer North with my own consent, if known at home, and in trying to thus save my property Captain Scott came on me about twenty miles south of Tortugas and took charge.

The wicked and malicious reports in relation to myself and steamer in the public prints sent from here I cannot stop, but all I can say is that ere this it is known what cargo she had on board and, so far as I know and remember will here state from memory, bound for Nassau, viz, 176 bags of coffee, 8 trunks of shoes, said to be women's; 110,000 cigars, probably some more; 2 bottles quicksilver, shipped and belonging to Solar, Carbonell & Co., Havana, and passenger on board in whose charge the same is; 100 sacks coffee shipped and belonging to Ceso & Co., Havana, and I think in charge of above passenger; 16 cases hats, said to be; 240,000, I think, of cigars, or thereabouts, belonging to and shipped by Hayman & Co., Havana, his clerk or agent on board in charge of same; 1 small old box of linen lint and bandages marked Mordecai & Co., belonging to Doctor Barrett, passenger on board, who was left here; 3 sacks coffee; 4 cases gin; 5,000 cigars and a small quantity of pineapples and bananas belonging to myself; 1 small gun belonging to steamer and 1 small pistol of my son's. Above is a complete statement to my recollection or knowledge of what was on board. If I desired carrying arms, &c., I could have gone to Matamoras and be well paid but would not.

General, I would not have taken the liberty of troubling you with such a long statement of [my] acts and present condition were it not the fact and knowing within myself that all I desired was to protect my property which I have worked hard for and that I was deprived by the Government or its officials here from doing so when no law or proclamation prevented me from doing so more than the law of might, while that I was really doing all I possibly could do in justice to aid those here of the Government. I am now from home over four months and only about 200 miles from it confined and have not heard from my poor family since I left. Little doubt they are suffering and the little property I had there likely destroyed by the rabble. As to money, I may say I have none. I owe some little money in New York and my steamer was the only thing available I had to dispose of to pay my debts and if any left to remain quiet until I saw how these troubles were to terminate. On the account of my family I am exceedingly anxious to get home and also to have my son who is on the boat North to be sent out here. As regards my boat and negroes my case is before you and I sincerely trust that the Secretary of War will, through your influence and Judge Marvin's, take a liberal view of the case as also order my release

from here on such conditions as in his judgment he may deem proper. General, I certainly have no claims on you for thus troubling you, but my condition at present after so many years of hard work and now to be left penniless at my age and a young family, while no desire or evil intent of mine has occasioned it, I cannot but think it hard.

Trusting sincerely that whatever is done will be for the best and that you will forgive me for the liberty I take in asking your assistance in my behalf, I remain, very respectfully, your obedient servant,

JAMES McKAY.

I will merely add that if I was allowed to take my vessel to Havana when detained here first by Commodore [Commander] Mervine or soon after, I could have sold her for $40,000 in Havana to the same parties I furnished with cattle there. They since have supplied themselves with the steamer Honduras from New York City carrying cattle from Truxillo to Battabano, Cuba.

J. McK.

The freight was to be paid me by the shippers by drafts on Charleston or New Orleans which were said to be easily sold in Nassau, or on my return to Havana myself as I chose after getting to Nassau. I had no letters for any person whatever, the owners of the property being with it themselves or in their charge. If any letters they must have had them and if I had any would have no hesitancy in saying so.

J. McK.

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NEW YORK, *December 13, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: In obedience to the instructions contained in your letter of the 10th instant I proceeded to Fort Lafayette and made an examination into the case of William [J.] Browning. I find from his statements that he is an engineer by profession and was engaged on a sugar plantation near Havana when business becoming dull he shipped as engineer on board the British steamer Salvor bound as he supposed to Nassau. He disclaims all knowledge of her intention to run the blockade or to carry any goods contraband of war, and he expresses his willingness to take the oath of allegiance. He is a native of this city and has referred me to a number of highly respectable citizens residing here (some of whom are personally known to me) who give him an excellent character, express their entire confidence in his loyalty to the Government and are willing to enter into bonds that he will not do any act hostile to the United States. I therefore recommend that he be discharged.

There is another person named George McNabb, a Scotchman by birth, who was assistant engineer on board the same vessel and is in my opinion in precisely the same position as Browning. He also expresses his readiness to take the oath of allegiance and engage that he will commit no act hostile to the United States. If you have no testimony in the Department against him I would suggest that he likewise be released.

I inclose the letter which you requested me to return, and remain, sir, your most obedient servant,

ROBT. MURRAY,
U. S. Marshal.

DEPARTMENT OF STATE, *Washington, December 14, 1861.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette.*

SIR: Let William J. Browning, a prisoner confined in Fort Lafayette, be released on taking the oath of allegiance to the Government of the United States stipulating that he will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State; and also that he will not do anything hostile to the United States during the present insurrection. You will please make the stipulations a part of the oath. I transmit this order to Robert Murray, esq., U. S. marshal, who has been instructed by this Department to cause a police examination to be made in some cases of the persons and baggage of prisoners discharged from custody to the end that no correspondence or other improper papers be conveyed by them to persons outside the fort.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

(Same order in case of George McNabb.)

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I, William J. Browning, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States against all enemies whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same any ordinance, resolution or law of any State convention or legislature to the contrary notwithstanding; and further that I do this with a full determination, pledge and purpose without any mental reservation or evasion whatsoever; and further that I will well and faithfully perform all the duties which may be required of me by law; and further that I will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State; and also that I will not do anything hostile to the United States during the present insurrection. So help me God.

WILLIAM J. BROWNING.

Sworn to and subscribed before me this 17th day of December, 1861.

ROBT. MURRAY,
U. S. Marshal.

[NOTE.—On the same day George McNabb subscribed to the same oath.]

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WASHINGTON, *December 31, 1861.*

Hon. WILLIAM H. SEWARD, &c.

SIR: I have the honor to transmit to you a letter from William Reed, a British seaman, who states that he was taken on the 13th of October last on board the British schooner M. S. Perry on a voyage from Havana to Nassau, New Providence, via Key West, and that he is now imprisoned in Fort Lafayette.

I shall be much obliged if you will supply me with information respecting the cause of the imprisonment of Reed and respecting his case generally.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant.

LYONS.

[Inclosure.]

FORT LAFAYETTE, N. Y., *December 24, 1861.*

The Hon. Lord LYONS, &c.

MY LORD: I am imprisoned here by the United States Government for what cause I have not been informed. I was taken on the 13th of October last on board of the British steamer M. S. Perry on a voyage from Havana to Nassau, New Providence, via Key West. I am a British subject, shipped on board of said vessel as a seaman. I have not violated any laws of this country which would be sufficient cause for my arrest and detention. I was born in North Shields, in England.

I ask you as a representative of my Government to procure my release.

Very respectfully,

WILLIAM REED.

DEPARTMENT OF STATE, *Washington, January 10, 1862.*

ROBERT MURRAY, Esq., *U. S. Marshal, New York.*

SIR: You will please release William Reed, a prisoner in Fort Lafayette who is understood to have been taken from on board the captured steamer Salvor or M. S. Perry unless his testimony should be deemed indispensable to the administration of justice.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, January 10, 1862.*

Right Hon. Lord LYONS, &c.

MY LORD: I have the honor to acknowledge the receipt of your communication of the 31st ultimo asking for information respecting the case of William Reed an alleged British subject now imprisoned in Fort Lafayette, N. Y., and to state in reply that orders have been given for his release unless his testimony should be deemed indispensable to the administration of justice.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

FORT HAMILTON, *New York Harbor, January 13, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: In accordance with your instructions to Marshal Murray of January 10 I have this day released William Reed, one of the crew of the Salvor and a prisoner at Fort Lafayette.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

HEADQUARTERS, *Key West, Fla., January 23, 1862.*

Hon. W. H. SEWARD, *Secretary of State, Washington.*

SIR: I have the honor to report that I have released from military custody Capt. James McKay, of Florida. Captain McKay will proceed

to New York and thence to Washington City where he will call and report himself to you. He is the bearer of a letter from Judge William Marvin giving a full statement of his case.

Captain McKay was the reputed owner of the steamer Salvor, captured by the U. S. steamer Keystone State on the 14th of October last while attempting to run the blockade. The Salvor was under English colors and was taken to the port of Philadelphia for trial. Captain McKay was detained here for trial, but as all the evidence in his case was taken North on the Salvor there was no evidence to criminate him and the grand jury returned the indictment of treason as "not a true bill." I found Captain McKay a prisoner when I assumed the command here in November and have been expecting instructions about him, but not receiving them I have after consultation with Judge Marvin concluded to release him on his pledge to repair to Washington and report himself to you.

Inclosed is a copy of a letter* I addressed to Adjutant-General, U. S. Army, on the 7th of December last, and a copy of the certificate of the U. S. district court of the action of the grand jury.

Very respectfully, your obedient servant,

B. H. HILL,
Major, Second Artillery, Commanding.

DEPARTMENT OF STATE, *Washington, January 29, 1862.*

ROBERT MURRAY, Esq., *U. S. Marshal, New York.*

SIR: Herewith I inclose a statement from the master of the prize steamer M. S. Perry. He claims to be a British subject and states that several of his crew are confined at that fort. * * *

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

[Inclosure.]

FORT LAFAYETTE, *New York Harbor, January 22, 1862.*

Hon. W. H. SEWARD, *Secretary of State, Washington.*

SIR: I beg to call your attention to my case and that of the remaining portion of my crew as well as passenger McKay (a youth of sixteen years). I am or rather was the master of the British steamer M. S. Perry, owned by John McClelland [McLenan], esq., resident of Havana, though a British subject. The M. S. Perry was on a legitimate voyage from Havana to Nassau and was captured thirty-five miles from Key West, without any intention of entering any Southern port. A portion of the crew have been released and I know of no reason for my capture in the first place nor for my present detention. I have been now confined in this fort since the early part of November and as you must have the full facts before you by this time I desire most respectfully to solicit your immediate attention to my case and that of my crew.

I am, sir, your obedient servant,

FRANCISCO MENENDEZ,
Master of the British Steamer M. S. Perry.

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* See Hill to Adjutant-General, December 7, 1861, and inclosure.

WASHINGTON, *January 24, 1862.*

Hon. WILLIAM H. SEWARD, &c.

SIR: On the 31st of last month I had the honor to bring to your notice the case of William Reed, a British seaman taken on board the British schooner M. S. Perry and imprisoned in Fort Lafayette. You were so good as to inform me by a note dated the 10th instant that orders had been given for the release of this man unless his testimony should be deemed indispensable to the administration of justice.

I received the day before yesterday an application from a man of the name of Hunter Semple who appears to have been captured at the same time and on board the same vessel. He states that he is a British subject and that he has been in close confinement in Fort Lafayette since the 12th of October last.

I beg to recommend the case to your attention and have the honor to be, with the highest consideration, sir, your most obedient humble servant.

LYONS.

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DEPARTMENT OF STATE, *Washington, January 29, 1862.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

SIR: Let Hunter Semple, a prisoner confined in Fort Lafayette, be released, unless his testimony in the case of the M. S. Perry should be deemed important, upon his stipulating that he will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State, and also that he will not do anything hostile to the United States during the present insurrection. I transmit this order to Robert Murray, esq., U. S. marshal, who has been instructed by this Department to cause a police examination to be made in some cases of the persons and baggage of prisoners discharged from custody to the end that no correspondence or other improper papers be conveyed by them to persons outside the fort.

I am, sir, very respectfully, yours, &c.,

F. W. SEWARD,
Assistant Secretary.

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FORT HAMILTON, *February 1, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to inform you that I have this day in accordance with your instructions received by the hands of Marshal Robert Murray turned over to his custody the following-named prisoners recently in Fort Lafayette: Francisco Menendez, Peter Fernandez, Frederick Louis, Hunter Semple.

I have the honor of remaining, with great respect, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel Third Artillery.

U. S. MARSHAL'S OFFICE, *New York, February 3, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: In obedience to the instructions contained in your order of the 29th ultimo I proceeded on Saturday, the 1st instant, to Forts Hamilton, Columbus and Lafayette where I discharged the following persons, viz: Capt. Francisco Menendez, Spanish subject; Seaman Peter Fernandez, Spanish subject; Seaman Frederick Louis, French subject; Cook Hunter Semple, British subject, all of the British steamer M. S. Perry, who were the only remaining witnesses in prize cases not citizens of the United States. These men have already given their evidence in the prize court at Philadelphia and their retention would have been an unnecessary expense to the Government.

I beg to return as requested the letter of Menendez, who states that the same was written by a fellow-prisoner (being himself imperfectly acquainted with our language) and the assertion made therein that he is a British subject is erroneous and was made without his authority. The youth (McKay) alluded to in the same writing is a citizen of the United States and a native of North Carolina. I have also the honor to inclose you a note received from one of these men so released who demands compensation for his imprisonment and a free passage to Havana or the British West Indies and I would respectfully ask your decision in the premises.

I am, sir, most respectfully, your obedient servant,

ROBT. MURRAY,
U. S. Marshal.

[Inclosure.]

NEW YORK, *February 3, 1862.*

Mr. ROBERT MURRAY, *U. S. Marshal.*

DEAR SIR: Having been released on the 17th of this month at your office I write to you this statement of my case. Sir, I signed articles in Havana on the M. S. Perry, a screw propeller, bound for Nassau, New Providence, via Key West. On the 10th of October I signed articles; on the 12th we sailed from Havana and we were captured the same night by the U. S. gun-boat Keystone State. We were thirty-five miles from Sand Key Light-House when we were captured. Since that time I have been in close confinement on board the Keystone State; then in Philadelphia on the guard-ship Princeton and at Fort Lafayette, having been three months and seventeen days in close confinement. Now, sir, I am left adrift here without wages and very little winter clothing, never having been here before. I have been living in the British West Indies and South America the last fifteen years and I feel this weather very severe. Now, sir, I wish to get to a warm climate as soon as possible, to work my passage or any other manner whatever. I believe that a schooner is going to Havana soon. If you would help me to get a passage or inform me if I am not entitled to some remuneration for the ill health and loss of time I have received at the hands of the U. S. authorities.

I remain, your honor's servant,

HUNTER SEMPLE.

P. S.—I hope you will overlook this miserable scrawl as I am not in practice and I feel very nervous.

H. S.

WASHINGTON, *February 11, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: I herewith submit for your consideration the following statement in relation to Capt. James McKay and his son Donald McKay, of Tampa, Fla., the former now in Washington the latter detained in Fort Lafayette:

When I first made the acquaintance of Captain McKay in May last he was shipping cattle from Florida to Havana, Cuba. He was generally regarded as the most enterprising man in that State as well as one of its wealthiest citizens. A few weeks later I met him in Key West. He was there with his propeller the Salvor when Flag-Officer William Mervine arrived to enforce the blockade of the Gulf ports of the Confederate States. By order of Flag-Officer Mervine the Salvor was seized, but subsequently she passed into the charge of the quartermaster's department of the Key West military division and made one or two trips to Tortugas and Fort Pickens. Her boilers being defective the quartermaster declined to make any further use of the Salvor and she was moored in Key West Harbor.

About the 1st of August Captain McKay came from Tampa to Key West with a flag of truce. In a conversation I had with him at that time he expressed disgust at the Confederate rule in Florida and added that he desired to remove his family to some place within the jurisdiction of the United States, dispose of his property at Tampa and vicinity and turn over the Salvor to the Government of the United States. Shortly after this conversation with Captain McKay the Salvor sailed for Havana in charge of Quartermaster Webber for the purpose of bringing back a lot of horses. Mr. Webber returned four or five days afterward in a fishing smack without the horses.

The Salvor remained and subsequently I learned from Mr. Thomas Savage, vice-consul-general at Havana, that Captain McKay sold her to British owners and her name was changed to the M. S. Perry. While sailing under British colors the Perry was captured by the U. S. steamer Keystone State, Capt. G. H. Scott. Captain McKay and his son Donald, a mere boy, were on board. The Salvor was carried to Philadelphia, condemned and sold by the admiralty court as a prize. Captain McKay was detained in Fort Taylor and his son sent to Fort Lafayette. By permission of Maj. B. H. Hill, commandant of Fort Taylor, Captain McKay appears in Washington to ask the liberation of himself and son and that they have permission to return to their home.

Having been driven from my own property by the rebels for furnishing some cargoes of timber to complete the defense of Fort Taylor and residing in Key West from July to December last, where I had an opportunity of observing what was transpiring, I have no hesitation in saying that whatever Captain McKay's offenses may be greater blame attaches to the U. S. officials who governed that post than to him. They were, with the exception of Mr. Charles Howe, collector; T. J. Boynton, U. S. attorney; E. B. Hunt, captain of U. S. Engineers, and Captain Brannan, greater favorites with the rebels than loyal citizens. If instead of Major French such officers as General Banks or Butler or the present commander, Major Hill, had had the direction of military affairs at Key West, nearly all would have returned to their allegiance,

whereas three-fourths by the example and conduct of those highest in authority were in open, active hostility to the United States Government.

Captain McKay, stripped of his large property, crushed in spirit, but as he assures me loyal in heart to the Union, certainly deserves to have his case speedily disposed of, and I am sure it will be your pleasure to deal as leniently with him as with others who have experienced your clemency. He is illy able to bear the expense of delay in Washington and I earnestly hope you will give him a prompt hearing. I am known to Hon. C. B. Smith, William McKee Dunn, E. P. Walton and George D. Prentice, esq., who will vouch for my loyalty.

With high regard, your admirer and friend,

L. D. STICKNEY.

—

DEPARTMENT OF STATE, *Washington, February 14, 1862.*

GEORGE A. COFFEY, Esq.,
U. S. District Attorney, Philadelphia.

SIR: Will you have the kindness to transmit to this Department the papers in the case of the prize vessel the M. S. Perry, or Salvor, which was captured near Key West and sent to Philadelphia for condemnation?

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

OFFICE OF U. S. ATTORNEY,
Philadelphia, February 18, 1862.

F. W. SEWARD, Esq., *Assistant Secretary of State.*

SIR: I have the honor to acknowledge the receipt of your letter of the 14th instant requesting me to transmit to your Department the papers in the case of the steamer Salvor, otherwise called the M. S. Perry, which is under adjudication in this district. It is beyond my power to send the original documents found on board of the vessel at the time of her capture for they are in judicial custody and cannot of course leave the possession of the court. The case is still pending in the prize court. The vessel has been sold under an interlocutory decree as perishable by reason of chargeableness and deterioration resulting from her detention. A final decree of condemnation has not yet been entered.

In view of the difficulty of removing the documents I have directed to be prepared a careful summary of the papers and letters which were found in the vessel when she was captured. This in connection with a copy of the special report of the prize commissioner upon these documents may serve you in lieu of the original papers. The papers of a captured ship become part of the record of the case in the court of prize as soon as they pass into judicial custody. They constitute as you are aware the most important and delicate part of the testimony in the case upon which the vessel is either to be condemned or acquitted, and even after final decree it is doubtful whether the court would permit such papers to pass beyond its control. If such a summary as I speak of together with a copy of the report of the commissioner, which is very full and clear, will be of service I will send them to the Department with pleasure. Perhaps also I may aid you in the examination of

any particular point in regard to this vessel which you desire to investigate, and if so I will be happy to look over the papers with reference to it and report to you the result.

I am, sir, very respectfully, your obedient servant,

GEO. A. COFFEY,
U. S. Attorney.
Per J. HUBLEY ASHTON,
Assistant.

—

DEPARTMENT OF STATE, *Washington, February 19, 1862.*

GEORGE A. COFFEY, Esq.,
U. S. District Attorney, Philadelphia.

SIR: I have to acknowledge the receipt of your letter of the 18th instant informing the Department of the impracticability of transmitting the original papers in the case of the prize vessel Salvor. In reply I have to state that copies will answer the purpose as well.

As you have kindly offered to do so I will thank you to examine the papers and report to the Department whether any proof appears among them to show that James McKay, of Tampa Bay, Fla., was the owner of the vessel or cargo, and also what the evidences are which go to show that the vessel itself was destined for one of the insurrectionary States.

I am, &c.,

F. W. SEWARD.

—

WAR DEPARTMENT, *Washington, March 8, 1862.*

Lieut. Col. MARTIN BURKE,
Fort Lafayette, New York Harbor.

COLONEL: You may release Mr. Donald McKay, a prisoner confined in Fort Lafayette, upon his giving his written parole of honor that he will render no aid or comfort to the enemies in hostility to the Government of the United States.

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

—

WAR DEPARTMENT, *Washington, March 12, 1862.*

GEORGE A. COFFEY, Esq.,
U. S. District Attorney, Philadelphia.

SIR: Herewith I transmit for your information a copy of a parole which James McKay, the owner of the prize vessel M. S. Perry, or Salvor, has this day given. It is presumed that his testimony in the cause will be necessary to the proper administration of justice. If you should think so you may detain him on parole of honor for that purpose. It would be advisable it seems to me to take his testimony as soon as convenient. When you shall no longer need him you will please discharge him on his entering into an agreement in writing that he will render no aid or comfort to the enemies in hostility to the Government of the United States.

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

[Inclosure.]

I, James McKay, of Tampa Bay, Fla., hereby give my parole of honor that I will report myself within three days from the date hereof to George A. Coffey, esq., U. S. district attorney for the eastern district of Pennsylvania, at Philadelphia, and remain in that city until discharged by him.

JAMES McKAY.

—

FORT HAMILTON, *New York Harbor, March 13, 1862.*

Brig. Gen. L. THOMAS, *Adjutant-General, U. S. Army.*

SIR: Inclosed please find the parole* administered to Donald McKay, a prisoner at Fort Lafayette.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

—

OFFICE OF U. S. ATTORNEY,
Philadelphia, March 14, 1862.

General L. THOMAS, *Adjutant-General.*

SIR: I have to acknowledge on behalf of the district attorney the receipt of your letter of the 12th instant covering a copy of a parole given by James McKay, the owner of the prize vessel Salvor. Mr. McKay has not yet reported to this office.

I am, very respectfully, your obedient servant,

J. HUBLEY ASHTON,
Assistant U. S. Attorney.

—

WASHINGTON, *March 19, 1862.*

Hon. A. LINCOLN, *President.*

DEAR SIR: At the interview I had with you last week about affairs in Florida I spoke of Capt. James McKay, a state prisoner now in Washington on his parole. His case is one of extreme hardship and in point of severe penalty beyond the usual range of such cases. I knew him intimately in Florida. He was universally regarded as one of the wealthiest and most enterprising citizens of that State. The difficulty in which he became involved by attempting as alleged to run the blockade had its origin in the dubious loyalty and reprehensible policy of high civil and military officers of the United States Government, which is set forth in Captain McKay's written statement to the Secretary of State.

I am willing to pledge myself for Captain McKay's future good conduct and loyalty to your Administration if he be permitted to return to Florida. He has lost within a few months upward of $70,000 by the rebellion, and is heartily sick of Jeff. Davis' rule. If permitted to return to Florida via Key West he will co-operate with the Union forces, and from his extensive acquaintance I feel sure his services would be extremely valuable to the Government. Captain McKay owns many thousand head of beef-cattle in Florida which he will furnish to the Gulf

* Not found.

Squadron and troops stationed in that region. I respectfully ask then that upon his taking the oath of allegiance, which he will cheerfully do, he be discharged from custody.

With high regard, your friend,

L. D. STICKNEY.

[Indorsement.]

MARCH 20, 1862.

SECRETARY OF STATE:

Please read this and speak with me about [it] at our next interview.

A. LINCOLN.

DISTRICT OF COLUMBIA, *County of Washington:*

I, James McKay, of Tampa, Fla., do solemnly swear on the Holy Evangelists of Almighty God without any mental reservation that I will at any and at all times hereafter and under all circumstances yield a hearty and willing support to the Constitution of the United States and to the Government thereof; that I will not either directly or indirectly take up arms against said Government nor aid those now in arms against it; that I will neither enter any of the States now in insurrection against the authority of the Federal Government nor hold any correspondence whatsoever with them or any persons in them during the present rebellion without permission from the Secretary of State; also that I will do no act hostile or injurious to the Union of the States; that I will give no aid, comfort or assistance to the enemies of the Government (either domestic or foreign); that I will defend the flag of the United States and the armies fighting under it from insult and injury if in my power so to do; and that I will in all things deport myself as a good and loyal citizen of the United States.

JAMES McKAY.

Subscribed and sworn to before me this 20th day of March, 1862.

THOMAS C. DONN,
Justice of the Peace.

KEY WEST, FLA., *April 24, 1862.*

General L. THOMAS.

DEAR SIR: I arrived here on the 21st instant per steamer Rhode Island and have reported myself to General Brannan. I regret exceedingly to have to state that General Brannan informs me that Captain Woodhull, of the U. S. steamer Connecticut, which left here for New York the day before my arrival here, informed him that on Captain Woodhull's way here he was informed by the blockading vessel at Tampa that I wrote Mrs. McKay from Washington that General Brannan was to be at Tampa with a large force about the 1st of April and for notice to be given to the authorities there to prepare themselves, which has occasioned a force of some 600 or 700 men there, it is said. It is well known that I could not write to Tampa from Washington but by Fortress Monroe to be examined by the commanding officer there. This base slander on me is really hard but I trust to live to see justice done me. Whenever I had an opportunity from here my earnest desire was to request my people to desist from their wicked acts and to cease taking the property of the citizens of this place and more particularly not to destroy it for as sure as the sun rose they would suffer for their acts. This statement is due to you, and from your kindness and confidence in me I regret that such reports should exist, but I cannot help it.

I hope should such report arrive at your Department or elsewhere that the same will be not credited. All I desire is to get home as I am satisfied that I would be of some service in advising the people, but General Brannan thinks that it is more than my life is worth to go and that he with a force is soon going over and that I can go with him, although I am satisfied that it would be better for me to go before he did. You may rest assured of everything in my power being done for the restoration of the Union.

With kind regards, remembering me to Captain Vincent, very respectfully, &c.,

JAMES McKAY.

Case of John G. Shaver.

John G. Shaver was arrested by W. H. Barse, Government agent in Detroit, October 19, 1861, and committed to Fort Lafayette by order of the Secretary of State and thence transferred to Fort Warren. He was charged with carrying contraband letters and small-arms to the States in insurrection under cover of his position as traveling agent of the Grand Trunk Railroad. An order was issued from the Department of State dated December 30, 1861, directing Colonel Dimick, commanding at Fort Warren, to release Shaver on his engaging upon oath neither to enter nor correspond with the insurrectionary States nor do any act hostile to the United States during the present insurrection, saving his allegiance to the Crown of Great Britain, he claiming to be a British subject. He was accordingly released January 6, 1862.—*From Record Book, State Department, "Arrests for Disloyalty."*

—

DETROIT, *October 19, 1861.*

W. H. SEWARD, *Secretary of State:*

I arrested John G. Shaver; treason; carrying letters and small-arms from Quebec to Montreal, South, and found sufficient evidence on his person to sustain the charge, and by advice of Alfred Russell, U. S. attorney, have sent him forward to Fort Lafayette, N. Y. Dare not keep him here for fear of trouble (interested friends), and would ask you to send order for his commitment to George R. Barse, New York, care John A. Kennedy, superintendent of police.

W. H. BARSE.

—

DEPARTMENT OF STATE, *Washington, October 19, 1861.*

GEORGE R. BARSE:

(Care John A. Kennedy, superintendent of police, New York.)

Commit John G. Shaver to Fort Lafayette.

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, October 28, 1861.*

ROBERT MURRAY, Esq., *U. S. Marshal, New York.*

SIR: Your communication* of the 25th instant with its inclosures has been received. In reply I transmit herewith orders for the release of J. G. Shaver and the sailors mentioned by you.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

*Not found.

[Inclosure.]

DEPARTMENT OF STATE, *Washington, October 28, 1861.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

SIR: Let John G. Shaver, a prisoner confined in Fort Lafayette, be released, on engaging on his honor that he will neither enter any of the States in insurrection against the authority of the Government of the United States nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State; and also that he will not do anything hostile to the United States during the present insurrection. You will please make the stipulations part of the oath. I transmit this order to Robert Murray, esq., U. S. marshal, who has been instructed by this Department to cause a police examination to be made in some cases of the persons and baggage of prisoners discharged from custody to the end that no correspondence or other improper papers be conveyed by them to persons outside the fort.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

MONTREAL, *October 28, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State:*

Shaver sent from Detroit to Lafayette last week. Has supplied arms to the secessionists and ought not to be discharged.

J. R. GIDDINGS.

—

DEPARTMENT OF STATE, *Washington, October 29, 1861.*

ROBERT MURRAY, Esq., *U. S. Marshal, New York:*

Do not release John G. Shaffer (or Shaver) till further orders.

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, October 29, 1861.*

JOSHUA R. GIDDINGS, *U. S. Consul-General, Montreal.*

SIR: Your telegram of the 28th instant relative to the case of J. G. Shaffer (or Shaver) has been received. In reply I have to request that as Shaver claims to be a British subject you will forward to me all the proofs in the case as soon as you conveniently can.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

FORT LAFAYETTE, *October 29, 1861.*

Right Hon. Lord LYONS, &c.

DEAR SIR: I was arrested at Detroit, Mich., by a deputy U. S. marshal two weeks since. I am a Canadian and a loyal British subject, the grandson of a W. E. loyalist; have never lived out of Canada; am an agent of the Grand Trunk Railway Company; was arrested while in the discharge of my duties. As an officer of the company I have written full particulars to the British consul, New York City, but fear my letters have not been permitted to reach him. I was offered my dis-

narge on condition that I would take the oath of allegiance to the United States Government. I of course refused to do so and am still a prisoner without the hope of release unless through the intercession of the Government to which I belong. I have a family in Canada entirely depending upon me and must suffer if I am much longer detained from my duties at home. I beg your lordship will give my case your earliest attention. I am well known to most of the members of our Canadian Parliament and ministry. Among my intimate friends and acquaintances I may mention the Hon. John Ross, Toronto, Canada West; George Benjamin, member Provisional Parliament; Lewis Walbridge, member Provisional Parliament, both of Belleville, Canada West, where my family now resides and have for the last fifteen years.

I have, &c.,

J. G. SHAVER.

—

FORT WARREN, *Boston, November 8, 1861.*

Right Hon. Lord LYONS, &c.

I am still a prisoner in Fort Warren, Boston Harbor. Why is this, being a British subject and guilty of no crime against this Government?

J. G. SHAVER.

—

WASHINGTON, *November 9, 1861.*

Mr. SHAVER.

SIR: I received the day before yesterday through the State Department a letter from you dated the 29th of October last, and yesterday in the evening I received a telegram from you dated yesterday. I have lost no time in taking such steps as I have thought most likely to be of use to you, and I will inform you as soon as possible of the result.

I am, &c.,

LYONS.

—

WASHINGTON, *November 9, 1861.*

Memorandum of Lord Lyons concerning John G. Shaver.

States that he was arrested at Detroit, Mich.; is a British subject; has never lived out of Canada; is an agent of the Grand Trunk Railway Company; was offered his release if he would take an oath of allegiance to the United States which being a British subject he was of course unable to do; has a family in Canada entirely dependent on him; is well known to members of Parliament in Canada.

—

DEPARTMENT OF STATE, *Washington, November 11, 1861.*

Memorandum in reply to that of Lord Lyons of the 9th instant in regard to political prisoners alleged to be British subjects.

John G. Shaver, imprisoned at Fort Warren, Boston.—Arrested at Detroit, Mich. Is agent of the Grand Trunk Railway. The U. S. consul-general, Joshua R. Giddings, says he has been engaged in conveying revolvers and other articles contraband to the insurrectionary States and selling them. Mr. Barse, our agent at Detroit, says that the agents of the American Express Company say Shaver has boasted

to them that he has carried dispatches, letters and contraband goods to the insurgents. Mr. Albert G. Davis, our agent, says Shaver confessed to him that he was engaged in this business. John C. Miller, of Chicago, has important information. The case is now under consideration.

—

DEPARTMENT OF STATE, *Washington, November 11, 1861.*

JOSHUA R. GIDDINGS, *U. S. Consul-General, Montreal.*

It is insisted that J. G. Shaver is innocent of any offense against the Government, and unless you furnish me with the proofs I shall be obliged to release him. Reply by telegraph.

WILLIAM H. SEWARD.

—

WASHINGTON, *November 12, 1861.*

Hon. WILLIAM H. SEWARD, &c.

SIR: I have already brought to your notice the case of Mr. John G. Shaver, a British subject who was arrested at Detroit, Michigan, and who is now imprisoned in Fort Warren in Boston Harbor. The extract which I now have the honor to inclose from a dispatch from Mr. Archibald, Her Majesty's consul at New York, will make you acquainted with further details. Concerning this case I beg to direct your attention particularly to the detention of the letters addressed by Mr. Shaver to Mr. Archibald.

I have, &c.,

LYONS.

[Inclosure.]

NEW YORK, *November 9, 1861.*

Right Hon. Lord LYONS, &c.

MY LORD: I have the honor to acquaint your lordship that on the 21st of October when I last visited Fort Lafayette I received there from Mr. J. G. Shaver, a British subject imprisoned that day, the inclosed note* begging permission to see me before I left the fort, to which the lieutenant of the fort not being able to accede I wrote a note there to Mr. Shaver desiring him to write to me informing me fully of the cause of his imprisonment. I received no communication from him down to the time of the transfer of the prisoners to Fort Warren, Boston, when noticing that his name was not included in the list of prisoners I supposed he had been liberated.

This morning to my surprise I received the inclosed envelope* from the State Department containing therein the letter addressed to me by Mr. Shaver on the 21st of October and also a letter* from him dated the 28th of October, referring to his former letter and informing me that he had been offered his liberty on condition of taking the oath of allegiance to the United States which he naturally declined to do, and urging me to act at once in the matter of obtaining his release. Since the receipt of the last-mentioned letters a gentleman called upon me and informed me that Mr. Shaver is still confined at Fort Warren, although it is probable an order for his release has been missent to some quarter. I beg your lordship will have the goodness to make inquiry as to the hindrance to Mr. Shaver's discharge and take such steps in the matter as your lordship may think fit.

*Not found.

It appears to me proper that some explanation should be given of the cause of the detention at the State Department of the letters addressed by Mr. Shaver to me. If the prisoner was entitled to claim my protection such hindrance should not have been opposed to his freely communicating with me. I submit, however, to your lordship's judgment the expediency of asking for any such explanation. * * *

ARCHIBALD,
British Consul.

—

MONTREAL, *November 12, 1861.*

W. H. SEWARD:

Respectable men here regard Shaver as a spy dealing with secessionists and desire to have him retained. I have no doubt whatever of his guilt, but to obtain the proof would require judicial power and much labor.

J. R. GIDDINGS.

—

DEPARTMENT OF STATE, *Washington, November 13, 1861.*

Right Hon. Lord LYONS, &c.

MY LORD: I have instituted an inquiry into the case of John G. Shaver, or Shaffer, as the same person is sometimes called, and I learn upon satisfactory and even conclusive evidence that he has been engaged in carrying revolvers and other articles contraband of war to the insurgents and at the same time acting as a spy in their behalf. At present therefore he cannot be released. * * *

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, November 13, 1861.*

JOHN C. MILLER, Esq., *Chicago, Ill.*

SIR: * * * Will you please transmit to this Department as soon as you conveniently can any evidence you may have in the case of John G. Shaver?

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, November 14, 1861.*

Right Hon. Lord LYONS, &c.

MY LORD: I have your lordship's note of November 12 concerning the case of John G. Shaver. Under the belief that Mr. Shaver was a citizen of the United States I at one time directed that he should be released on taking an oath of allegiance to the United States for the reason that the police authorities who had induced his arrest had not then shown any sufficient cause for it. Mr. Shaver declined to take the oath, but before this fact became known to me information had been received of the grounds of his arrest, upon considering which I decided that his release at present would not be compatible with the public safety.

Insomuch as Mr. Archibald thinks that the delay of Mr. Shaver's letter to him in this Department requires explanation I regret that I am unable to give any other than the simple one that the delay resulted so far as I know from a pressure of business in this Department. I regret that the delay was unavoidable.

Having made Mr. Shaver's case the subject in part of a communication to your lordship yesterday I am not aware that I have anything to say upon it now beyond this reply to your note which is before me.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

WASHINGTON, *November 14, 1861.*

Hon. WILLIAM H. SEWARD, &c.

SIR: I have the honor to transmit to you a copy of a letter addressed to the provincial secretary of Canada by Mr. G. Benjamin, member of the Canadian Parliament. It has been sent to me by Viscount Monck, the administrator of the government of the Province. I trust that the testimony it gives in favor of Mr. John G. Shaver will receive due consideration.

I have, &c.,

LYONS.

[Inclosure No. 1.]

QUEBEC, *November 9, 1861.*

Right Hon. Lord LYONS, &c., *Washington, D. C.*

MY LORD: I have the honor to inclose a copy of a letter from Mr. J. G. Shaver, a British subject at present confined at Boston as a prisoner of war, together with the copy of a letter from Mr. George Benjamin, member Provisional Parliament for the county of Hastings, Canada West, containing information respecting Mr. Shaver. I have to request your lordship to take steps for obtaining the immediate release of Mr. Shaver, who appears to be unjustly imprisoned.

I have, &c.,

MONCK.

[Inclosure No. 2.]

BELLEVILLE, *November 5, 1861.*

Mr. ALLEYN.

SIR: I beg to inclose herewith a letter received by me from Mr. John G. Shaver, now confined in Fort Warren, Boston, Mass. Mr. Shaver is a resident of Belleville, known to every inhabitant as a loyal man. He has for some years past been engaged as agent for several lines of railway as well in the United States as Canada, which will account for his traveling in the United States in the present troubled times. Mr. Shaver has always maintained an excellent character, and being a man of sound judgment and experience I should not think he would be likely to engage in any matter that would get him into trouble. I observe by his letter that his liberty is offered to him upon condition that he swears allegiance to the United States which as a British subject he refuses to do. It is but just to presume that if there were grounds for his arrest and detaining him he would not be offered his liberty upon any conditions.

Will you please submit this together with the inclosed letter from Mr. Shaver to his excellency, the administrator, who I have no doubt will take the earliest opportunity of bringing the matter under the notice of Lord Lyons at Washington, in order that Mr. Shaver may be released with as little delay as possible?

I have, &c.,

G. BENJAMIN,
Member of Parliament for North Hastings.

[Sub-inclosure.]

FORT LAFAYETTE, N. Y., *October 29, 1861.*

Mr. BENJAMIN.

MY DEAR SIR: I have been arrested and am held prisoner of war. Have been offered my release by taking the oath of allegiance to this Government which as a British subject you know I could not do. Will you make the proper application to Lord Lyons for my release? I am unjustly accused of having carried letters to the Southern Confederacy. I have never done so. We are removed to-day to Fort Warren, Boston. You will oblige me by moving in this matter at once.

I have, &c.,

J. G. SHAVER.

[Inclosure No. 3.]

WASHINGTON, *November 14, 1861.*

Viscount MONCK.

MY LORD: I have this morning had the honor to receive your excellency's dispatch of the 9th instant respecting the imprisonment of Mr. John G. Shaver. I had previously received information of Mr. Shaver's arrest and used my best endeavors to obtain his release. The inclosed extract* from a note which I received last evening from Mr. Seward, Secretary of State of the United States, will show your excellency that my efforts have not been attended with success. I will now forward to Mr. Seward a copy of the letter from Mr. Benjamin which accompanies your dispatch, and express my hope that the testimony which it contains in Mr. Shaver's favor may receive due consideration.

Your excellency's attention has perhaps been drawn to a correspondence between Mr. Seward and me on the subject of the arrests of British subjects which was published by him in the New York papers about a month ago. I do myself the honor to transmit to you herewith a copy of it. You will perceive that the British and American Governments are at issue on the subject, and that the American Government maintains that it is in the present state of the country justified in arresting and imprisoning both citizens and foreigners without legal process.

While this question remains in its present state I can do no more than use to the best of my ability for the purpose of procuring the release of individual British subjects the influence with the Government of the United States which I derive from my position here. In doing this I am subject to not a little embarrassment. On the one hand it is necessary for the benefit of the individuals that the reasons which I adduce for their being released should be such as the Government of the United States will listen to. I am on the other hand bound to make it apparent that my adducing reasons of such a character in individual cases does not imply an abandonment of the position taken by Her Majesty's Government on the general question or any acquiescence in the system of arresting Her Majesty's subjects without legal process.

I have, &c.,

LYONS.

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* See Seward to Lyons, November 13, p. 986.

DEPARTMENT OF STATE, *Washington, December 2, 1861.*

Col. JUSTIN DIMICK, *Fort Warren, Boston.*

COLONEL: You are authorized to allow Mr. Lousada, the British consul at Boston, to visit Mr. Shaver, alleged to be a British subject, confined at Fort Warren.

I am, your obedient servant,

WILLIAM H. SEWARD.

WASHINGTON, *December 11, 1861.*

Hon. WILLIAM H. SEWARD, &c.

SIR: With reference to the notes which you did me the honor to write to me on the 14th and 15th of last month I beg to submit to your consideration a copy of a dispatch which I have received from Her Majesty's consul at Boston relative to an interview which he has had with Mr. John G. Shaver in Fort Warren. I trust that it may lead you to believe that the release of Mr. Shaver may now be granted without any danger to the public safety.

I have, &c.,

LYONS.

[Inclosure.]

BOSTON, *December 9, 1861.*

Lord LYONS, &c.

MY LORD: I have the honor to report that I yesterday went to Fort Warren for the purpose of seeing Mr. J. G. Shaver whose case is already known to your lordship. I was courteously received by the commander of the fort, Colonel Dimick, who gave me entire facility for the interview with his prisoner, thus enabling me to carry out the object of my visit, viz, to afford Mr. Shaver an opportunity of more confidentially stating his case than might be practicable by letter.

Mr. Shaver denies entirely having been guilty of affording aid or assistance to the rebellion and pleads entire ignorance of the nature of the charges against him. He admits that his sympathies were not with the North but that in his position as traveling agent for the Grand Trunk Railroad he was very careful in his conversation and acts. He states that his detention has ruined his business and caused great distress to his wife and family as they are entirely dependent on his exertions for their support and maintenance.

He is willing to take the oath of neutrality (if any such exists) and to engage to quit and not to return to the United States during the continuance of this war, and if such an arrangement be accepted by the authorities at Washington it would seem to be the simplest solution of the case.

I have, &c.,

FRANCIS LOUSADA.

DEPARTMENT OF STATE, *Washington, December 12, 1861.*

Colonel DIMICK, *Fort Warren, Boston.*

COLONEL: I will thank you to inform Mr. John G. Shaver that the Government of the United States cannot accept his assurances to Lord Lyons that in his position of traveling agent of the Grand Trunk Railway he was very careful in his conversation and acts. On the contrary it has satisfactory evidence that he was engaged in affording aid and

comfort to insurrectionists both by his conversation and by his acts; that he willingly suffered himself to be made a medium of communication between them and their agents in Canada and Europe, and that he conveyed to them revolvers and other articles contraband of war and in violation of the law of the United States.

Under these circumstances it cannot accept his parole of honor nor his oath unsupported by other guarantees. But if, in addition to engaging upon oath that he will not enter any of the States in insurrection against the authority of the Government of the United States nor hold any correspondence with its enemies in or out of the States, and that he will do nothing hostile or injurious to the Government during the present hostilities, he will also procure the assurance of any good and responsible person that he will keep and not violate these obligations he will be discharged.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

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DEPARTMENT OF STATE, *Washington, December 12, 1861.*

Right Hon. Lord LYONS, &c.

MY LORD: I have the honor to acknowledge the receipt of your note of the 11th instant together with the copy of the dispatch from Her Britannic Majesty's consul at Boston relative to John G. Shaver, an alleged British subject. In reply I have the honor to inform you that Colonel Dimick has been authorized to discharge Shaver from custody upon his complying with conditions deemed indispensable under the circumstances.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

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WASHINGTON, *December 12, 1861.*

FRANCIS LOUSADA, Esq.,
Her Britannic Majesty's Consul, Boston, Mass.

SIR: I communicated to the Secretary of State of the United States a copy of your dispatch of the 9th instant reporting the result of your interview with Mr. John G. Shaver in Fort Warren. I have received in reply a note from the Secretary of State informing me that "Colonel Dimick has been authorized to discharge Shaver from custody upon his complying with conditions deemed indispensable under the circumstances." I have to request you to inform me whether Mr. Shaver has in fact been discharged and what conditions have been proposed to him or complied with by him.

I am, &c.,

LYONS.

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WASHINGTON, *December 21, 1861.*
(Received January 7, 1862.)

[Earl RUSSELL, *London.*]

MY LORD: * * * I have the honor to transmit to your lordship a copy of a letter which I have received from Mr. J. G. Shaver and from which it appears that he has felt it to be his duty to refuse compliance

with the conditions upon which his release from Fort Warren is offered to him. I inclose also a copy of a note in which I have asked Mr. Seward to let me know exactly what those conditions are.

I have, &c.,

LYONS.

[Inclosure No. 1.]

FORT WARREN, *December 17, 1861.*

Right Hon. Lord LYONS, &c., *Washington, D. C.*

MY LORD: I received your lordship's of the 5th instant and on the following Sunday had an interview with the British consul at Boston, with whom I had a conversation; since when I have received no communication on the subject of my business. Yesterday I was called to the office of Colonel Dimick, the commander of this place, when I was shown a paper, a copy of which I was refused and the general contents of which therefore I can only recount.

This paper recapitulated a number of charges against me most of them indefinite and all of which I solemnly declare to be untrue. By this paper I was offered my release upon taking an oath which imposed restrictions upon my acts inconsistent with my rights as a freeman and incompatible with my duty as a British subject, and adding insult to injuries already sustained requiring me to get the guarantee of some responsible person that I would keep the oath thus attempted to be imposed, and as must be evident to your lordship this requisition is not only insulting in itself but impracticable in the condition of duress under which I am placed. It was also doubtful to me whether taking this oath might not be construed as a bar to the claim against the United States for damages for the illegal imprisonment and loss which I have sustained.

I have therefore been compelled to decline taking this oath although my health is impaired by imprisonment and anxiety, knowing my family to be now suffering at home for the want of my exertions upon which it depends for support. I submit the matter to your lordship and respectfully request positive assurances as to the course I had better pursue. If your lordship direct me to take this oath to be released from an imprisonment which has become so distressing I may do so. If, however (as I believe your lordship will do), [you] advise me to refuse to take it, I must again urge your lordship to take such steps that my case may speedily be brought to the notice of Her Majesty's Government upon which I can rely for that protection which British princes have extended to British subjects in every age and in every clime. Will your lordship do me the favor to reply?

I am, &c.,

J. G. SHAVER.

[Inclosure No. 2.]

WASHINGTON, *December 20, 1861.*

Hon. WILLIAM H. SEWARD, &c.

SIR: In your note of the 12th instant you were so good as to inform me that orders had been given for the release of Mr. J. G. Shaver from Fort Warren upon his complying with conditions deemed indispensable under the circumstances. I have to-day received under a cover from the State Department a letter from Mr. Shaver, in which he states that as a condition on which his liberation was to be granted he was tendered an oath which (in his opinion) imposed restrictions upon his acts incon-

sistent with his rights as a freeman and incompatible with his duty as a British subject. He adds that he was required to obtain the guarantee of some responsible person for his keeping the oath thus tendered to him. Under these circumstances he has felt it to be his duty to decline to take the oath although his health is impaired by his imprisonment and his family which depends upon his exertions for support is suffering at home.

He has requested me to give him my advice. He states, however, that he is unable to acquaint me with the precise terms of the oath as he has been refused a copy of it. It is of course impossible for me to recommend Mr. Shaver to comply with conditions unless I know exactly what those conditions are. I trust therefore that taking all the circumstances into consideration you will deem it right to give me such information as may enable me to determine what advice I ought to give to this British subject.

I have, &c.,

LYONS.

DEPARTMENT OF STATE, *Washington, December 23, 1861.*

Right Hon. Lord LYONS, &c.:

MY LORD: I have received your note of the 20th instant relative to the case of John G. Shaver. My impression is that that person has not made entirely correct representations to you in regard to the conditions required for his release. Those conditions are fully set forth in the letter of this Department* to Colonel Dimick of the 12th instant, a copy of which is inclosed and which seems to be as moderate as a fair consideration of the circumstances would warrant.

I am, your very obedient servant,

WILLIAM H. SEWARD.

WASHINGTON, *December 31, 1861.*

FRANCIS LOUSADA, Esq.,
Her Britannic Majesty's Consul, Boston, Mass.

SIR: I inclose copy of a letter* addressed on the 12th ultimo by Mr. Seward, the Secretary of State, to Colonel Dimick, commandant of Fort Warren. You will find stated in it the terms of the oath tendered to Mr. Shaver. Mr. Seward has to-day given directions that a clause be added to the oath, "saving all allegiance due by Mr. Shaver to the Crown of Great Britain." This clause will remove the scruples which Mr. Shaver felt on the ground of the oath's being inconsistent with his allegiance to the Queen.

Mr. Shaver must determine for himself whether or no he chooses to contract the engagements prescribed by the oath as modified by the clause. I do not express any opinion either on the lawfulness of Mr. Shaver's imprisonment or on the justifiableness of the exaction by the United States Government of such an oath as a condition of his release. But as the modified oath does not bind Mr. Shaver to any engagement wrong in itself I cannot assume the responsibility of advising him to refuse to take it. I do not feel so confident of being able to procure his release on any other terms as to be willing to interfere to prevent his accepting those offered to him.

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* Omitted here, but see p. 989.

I have to request you to speak to Mr. Shaver in the sense of this dispatch and to inform me of the decision he comes to. With regard to the assurance of a responsible person that Mr. Shaver will abide by the engagement Mr. Seward informs me that no more will be required than a statement by some known person of respectability that to the best of his belief Mr. Shaver will do so. Of course your own assurance to this effect if you felt satisfied in giving it would be all that could be desired.

I am, &c.,

LYONS.

BOSTON, *January 7, 1862.*

Right Hon. Lord LYONS, &c., *Washington, D. C.*

MY LORD: I have the honor to report that Mr. Shaver was released from Fort Warren yesterday afternoon and left at 5 p. m. for Canada. Inclosed is a copy of the engagement he signed with the U. S. authorities. He called to thank me for my exertions in his behalf and expressed a grateful sense of your lordship's protection.

I have, &c.,

FRANCIS LOUSADA.

[Inclosure.]

I, J. G. Shaver, prisoner in confinement at Fort Warren, Boston Harbor, do solemnly swear that I will neither enter into any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatsoever with persons residing in those States without permission from the Secretary of State; and also that I will not do anything hostile to the United States during the present insurrection, saving my allegiance to the Crown of Great Britain, with which nothing in the above obligations is to be understood to conflict.

J. G. SHAVER.

Sworn to and subscribed before me this 6th day of January, 1862.

J. DIMICK,

Colonel First Artillery and Brevet Colonel, Commanding Post.

WASHINGTON, *January 9, 1862.* (Received 23d.)

[Earl RUSSELL, *London.*]

MY LORD: * * * I have the honor to transmit* to your lordship copies of further correspondence relative to the oath required of Mr. Shaver as a condition of his release from Fort Warren. Mr. Shaver has taken the oath with the addition of a clause saving his allegiance to the Crown of Great Britain and has in consequence been set free. How far it may be right for a Government to exact such an oath from a foreigner whom it has imprisoned without legal process I do not pretend to determine; but as the oath with the addition of the saving clause did not appear to me to impose any obligations wrong *per se* I felt it to be my duty to leave it to Mr. Shaver to decide for himself

* See preceding correspondence.

whether he would contract those obligations or not. I should not have thought myself justified in interfering to prevent his doing so unless I had had reason to hope that I could procure his discharge on other terms.

I have, &c.,

LYONS.

WASHINGTON, *April 26, 1862.*

Hon. WILLIAM H. SEWARD, &c.

SIR: With reference to the correspondence which passed between yourself and me in the months of November and December last respecting the imprisonment of Mr. John G. Shaver I have the honor to inform you that Her Majesty's Government have had under their consideration an application from that gentleman for their assistance to obtain from the Government of the United States compensation on account of his arrest and imprisonment and of the losses in business to which he was thereby subjected.

According to Mr. Shaver's statement although he was in the service of the Grand Trunk Railway of Canada his headquarters were at Louisville in Kentucky. It would appear, however, from the letter of Mr. Benjamin, a member of the Canadian house of assembly, of which I had the honor to send you a copy on the 14th of last November, that Mr. Shaver's proper residence is at Belleville in Canada. Her Majesty's Government assume therefore that although his employment frequently required his presence in the United States he was not when arrested in the month of October last domiciled in the United States but in Canada.

Her Majesty's Government must further assume although this does not expressly appear from the papers before them that no ordinary legal remedy is practically open to Mr. Shaver. It seems that Mr. Shaver was arrested on arriving from Canada at Detroit in the State of Michigan, on the northern frontier of the United States, a place far removed from the seat either of war or of any internal disturbance and at which the ordinary course of law and criminal jurisdiction was not interrupted or suspended. Mr. Shaver was perfectly well known and he was arrested as he affirms by orders from you apparently conveyed by telegraph. No charge, however, was made against him nor was any reason assigned for his arrest, but he was searched and thereupon confined as he states first "in a dungeon among negroes and malefactors of the vilest kind" and afterward in a dark and unventilated room with forty-eight other prisoners in Fort Lafayette. Mr. Shaver affirms that on arriving at New York he was taken before Mr. Kennedy of the police department who on going into his case said that "his arrest was an error" and that there was "no charge against him." He was then transferred to Fort Warren where he was confined until the 6th of January last and he was then released only on taking an oath that he would not enter any of the so-called Confederate States or hold any correspondence with persons residing therein without permission of the United States Secretary of State and that he would not do anything hostile to the United States during the present insurrection, saving his allegiance to the Crown of Great Britain.

Her Majesty's Government observe that in the letter which you did me the honor to address to me on the 14th of November last you stated that at the time of the arrest you believed that Mr. Shaver was a citizen of the United States. In the same note you stated also that you had at first directed Mr. Shaver's release upon his taking the oath of

allegiance to the United States "for the reason that the police authorities who had induced his arrest had not then shown any sufficient cause for it;" that Mr. Shaver declined to take this oath but that before that fact became known to you information had been received of the grounds of his arrest, upon considering which you decided that his release at present would not be compatible with the public safety.

Her Majesty's Government perceive that those grounds are stated in the letter to Colonel Dimick, of which a copy was inclosed in the note which you did me the honor to address to me on the 23d of December last. In that letter it is said that the Government of the United States has satisfactory evidence that he (Mr. Shaver) was engaged in affording aid and comfort to the insurrectionists both by his conversation and by his acts; that he willingly suffered himself to be made a medium of communication between them and their agents in Canada and Europe and that he conveyed to them revolvers and other articles contraband of war and in violation of the law of the United States.

This is the only statement which Her Majesty's Government find in the papers before them of the cause of the treatment to which Mr. Shaver was subjected, while the first and only occasion upon which Mr. Shaver appears to have been himself informed of the precise nature of the charges against him would seem to have been at Fort Warren in December last when Colonel Dimick showed him a paper, a copy of which was refused him, but which he says recapitulated a number of charges against him most of them indefinite and all of which he solemnly declares to be untrue. Indeed Mr. Shaver has from the first denied that there was any truth in the charges made against him or the slightest foundation for them.

Considering that Mr. Shaver has lost his employment and that he has suffered severely from the treatment he received Her Majesty's Government are of opinion that a prima facie case has been made out for compensation, and they have accordingly directed me to inquire what proof exists of the asserted complicity of Mr. Shaver with the so-called Confederates. If no sufficient proof exists and if the charges be admitted to be unfounded Her Majesty's Government will feel bound to ask for a reasonable compensation in behalf of Mr. Shaver.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

LYONS.

DEPARTMENT OF STATE, *Washington, April 28, 1862.*

Right Hon. Lord LYONS, &c.

MY LORD: I have received your note of the 26th instant relative to the case of John G. Shaver and have laid it before the President who has directed me to make such an inquiry into the representations which it contains as may lead to an ascertainment of the truth. It will then be my duty to address you more at large upon the subject.

I avail myself of the occasion to offer to you a renewed assurance of my very high consideration.

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, April 28, 1862.*

Right Hon. Lord LYONS, &c.

MY LORD: In your note of the 26th instant relative to the case of John G. Shaver there is the following passage: "He was finally

earched and thereupon confined," as he states, "first in a dungeon among negroes and malefactors of the vilest kind," and afterward in a dark and unventilated room with forty-eight other prisoners in Fort Lafayette.

As there is nothing in this Department confirmatory of these statements I will thank you for a copy of or an extract from and a description of the document in which they are contained.

I am, your obedient servant,

WILLIAM H. SEWARD.

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DEPARTMENT OF STATE, *Washington, April 28, 1862.*

WILLIAM H. BARSE, Esq., *Detroit, Mich.*

SIR: It has been represented to this Department that Mr. John G. Shaver who was arrested by you in the month of October last was not domiciled in the United States but was a Canadian subject and habitually a resident of Canada. I will thank you to transmit to this Department as soon as may be practicable any information in the form of affidavits which you may have or can command tending to contradict the representations adverted to.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

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WASHINGTON, *April 29, 1862.*

Hon. WILLIAM H. SEWARD, &c.

SIR: I have the honor to acknowledge the receipt of your unofficial note of yesterday's date relative to the case of Mr. John G. Shaver. I hasten to transmit to you a copy of a letter from Mr. Shaver to Earl Russell from which the passage to which you refer in my note of the 26th instant was taken. You will not fail to observe that the passage was given in my note as a statement made by Mr. Shaver.

I have the honor to be, with high consideration, sir, your most obedient humble servant,

LYONS.

[Inclosure.]

BELLEVILLE, [CANADA], *February 3, 1862.*

Earl RUSSELL, &c.

MY LORD: The subject of my arrest and imprisonment by the Government of the United States has already been brought under the notice of Her Majesty's Government. I now beg leave to bring the whole facts under your notice with the view of claiming redress and indemnity for the wrongs done to me.

I am a native of Canada, consequently a born subject of Her Majesty, and as such I seek redress at the hands of the Imperial Government for wrongs and injuries done me by a foreign power.

On a late occasion after the difficulties between the two sections of the United States had broken out I was compelled to enter the United States to attend to my business. In doing so I felt perfectly safe as I traveled as a British subject and as one who had not done anything to induce him to hesitate before he entered a country with which his own was at peace. That my occupation was that of a railroad agent, having for years had the agencies of several railway and steam-boat companies of the United States and Canada, but at the period of the insult offered me and wrong inflicted I was agent for the Grand Trunk Railway of

Canada. For years past I have been in the habit of traveling in the United States attending to my business and am almost as well acquainted there as in Canada. I was not a stranger but it was known and especially to those who were the instruments of inflicting the injuries whereof I complain that I am a British subject.

On the 15th of October, 1861, I started from Montreal for the purpose of closing up the business of the season and for making arrangements for the spring business of the company whose agent I then was, viz, southwestern passenger agent for the Grand Trunk Railway, my headquarters being at Louisville, Ky. I was arrested in Detroit while on the railway cars, on an order from Mr. Secretary Seward, but I was not then informed of the charge against me and it was not until after I had been a prisoner for some time that I was made acquainted with its nature, viz, conveying arms and carrying dispatches to the Confederate States and authorities. All I was told at the time was that the authorities had been telegraphed to effect my arrest. Let me here state to your lordship that there is not and was not the slightest foundation for the charge, and as soon as I was acquainted with the alleged grounds of my apprehension I demanded through Lord Lyons the British ambassador at Washington my trial.

On my arrest in Detroit I was very roughly handled. I was stripped and even my boots cut open in search of dispatches and my baggage was searched after the same fashion. No arms, no dispatches—nothing that could lead to the supposition that I was engaged as alleged was found either on my person or with my baggage. Notwithstanding I was thrust into a dungeon among a number of negroes and malefactors of the vilest kind until Secretary Seward's orders could be obtained, but as no evidence was found against me I was—instead of ordering my discharge—ordered to close confinement in Fort Lafayette.

After I had been in this fort for a few days an order was received from Mr. Secretary Seward that I was to be discharged upon taking the oath of allegiance to the United States which I refused to do. I answered I was a British subject, born in Canada of parents who were British subjects and who had defended the soil of Canada from the invasion of the Republic of the United States; that I was the descendent of a W. E. loyalist, and that intolerable and offensive as was my confinement I would submit to it forever before I would bear allegiance to the United States.

In the course of correspondence afterward it was found out or at least Mr. Seward assigned it as a reason to Lord Lyons that he was under the impression that I was an American or the order would not have been made; but still I was not discharged, and now it was that Mr. Seward announced that the American Government had strong proof against me for conveying fire-arms and dispatches for the people of the seceded States and therefore I could not be then discharged. Upon this being communicated to me by my friends in Canada I at once repudiated the charge and demanded to be brought to trial without delay. I wanted no time for preparation; I was innocent; I was ready for my trial. But still no trial was given me.

On arriving at the city of New York I was taken before Mr. Kennedy, of the police department, who on going into my case said my arrest was an error and as there was no charge against me I should receive my discharge in a few days.

In the meantime, however, I was conveyed to Fort Lafayette and imprisoned in a dark, unventilated room with forty-eight other prisoners. I will not detail the condition of this chamber. The foulness and filthi-

ness cannot be described, and although escape from the island in which the fort is situated is impossible, the prisoners were not permitted to breathe the fresh air but for a short time daily. I beg to remark that my examination before Mr. Kennedy preceded the order from Mr. Secretary Seward for my discharge upon taking the oath of allegiance to the United States.

When typhoid fever broke out in Lafayette and the prisoners were dying so rapidly as to arouse public attention and produce an outcry of indignation I was removed to Fort Warren, Boston Harbor, and it was now that an active correspondence was carried on with the Canadian Government and my friends to obtain my discharge. They insisted that either I should be discharged or at once brought to trial. I was now allowed to correspond with Lord Lyons and to have interviews with the British consul, but all my communications to Lord Lyons were opened after they left me and all his replies to me, although bearing his signature on the envelope and the seal of the legation, were opened before delivery.

At last on the 6th of January, 1862, after a [illegible] confinement of nearly three months I was permitted to leave my prison upon certain conditions which your lordship will find attached* to this my humble representation, as well as copies* of the correspondence which passed between the Governor-General of British America and Lord Lyons and my friends who interceded for my release.

My Lord, the consequence of this most unjustifiable arrest has been to me a great source of trouble, loss, grief and injury. In consequence of it I have lost the lucrative position I held, and in consequence of my arrest I shall not be able to resume the business in which I was formerly engaged, as it points me out to my employers as a man intermeddling with the dangerous affairs of the revolutionary States when in fact the charge is entirely without foundation. I have also suffered in a very serious manner from the fact that my arrest broke up an engagement which would have proved a most lucrative undertaking for the winter season, a period during which my time as railway agent is but little occupied. To which the injury inflicted by the arrest, the wound to a man's feelings, the grief, trouble and sorrow of one's family and my long and protracted detention as a prisoner when it was well known by the U. S. authorities there were no charges against me and that I was only held in durance to cover the blunders of the officials of the United States Government and the false reports of their spies prowling about the Province of Canada, induced me to seek for reparation and redress and to seek the interposition of the Imperial Government to enable me to recover such damages as the wrongs committed against me and the sufferings inflicted and insults offered to me will entitle me to recover [illegible].

I therefore most respectfully solicit the interference and support of Her Majesty's Government in urging my demand for reparation and redress and ask your lordship to give such early instructions to Her Majesty's ambassador at Washington as will insure a speedy and satisfactory settlement of the demand. As a British subject I feel that there can be no necessity for offering any apology for bringing the matter under the notice of your lordship; that the rights and liberties of Her Majesty's subjects are too dear in the estimation of both our gracious Queen and her imperial advisers to allow them to be trifled with.

* Omitted here; see *ante*.

I beg permission further to add that the prompt and unceasing attention of their excellencies the Governor-General of Canada and the British ambassador at Washington on my behalf entitles them to my heartfelt and warmest thanks. I feel they did all for me they could have done had my position been equally exalted with their own.

I have, &c.,

JOHN G. SHAVER.

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DEPARTMENT OF STATE, *Washington, April 30, 1862.*

WILLIAM H. BARSE, Esq., *Detroit, Mich.*

SIR: I inclose an extract* from a memorial of John G. Shaver to Earl Russell in which he makes representations in regard to his treatment when arrested at Detroit, the truth of which or the reverse you will please to report upon at your earliest convenience.

I am, your obedient servant,

WILLIAM H. SEWARD.

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DEPARTMENT OF STATE, *Washington, May 30, 1862.*

Right Hon. Lord LYONS, &c.

MY LORD: I had the honor on the 28th ultimo to acknowledge the receipt of your note of the 26th ultimo relating to the case of Mr. John G. Shaver, and I have now the honor to acknowledge the receipt of a copy of the said Shaver's letter to Lord Russell, dated February 3, 1862, which was communicated in your note of April 29.

Having made such inquiries as seemed necessary to an ascertainment of the truth so far as opportunity has been afforded I now submit the following observations touching the case as presented in Shaver's letter to Lord Russell and in your note founded thereon for your consideration:

Mr. Shaver's allegation that he is a British subject has hitherto been suffered to pass without inquiry, but information of a contrary tenor has been received which although not conclusive, as it only rests on his own word, is yet entitled to higher credibility than his present assertion inasmuch as no motive then existed for misrepresentation. It is reported to me that he has heretofore professed at Belleville where he pretends to reside that he was a native and citizen of the United States.

Although under the other proof existing in the case it may be wholly unimportant where he was born or to what nationality his allegiance is due, yet it is proper to say that the weight of his own declarations preponderating in favor of his being a citizen of the United States, he cannot be permitted to avail himself of a supposititious title to British protection in the prosecution of a claim against the United States without satisfactory affirmative proof that he is entitled to such protection.

In regard to his actual domicile at the time of his arrest there seems to be an equal want of certainty that it was established within British territory or in any way entitled him to British protection. It is true that Mr. Benjamin states without qualification that he is a resident of Belleville. Mr. R. W. Patterson, a resident of Belleville, on the other hand states that he has known him about five years and that he made Toronto his home four years of the time; that during that period he was not aware that he had a family, but finds that he has a wife in that

* See Shaver to Russell, February 3, p. 996.

place, but that he has been informed by some of the best citizens that he has not spent over one month in each year with his wife. It is shown by a statement of the treasurer of the Saint Louis, Alton and Chicago Railroad Company, of the State of Illinois, that he was employed by that company in September, October and November, 1860, and that his place of abode was nominally either at Buffalo or Toronto, his letters being always addressed to the former point. It moreover appears by his own statement as given in your note as well as by all other testimony that in 1861 and at the time of his arrest "his headquarters were at Louisville in Kentucky."

These being the facts it would seem that in assuming that Mr. Shaver when arrested was not domiciled in the United States but in Canada, as stated in your note, Her Majesty's Government have committed the error of reversing the rule believed to be universal in its application that the domicile of the wife depends upon and follows that of the husband, and making the domicile of this Shaver depend upon and follow that of his wife, whom he indeed occasionally visits but with whom he has not for years resided.

It is not, however, thought necessary to reduce the question of his domicile to any greater certainty. It is manifest that traveling and being within the limits of the United States in the pursuit of a business occupation he was bound even if a subject of a foreign government "not to content himself with barely respecting the laws of the country; he ought to assist it upon occasion and contribute to its defense as far as is consistent with his duty as a citizen of another State." But regardless of this obligation, with manifest ingratitude toward the Government under whose favor and protection he was enjoying a "lucrative position," he yielded himself to the purposes and service of the enemies of that Government by becoming the vehicle of their calumnies, to sow disaffection and engaging in their active aid by the conveyance of intelligence, correspondence and supplies.

It is in proof by the affidavit of Sears P. Thompson that he (Thompson) had several conversations with Shaver in reference to our national difficulties and on each and every occasion he expressed himself very strongly in favor of the rebels, insomuch that Thompson cautioned him not to do so, admonishing him that if he persisted he would sooner or later get into trouble. It is also in proof that when traveling between Canada and Louisville in his capacity of ticket agent during the summer of 1861 it was customary for him to have with him one or two large trunks and that these trunks came northward light and went southward heavy. It is also in proof that he stated that while on the way to Fort Lafayette after his arrest that he had parcels in some express office which he expected to receive to carry South and that the empty trunk was to be used for the purpose of packing the same. It is also in proof that previous to his arrest he stated to an acquaintance his intention of going contrary to the President's proclamation to New Orleans, Richmond and other points in the insurrectionary States and offered to aid his said acquaintance in traveling the same route and that letters were committed to his charge to be delivered in Richmond. It is also in proof that in the month of October, 1861, and before his arrest he told a traveling companion between Detroit and Toronto that he was in the business of conveying correspondence between parties in the insurrectionary States and their friends in Canada or on the European steamers and afterward, having in the meantime been on board a steamer just arrived at Quebec from Liverpool, he told the same person at Montreal that he could get $5,000 for delivering what he had in the South and that he intended to make it.

Nations cannot afford to have the intercourse which the interests of their citizens require to be kept open subjected to the annoyances and risks which would result from the admission of fraud or duplicity into such intercourse. It has therefore become a usage having the authority of a principle in the correspondence between enlightened governments in relation to the claims of citizens or subjects that any deception practiced by a claimant upon his own government in regard to a controversy with a foreign government for the purpose of enhancing his claim or influencing the proceedings of his government forfeits all title of the party attempting such deception to the protection and aid of his government in the controversy in question, because an honorable government cannot consent to complicate itself in a matter in which it has itself been made or attempted to be made the victim of a fraud for the benefit of the dishonest party.

Mr. Shaver in presenting his application to Lord Russell has been unmindful of the obligations of truth and good faith in several particulars if I am correctly informed. He alleges that on his arrest he was roughly handled, stripped and even his boots cut open in search of dispatches, and that he was thrust into a dungeon among a number of negroes and malefactors of the vilest kind, while it is in proof by the sworn statement of the person having him in charge during his detention in Detroit, about five hours, that there is not a particle of truth contained in this statement and that he is not believed to have seen any prisoner while confined there. And it is also in proof by the affidavit of George R. Barse, an officer who assisted in his arrest and who conveyed him to the custody of the officer commanding Fort Lafayette, that he was searched in as quiet a manner as possible; nothing was done toward injuring his apparel, no boots ripped—everything was done in as gentle, quiet a manner as was consistent with the duty required, and that in his statement in reference to his arrest and rough handling, cutting of boots, &c., so far as the knowledge of said officer extends there is not one particle of truth contained.

In his said letter to Lord Russell Mr. Shaver repeatedly alleges that as soon as he learned the grounds of his arrest he demanded his trial and to be brought to trial without delay, while in all the correspondence touching his case between your legation and this Department and in all the correspondence previous to said letter to Lord Russell, copies whereof have been communicated by you to me, there is no allusion to a trial; but Shaver's release is claimed by him and sought for by his friends on the ground of his assumed innocence and the allegation that no charges of criminality were made against him.

In his said letter to Lord Russell Mr. Shaver states that when typhoid fever broke out in Fort Lafayette and the prisoners were dying so rapidly as to arouse public attention and produce an outcry of indignation he was removed to Fort Warren, Boston Harbor, when in truth there was not during the time of his confinement there nor at any time while said fort was used as a place of detention for state criminals any breaking out or prevalence of typhoid fever at Fort Lafayette nor were there any deaths of prisoners of state there at that or any other time from typhoid fever or any other cause. From all which it seems manifestly to result:

First. That Mr. Shaver stands convicted of inexcusable fraud and misrepresentation in his appeal to the British Government the consequences whereof so far as he is concerned are in the hands of that Government.

Second. That the conduct of the said Shaver while in the United States—in his seditious conversation and in his active aid to the insurgents in facilitating communications and conveying correspondence and supplies—was highly criminal and subjected him to imprisonment in the discretion of the President, to whose clemency solely he is now indebted for his liberty.

Third. That it does not appear that Shaver at the time of his arrest or at any other specified period had his proper domicile in British territory or elsewhere than in the United States.

Fourth. That it does not appear that Shaver is or ever was a British subject.

If these conclusions are sustained or any material portion of them it is apparent that the case of Mr. Shaver has already had more attention in this form than it is entitled to.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

WASHINGTON, *January 3, 1863.*

Hon. WILLIAM H. SEWARD, &c.

SIR: On receiving from me a copy of the note which you did me the honor to address to me on the 30th of May last respecting the imprisonment of Mr. John G. Shaver, Her Majesty's Government considered it advisable to write to Canada for further information on the subject. Her Majesty's Government having in this way obtained additional evidence have again taken the case into their consideration and have directed me to make to you a further representation with regard to it.

To begin with—Mr. Shaver's claim to be a British subject: It is proved by the affidavits of Nancy Moore, Peter Shaver, John Hedley and others which I have the honor to transmit to you herewith* that Mr. Shaver is of British descent and that he and his family have always had their residence on British territory. It appears indeed from the affidavit of Mr. Benjamin and others (which also are inclosed) that Mr. Shaver has had for many years past (and had at the time of his arrest) a residence at Belleville, in Upper Canada, at which his wife lives and to which it has been his habit to return whenever the claims of his business have allowed him to do so. It does not appear that he ever had a fixed residence within the territory of the United States, and his occupation while in those States was of a nature to cause constant traveling from one part of the country to the other and almost to exclude the idea of any fixed residence whatever, and moreover it continued only for a limited portion of each year.

Her Majesty's Government are then clearly of opinion that Mr. Shaver has established by good proof that he is a born subject of Her Majesty, and what is of less importance that he has retained his British domicile; and as regards this latter point Her Majesty's Government confess that they have failed to perceive the force of the remarks made in your note or the justice of the rebuke which you found upon them.

The domicile of the wife was not stated to be the domicile of the husband; but the fact of the residence of the wife and family at a particular place was in the case of a traveling agent alleged as part of the evidence that his home or domicile was in that place. This position is in accordance with the best authorities, English and American, upon

*Not found.

the particular point of domicile, and Her Majesty's Government are of opinion that in spite of traveling agencies limited to three or four months Mr. Shaver was domiciled at Belleville. The question, however, is one of natural allegiance and not of domicile, and when the U. S. authorities forebore to press the oath of allegiance which they had at first tendered to Mr. Shaver it was, Her Majesty's Government cannot doubt, because they were satisfied of his British origin and allegiance.

Next, as to the charge against Mr. Shaver of using seditious language while he was in the United States. Her Majesty's Government observe that the only witness mentioned in connection with this charge is Sears P. Thompson. Mr. Shaver states that this Thompson was in his employment and that [he] fraudently withheld from him money received on his account. He declares moreover that his conversation with Thompson never proceeded beyond the private expression of opinions on passing events and were not calculated to excite any feelings, and indeed it may be gathered from the manner in which Thompson's statement is mentioned in your note that this assertion is not likely to be disputed. Mr. Shaver moreover explicitly denies that he ever in any public manner gave expression to sentiments hostile to the Government of the United States. It seems therefore to Her Majesty's Government that the character of Thompson and his particular relations with Shaver go far to discredit his evidence such as it is; and Her Majesty's Government observe further that even if Thompson's evidence were not discredited the conduct of Mr. Shaver could hardly be regarded as an offense except under a rigid despotism; that it could be only under such a form of government that a free comment upon passing events to an acquaintance could be considered as a crime justifying imprisonment.

Other charges against Mr. Shaver connected with the carriage of correspondence and similar matters are prefaced in your note with the words, "It is in proof," but no witness who has testified to them is named. Mr. Shaver distinctly and categorically denies that he was ever either directly or indirectly engaged in the carriage of any correspondence to persons who were in arms or in revolt against the United States. With regard to the assertion concerning the trunks in his possession which are stated to have come northward light and to have gone southward heavy Mr. Shaver's answer is that these trunks contained the bills, papers and tickets which in the course of his business as a ticket agent he sold; that the trunks came up light because the greater portion of the passenger traffic was from South to North and the tickets were then in the hands of the passengers; that they returned heavy because the tickets had then been collected from the holders and were on their way back to the companies in the South for whose account they had been sold. He states moreover that on every occasion of their going South these trunks were searched.

It is further affirmed in your note that Mr. Shaver stated on the way to Fort Lafayette after his arrest that he had parcels in some express office which he expected to receive to carry South. The latter part of this statement Mr. Shaver denies having made. He admits the former part but adds that the U. S. authorities obtained the parcels and examined them and found them to contain cigars.

The assertion that Mr. Shaver stated his intention to go South contrary to the proclamation of the President and also to carry correspondence to the Southern army Mr. Shaver meets with a positive denial, and as the names of the witnesses on whose evidence this charge is made are not given it is not easy to say what other answer, supposing the charge to be untrue, Mr. Shaver could give to it.

On the whole case Her Majesty's Government are of opinion that the grave facts as to Mr. Shaver's detention, ill usage and imprisonment remain wholly without excuse or modification, and even if your reliance on the statements of the U. S. officials as to the treatment of Mr. Shaver after his arrest be justified this would, it seems to Her Majesty's Government, merely tend to show some possible exaggeration not unnatural or inexcusable under the circumstances on Mr. Shaver's part as to some points of detail which are not really of much importance to the substance of the case and as to which the feelings and observations of prisoners are apt to be more acute than those of the officers who hold them in custody.

Her Majesty's Government have indeed been strengthened by the information which they have now obtained in the opinion which I expressed to you by their order in my note of the 26th of April last, and they have accordingly directed me to state to you that they consider the claim of Mr. Shaver for redress and compensation to be fully established.

I beg you to be so good as to send me back the ten original documents inclosed in this note.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

LYONS.

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DEPARTMENT OF STATE, *Washington, January 7, 1863.*

Right Hon. Lord LYONS, &c.

MY LORD: I have the honor to acknowledge the receipt of your note of the 3d instant relative to the case of Mr. John G. Shaver. In reply I have the honor to acquaint you that a reconsideration of the subject shall cheerfully be entered into.

I have the honor to be, my lord, your obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, February 7, 1863.*

Right Hon. Lord LYONS, &c.

MY LORD: The undersigned, Secretary of State of the United States, has the honor to reply to the note of Lord Lyons of the 3d of January last in which are set forth the views now taken of the case of John G. Shaver by Her Britannic Majesty's Government.

The depositions which accompany that note seem to establish with sufficient certainty the fact that the said John G. Shaver was born a British subject and that he has not renounced his native allegiance.

The same depositions show also with sufficient certainty that in a technical sense Shaver has retained a domicile in Canada; but they do not at all disprove the fact of continuous residence, occupation and activity in the United States as a citizen or resident thereof which has been set forth by the undersigned in his previous communications on the subject. He was so residing and engaged at Louisville in Kentucky at the time of his arrest. Upon this point we have the corroboration of a public advertisement for the year 1861 which was extensively distributed and posted by Shaver himself throughout the Southwestern and Western States with a view to attract travelers in those quarters to the Grand Trunk Railway. This notice was specially addressed to

the inhabitants of New Orleans, Memphis, Cairo, Saint Louis, Louisville, Cincinnati and Chicago. Shaver signed this advertisement as passenger agent for the Southwestern States.

The undersigned upon reviewing the whole case is of opinion that John G. Shaver at the time of his arrest had for present advantage waived and lost his domicile in Canada and had assumed and given out to whomsoever was concerned that he was a resident dwelling within the United States.

Wherever born and wherever living Shaver owed obedience to the laws of the United States while enjoying their protection, and he had no right to engage in any seditious proceedings or practices which could endanger the public peace or safety, and he was necessarily amenable to the surveillance of the police when it became necessary to exercise it.

The undersigned cannot regard the depositions which have been submitted to him on behalf of Shaver as sufficient in any way to discredit the testimony of Sears P. Thompson.* That evidence shows that Shaver at a critical period of the present political disturbances of the country held forth seditious conversations at different times and that he persisted in that course of conduct after frequent warnings. The Government had found it necessary to prevent treasonable conversations and correspondence between the insurgents in insurrectionary regions and sympathizers, aiders and abettors in the States which yet remain undisturbed. Shaver claims that in his conversation he only went to the extent of making free comment on passing events. But he cannot complain if the language he held was so indiscreet and injurious as to draw upon him the watchful suspicion of the authorities engaged in finding out and arresting agents and emissaries of the insurrection. His occupation was just such a one as enabled him to act in such a capacity with effect and therefore such as to draw upon him the attention of a vigilant police. He was found frequently traveling over a known line used for secret communication by the agents of the insurrection in violation of the Executive proclamation. He had luggage which was adapted to the forbidden purpose and his conversations brought his loyalty or his neutrality into distrust.

Lord Lyons takes notice of the fact that in the statement of the case which has been heretofore made by the undersigned the effect of testimony is sometimes given without specifying the sources from which it is derived. Some of the depositions in the case contain matter foreign to Shaver's case, and the general form of statement which Lord Lyons has noticed was adopted.

I may now specify that J. H. Noyes testifies that he made the acquaintance of Shaver about the 1st of May, 1861, while Noyes was engaged as clerk of the Russell House, at Detroit; that he knew nothing of Shaver's history before that time; that he represented himself to be general agent for the Grand Trunk Railroad; that Louisville, Ky., was his headquarters; that Noyes thinks he saw Shaver the last time in August, 1861. He told Noyes that his next trip South would be to New Orleans, and offered to procure passes for Noyes if he would accompany Shaver. Noyes asked Shaver if there would not be difficulties in getting through to New Orleans on account of our national troubles. Shaver assured him that there would be none; that he (Shaver) was a Canadian and a neutral and that he could easily get passes on any of the railroads of the Southern (insurrectionary) States. He wrote to Shaver to send him some letters to Richmond, Va.,

* Not found.

addressed to Lieutenant Parker, a prisoner there, and thinks Shaver told him he intended to visit Richmond, which is a principal seat of insurrectionary operations. Thus it appears that he was preparing without the consent of the authorities of the United States to visit the insurrectionary region and even towns and posts held by the insurgents, and claiming to enjoy facilities for free and unrestricted intercourse and with facilities for travel which were strictly prohibited; and to these suspicious outgivings he recklessly added invitations to others to join him and the offer to carry forbidden correspondence.

Albert Davis makes a deposition to the effect that he met Shaver in Detroit about October 16, 1861, and that they traveled thence together to Quebec. Davis says: Between Detroit and Toronto he asked me, "What is your business?" I replied, "I have got papers to deliver to one of our Southern Confederacy on board the steamer Norwegian." He replied, "God, I am in the same business." "The devil you are," I replied; "I thought you was the agent of the Grand Trunk Railroad." He then said, "So I am, and that helps me; on that account no one would suspect me." Davis proceeds: When the U. S. vessel (I think the Anglo-Saxon by name) arrived from England, at Quebec, we met on board of her, and then fell in company with John Mure, of New Orleans; H. A. Nesbit, of Georgia, Member of the rebel Congress, and General Magruder, of the rebel army. We also met at Montreal. Then he (Shaver) told me that he could get $5,000 for delivering what he had and that he intended to make it. I told him that he might be caught. He replied, "They can't catch me; I am smarter than any Americans." Davis further says: I saw him for the last time in Toronto; when he left there he had three trunks; two of them were loaded, with what I cannot say. I asked him if he had all his fixings. He replied, "Yes, I have."

The undersigned regards these proofs as establishing all the statements in regard to John G. Shaver contained in the note of the undersigned of the 30th of May last except the statement relating to Shaver's trunk and his avowal that he had parcels in some express office which he expected to receive to carry South, and that the empty trunk was to be used for the purpose of packing same. The affidavits upon which those statements were made have been mislaid and they are not available at this moment. But Shaver admits the fact that the trunks which he carried when coming North were light and when going South were heavy.

His explanation of the matter that he carried trunks filled with railroad tickets on each trip to Louisville which were disposed of before his return seems unreasonable and does not gain credit with the undersigned. His further statement that on every occasion of his going South these trunks were searched, if it could be believed without proof, would raise a presumption that being searched at the military border and found free from contraband they were really intended to be filled up at express offices on the way with articles of illicit commerce.

In conclusion the undersigned is obliged to regard the precautionary arrest of John G. Shaver as one which was properly made, in view of the circumstances of the case; and his complaints of undergoing rigor and hardship as being without just foundation.

The undersigned avails himself of the opportunity to renew to Lord Lyons the assurances of his high consideration.

WILLIAM H. SEWARD.

P. S.—Pursuant to his request the deposition which accompanied Lord Lyons' note is now returned.

WASHINGTON, *April 23, 1863.*

Hon. WILLIAM H. SEWARD, &c.

SIR: Her Majesty's Government have not failed to consider with attention the note which you did me the honor to address to me on the 7th of February last with regard to the case of Mr. John G. Shaver; but they have not found it possible to modify their opinion as to the injustice of the incarceration of Mr. Shaver and as to his claim for compensation.

It is admitted in your note that Mr. Shaver is a British subject and Her Majesty's Government must still maintain that at the time of his arrest his legal domicile was in Canada. It is alleged, however, that Mr. Shaver was resident in the United States and being reasonably suspected of treasonable practices was properly imprisoned; but Her Majesty's Government think that it may be assumed from the facts and circumstances of his release that the suspicions entertained against him were ill founded.

I had the honor in my note of the 3d of January to state to you the reasons which had led Her Majesty's Government to regard the evidence of Thompson upon which those suspicions were based as unworthy of credit.

But it is urged in your note that the occupation of Mr. Shaver though in itself lawful was such as if he had been so minded would have enabled him to be guilty of treason. It seems, however, to Her Majesty's Government that the conclusion that he was guilty of treason is very distinct from this premise.

In your note it seems to be inferred from the deposition of Noyes that Mr. Shaver was preparing to visit some part of the Southern States without a proper pass from the U. S. authorities and without the consent of those authorities; but Her Majesty's Government observe that this does not appear from the parts of the deposition cited in the note.

The other deposition, that of Albert Davis, is in the opinion of Her Majesty's Government open to the gravest suspicion. They remark that he himself was or on his own showing professed to be an active agent of the so-called Confederates and that the language which he puts into Mr. Shaver's mouth is incredible and bears upon it the stamp of a fabrication to suit the wishes of those who examined him, and they consider that at all events his uncorroborated evidence is not to be relied on.

Her Majesty's Government observe further that Mr. Shaver has had no opportunity of confronting either Noyes or Davis; that it does not appear that their statements constituted the original ground of his arrest and that full copies of their depositions are not even now given.

As regards the trunks apart from what Mr. Shaver himself says as to their containing railway tickets there appears to Her Majesty's Government to be no evidence whatever. It seems indeed that from the averment that the trunks were heavy when going South and light when coming North the conclusion is drawn that they must have contained treasonable correspondence, but Her Majesty's Government observe that the affidavits upon which this statement is made appear to be lost.

It is in the opinion of Her Majesty's Government clear that no conviction could have been obtained in any court of justice on such evidence as this, and it is in their opinion equally clear that it was altogether insufficient to justify Mr. Shaver's arrest and imprisonment.

On the whole, therefore, Her Majesty's Government still consider that Mr. Shaver is entitled to compensation at the hands of the Government

the United States and they have accordingly directed me to inform you that such is their opinion.

I have the honor to be, with the highest consideration, sir, your obedient humble servant,

LYONS.

DEPARTMENT OF STATE, *Washington, April 27, 1863.*

Right Hon. Lord LYONS, &c.

MY LORD: I have the honor to acknowledge the receipt of your note of the 23d instant in which a representation is made of the views of Her Majesty's Government touching the case of Mr. John G. Shaver and to inform you that it will be taken into consideration.*

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM HUNTER,
Acting Secretary.

List of papers sent to Judge Hale October 16, 1872.†

No. 1. Letter from A. G. Davis to William H. Barse dated Quebec, October 12. Charges Shaver with being engaged in carrying arms, &c., to rebels in New Orleans.

No. 2. Telegram from W. H. Barse to W. H. Seward informing him of the arrest of Shaver. Says he found sufficient evidence on his person to sustain the charge.

No. 3. Letter of Superintendent Kennedy to Mr. Seward. Mr. K. thinks Shaver innocent and ought to be released. Incloses a letter found on Shaver when arrested.

No. 4. Letter from J. W. Howes (vice-consul, Toronto) dated October 23, 1861, to W. H. Barse informing him that Shaver had said that he was to carry parcels South, &c.

No. 5. Letter from Robert Murray, U. S. marshal, to Mr. Seward, New York, October 25, 1861. Suggests that Shaver be released upon taking an oath of neutrality.

No. 6. J. R. Giddings, U. S. consul-general, Montreal, November 2, 1861, to Mr. Seward. States that Shaver is a British subject; that Shaver had carried arms to rebels in Mississippi.

No. 7. Telegram from Consul-General Giddings to Mr. Seward, Montreal, November 12, 1861. Says that Shaver is regarded as a spy and that he should be held a prisoner.

No. 8. Affidavit of Albert Davis (detective), Washington, November 19, 1861. Swears as to conversations with Shaver who stated that he was engaged in carrying arms, &c., to rebels South.

No. 9. Oath of neutrality signed at Fort Warren, Boston, by Shaver, dated January 6, 1862.

No. 10. Detroit, May 15, 1862. Report of W. H. Barse as to cause of arrest of Shaver and transmits numerous papers showing guilt of Shaver.

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*No further action appears to have been taken in this case.

†This memorandum on the files in the State Department describes many documents that are not now found among the papers relating to Shaver's case, and it is believed they were never returned to the Department.—COMPILER.

Case of Gwin, Benham and Brent.

William M. Gwin sailed from San Francisco for New York by way of Panama on the 21st of October, 1861, on the steamer Orizaba, of which the Department of State had notice by the Overland Mail with the assurance that he (Gwin) was a rank traitor and that his destination was South. On the same steamer was General Sumner, of the U. S. Army, with a small detachment of troops; and before the arrival of the ship at Panama General Sumner placed Gwin under arrest but subsequently accepted his parole to remain at the New York Hotel after arrival at that port subject to the orders of the Secretary of State.

After his arrival at New York on or about the 15th of November, 1861, he was arrested by the superintendent of police by direction of the Department of State, and on the 18th of the same month by like direction he was placed in confinement at Fort Lafayette. Gwin was known to be a sympathizer with the rebels and was believed to entertain the purpose of joining them in the insurrectionary States. His arrest therefore was deemed a necessary measure of precaution. A letter written by him and addressed to Mr. Calhoun Benham, dated February 8, 1861, was found in possession of the latter containing this passage:

> The cotton States are out forever. The border States will follow; it is only a question of time. If no collision takes place reconstruction is barely possible. The chances are there will be two republics, North and South, with amicable relations. Time will probably turn it into three.

On the 2d day of December, 1861, Gwin was released from confinement on his parole not to do any act hostile or injurious to the Union.

Calhoun Benham was attorney of the United States for the district of California and left San Francisco on the 21st of October, 1861, for New York by way of Panama, of which the Department had notice. Doctor Gwin, late Senator from California, and Mr. J. L. Brent were in company with Mr. Benham, and all of them were arrested by General Sumner before arriving at New York. On arriving at New York these parties were allowed their freedom in the city by General Sumner on giving their parole not to leave the city. On or about the 15th of November, 1861, by order of the Secretary of State, Benham was taken in custody by the superintendent of police of New York and detained until the 18th of said month when by the further order of the Secretary of State he was taken to Fort Lafayette and there placed in confinement. The action in restraint of this person's liberty was taken on information that he was disloyal and was on his way to the insurrectionary States with the purpose of entering into their service or otherwise rendering them aid and comfort. There is evidence by the affidavits of three persons that on the 4th day of November in the Bay of Panama on board the steamer Orizaba, Benham threw overboard a quantity of papers and some books. The nature or contents thereof are not known. On the 2d day of December, 1861, Benham was released from confinement (on his parole with satisfactory stipulations against further misconduct) by order of the Secretary of State.

J. L. Brent sailed from San Francisco for New York via Panama October 21, 1861, on the steamer Orizaba, of which the Department of State had notice by Overland Mail, with the assurance that he was a traitor and that his destination was South. On the same steamer was General Sumner, of the U. S. Army, with a small detachment of troops,

...d before the arrival of the ship at Panama General Sumner placed Brent under arrest, but subsequently accepted his parole to remain at the New York Hotel after his arrival at that port subject to the orders of the Secretary of State. After his arrival at New York and on or about the 15th of November, 1861, he was arrested by the superintendent of police by direction of the Department of State, and on the 18th of the same month by like direction he was placed in confinement at Fort Lafayette. Brent was known to be a sympathizer with the rebels and was believed to entertain the purpose of joining them in the insurrectionary States. His arrest was deemed a necessary measure of precaution. An order was issued from the Department of State dated November 30, 1861, directing Colonel Burke to release Brent on his parole not to do any act hostile or injurious to the Union nor enter nor correspond with persons residing in any of the insurrectionary States and to report himself to the State Department in Washington for explanation and to remain thereafter on parole subject to the decision of the Secretary of State. He was accordingly released December 2, 1861, and this parole was in force on the 15th of February, 1862,* when he was transferred to the charge of the War Department, &c.—*From Record Book, State Department, "Arrests for Disloyalty."*

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NEW YORK, *October 3, 1861.*

WILLIAM H. SEWARD:

Would it be desirable to hold ex-Senator Gwin should he arrive from California?

JOHN A. KENNEDY,
Superintendent of Police.

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DEPARTMENT OF STATE, *Washington, October 4, 1861.*

JOHN A. KENNEDY, Esq., *Superintendent of Police, New York.*

SIR: Your telegram relative to the arrest of Senator Gwin has been received. In reply I have to inform you that the subject has not yet been decided upon. If it should be determined to make the arrest you will be duly apprised.

I am, your obedient servant,

WILLIAM H. SEWARD.

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U. S. FLAG-SHIP LANCASTER,
Bay of Panama, October 5, 1861.

Brigadier-General SUMNER,
Steamer Orizaba, Panama Bay, New Granada.

MY DEAR GENERAL: I am happy to say there will be no military opposition offered to your progress across the Isthmus. It is possible the civil authorities may make a demand for the liberation of your prisoners with a view to affording grounds for a protest to our Government, which I have no doubt will be duly forwarded. I would advise you, however, to be upon your guard against any attempt to rescue your prisoners by the black population in the neighborhood of the depot. I regret that the lateness of the hour will deprive me of the pleasure of seeing you again prior to your early departure in the morning.

Wishing you, my dear sir, a safe and pleasant passage to the United States, I remain, very truly, your obedient servant,

J. B. MONTGOMERY.

* But see memorandum of Seward of December 10, at p. 1020.

POST-OFFICE, *San Francisco, Cal., October 22, 1861.*

Hon. WILLIAM H. SEWARD, *Washington.*

DEAR SIR: I have to inform you that William M. Gwin, formerly U. S. Senator, and Calhoun Benham, formerly U. S. district attorney for this district, both rank traitors, left this city for New York by way of Panama yesterday. They will arrive in New York on or about the 10th or 12th of November. Their destination is South.

Yours,

S. H. PARKER,
Postmaster.
Per W. H. STEVENS,
Assistant Postmaster.

AT SEA, *November 4, 1861.*

Messrs. Gwin, Benham and Brent, all leading, active and influential men of the party in rebellion against the Government, are placed in arrest, and they will be taken to New York by Colonel Merchant as prisoners of state and placed on Governor's Island to await the orders of the Government.

E. V. SUMNER,
Brigadier-General, U. S. Army.

I, A. C. Hormenz, head steward of the Pacific Steamship Company's steamer Orizaba, do swear that on the morning of the 4th of November, 1861, between 11 a. m. and 12 m., I saw Calhoun Benham come out of his own state-room, No. 20, into the dining saloon with a roll of papers in his hands having the appearance of being maps, plans or something of that character. He passed along the saloon to state-room No. 13 occupied by Mr. J. S. Stockwell and Mr. Joseph L. Brent. As he passed along I requested George Jansen, one of the stewards, to proceed immediately on deck and watch if they were thrown overboard. A few minutes afterward he came down and told me that the roll of papers referred to above together with the package and some books were thrown overboard from the port window of the room No. 13 occupied by the said J. S. Stockwell and Joseph L. Brent.

A. C. HORMENZ.

Sworn and subscribed to before me this 4th day of November, 1861, there being no civil officer present competent to administer oaths.

CHAS. S. MERCHANT,
Lieutenant-Colonel Third Artillery.

I, Frederick Seiden, ship's barber of the steamer Orizaba, do swear that on the morning of the 4th of November, 1861, somewhere between the hours of 9 a. m. and 12 m., I saw several articles thrown from one of the after ports of the ship on the port side. At the distance I was from the port I could not recognize them distinctly but they appeared to be papers of some kind. The only article I recognized distinctly was a large book with a black cover. I could not see the port from which they were thrown as the quarter-boat was in the way.

FRED. SEIDEN.

Sworn and subscribed before me this 4th day of November, 1861, there being no civil officer present competent to administer oaths.

CHAS. S. MERCHANT,
Lieutenant-Colonel Third Artillery.

I, George Jansen, one of the steward's men of steamer Orizaba, do swear that on the morning of the 4th of November, 1861, somewhere between the hours of 11 a. m. and 12 m., I was in the dining saloon and saw Mr. Calhoun Benham coming out of his state-room, No. 20, having a roll of documents or papers of some kind in his hand and also a package. The roll of paper was about two feet long and between two and three inches in diameter. He passed along the saloon to state room No. 13, occupied by Mr. J. S. Stockwell and Mr. Joseph L. Brent. The head steward, A. C. Hormenz, told me to go on deck and see if the said documents were thrown overboard, stating at the same time that the port window of the state-room occupied by said Benham was over the guard and that he could not throw them overboard from it, and this from my own observation I know to be correct as I afterward examined the port window of said state-room and found it to be over the guard which was several feet in width. I then went on deck in compliance with the steward's instructions, and for the purpose of obtaining a good view of the port of state-room No. 13 went upon that part of the deck immediately over it, leaned over the railing and saw immediately afterward the same roll that I had seen Mr. Calhoun Benham enter said state-room with thrown overboard from the said port. I went and informed General Sumner of this fact and then went immediately back to my former position at the railing and saw a large black book thrown out of the said port by Mr. Joseph Brent, from the fact of his putting his head out of the window and looking around at the time he threw the book overboard. A few minutes after I saw several smaller ones thrown out from the said port. At a short interval I saw a package thrown out and shortly afterward another package appearing to contain small books or papers and tied up in a cloth handkerchief, and in a few minutes afterward saw a larger package appearing to contain letters or papers of some kind and tied up in a towel. Lieut. J. J. Upham was standing at the railing at the time this last package was thrown overboard and I pointed it out to him.

GEORGE JANSEN.

Sworn to and subscribed before me this 4th day of November, 1861 there being no civil officer present competent to administer oaths.

CHAS. S. MERCHANT,
Lieutenant-Colonel Third Artillery.

—

STEAMSHIP ORIZABA,
Bay of Panama, November 5, 1861.

Col. CHARLES MERCHANT,
Commanding Troops, Steamship Orizaba.

SIR: In obedience to the command of Brigadier-General Sumner communicated by you to me I proceeded yesterday with the junior officer of the day, Lieutenant Dandy, to take possession of the papers of Messrs. Gwin, Benham and Brent, passengers on board this steamer. Upon informing these gentlemen of my object they each in turn protested against it and demanded my authority in writing. I then presented the following order:

STEAMSHIP ORIZABA, *November 4, 1861.*

The officer of the day, Captain Judd, will immediately seize all the papers belonging to Messrs. Gwin, Benham and Brent, prisoners of state.

E. V. SUMNER,
Brigadier-General, U. S. Army.

They then demanded the protection of the captain of the ship, which he informed them of his inability to furnish. No further obstacle being placed in the way of the order I delivered all the papers into your custody as commander of the troops. One of the trunks, belonging I think to Mr. Benham, had been checked through to New York some hours before and some delay was occasioned by its being covered up in the hold by a mass of baggage. I do not believe that the trunks and valises, numbering six in all, were opened or any papers removed after I received the order. It is unnecessary for me to add that the examination was as thorough as my lack of experience enabled me to make it and that it was conducted with the courtesy and delicacy due to the service which we represent and to the presence of so large a number of respectable citizens and ladies who are our fellow-passengers.

Very respectfully, your obedient servant,

HENRY B. JUDD,
Captain, Third Artillery.

STEAMSHIP CHAMPION, *At Sea, November 14, 1861.*

We severally give our word of honor that on our arrival at New York we will establish ourselves at the New York Hotel (Broadway), where we will continue to reside subject to the order of the Secretary of State until we shall have received notice of the Government's intention in regard to us; during which time we will make no effort to avoid our arrest.

WM. M. GWIN.
CALHOUN BENHAM.
J. L. BRENT.

NEW YORK, *November 14, 1861.*

W. H. SEWARD:

Mr. Calhoun Benham and Doctor Gwin are expected to arrive from California to-night. Have you any order to give me?

JOHN A. KENNEDY,
Superintendent.

[Indorsement.]

Detain them on parole till General Sumner reports.

F. W. S.

NEW YORK, *November 15, 1861.*

W. H. SEWARD:

Doctor Gwin, Mr. Benham and J. L. Brent arrived this morning. General Sumner arrested them on the passage and has released them on parole to remain in New York subject to disposition by the State Department. General Sumner goes on to-night.

JOHN A. KENNEDY,
Superintendent of Police.

NEW YORK, *November 16, 1861.*

W. H. SEWARD:

Gwin, Benham and Brent are now in custody. Do you mean they shall be released?

JOHN A. KENNEDY,
Superintendent of Police.

PRISONERS OF WAR, ETC.

WAR DEPARTMENT, *November 16, 1861.*

SECRETARY OF STATE:

General Sumner arrested Messrs. Gwin, Benham and Brent, of California, before reaching New York. He allowed them the freedom of the city on parole. The Secretary of War requests that you direct their arrest by telegraph and send them to Fort Warren.

Very respectfully, yours,

THOMAS A. SCOTT,
Assistant Secretary.

DEPARTMENT OF STATE, *Washington, November 16, 1861.*

ROBERT MURRAY, *U. S. Marshal, New York:*

You will arrest William M. Gwin, Calhoun Benham and J. L. Brent, prisoners on parole, from California now in New York, and send them to Fort Warren, Boston.

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, November 16, 1861.*

ROBERT MURRAY, *U. S. Marshal, New York:*

If the order in regard to Messrs. Gwin, Benham and Brent should not have been executed it may be suspended.

WILLIAM H. SEWARD.

OFFICE OF U. S. COAST SURVEY,
Washington, November 16, 1861.

Mr. R. J. Walker presents his compliments to Hon. W. H. Seward, Secretary of State, and desires to see him now for a few moments before anything further is done in the cases of Messrs. Gwin, Benham and Brent, arrested by order of General Sumner and now on parole in the city of New York. As a devoted friend (now and at all times) of the Union and of the war now waged for its defense by the Government he declares it to be his profound conviction on the facts now before him that serious prejudice to this great cause would ensue from hasty action in the premises. If Mr. Seward cannot see Mr. Walker this morning will he be pleased to name a time when Mr. W. can confer with him on this subject?

P. S.—Mr. W. has called and learned for the first time the very proper rule setting apart Saturday for foreign ministers. Mr. W. will await Mr. Seward's earliest convenience, and as no possible injury can accrue from permitting the parole to stand for the present Mr. W. hopes no further order will be made until he can confer with Mr. Seward.

OFFICE OF THE SUPT. OF THE METROPOLITAN POLICE,
New York, November 17, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: Yesterday afternoon Marshal Murray called on me and showed me the dispatch he had received from you for the arrest of Messrs. Gwin, Benham and Brent. At his request I effected the arrest of the

three persons and placed them for safe-keeping in the upper story of one of my station-houses, not only apart from all others under arrest but in a place unusual and where meddling friends would not be likely to interfere with their peaceable possession. After receiving the men I took possession of their baggage but found nothing that would implicate them in any treasonable transaction. They, however, had had abundant opportunity to dispose of everything that could involve them as well while on board ship as since their arrival here. At least two of their fellow-passengers sympathized with them and were disposed to render them any aid they might require. Had the order for the taking of Messrs. Gwin and company been received in time I would have detained Captain Healey and ex-Senator Nesmith, whose names were not published in the San Francisco list of passengers on the Orizaba, but they left the city early yesterday morning for Albany and the north, which I suppose means Canada.

The only paper found which I think of sufficient importance to send you is inclosed. It is a letter from Doctor Gwin to C. Benham and expresses the feelings he entertained in February last. I have stopped writing to receive your two dispatches of to-day, and have to say I have not yet received the reply you sent, "Keep them in custody, &c." I remained in my office until after 12 o'clock last night waiting for it. I have only to repeat that so far as Benham and Brent are concerned if not Doctor Gwin it is much the safest to keep them in confinement until their cases are disposed of.

Very truly, yours,

JOHN A. KENNEDY,
Superintendent.

[Inclosure.]

WASHINGTON CITY, *February 8, 1861.*

C. BENHAM, Esq.

FRIEND BENHAM: You must have been born under an unlucky star, for just when I for the first time have no influence in the War Department and do not speak to the head of War Department you need my utmost influence, which would be given so freely and with such good will. I am doing my best through Ringgold, but I have such a horror of Holt I cannot hope for his doing what he ought. In the last resort I intended to appeal to Black and Horton to see that you are properly paid for your services, past and prospective.

The cotton States are out forever. The border States will follow; it is only a question of time. If no collision takes place reconstruction is barely possible. The chances are there will be two republics, North and South, with amicable relations. Time will probably turn it into three.

Very truly, yours,

W. M. GWIN.

NEW YORK, *November 17, 1861.*

W. H. SEWARD:

I still retain in custody the three men. They are in an upper room in a station-house, comfortably provided for but excluded from communication with their friends. They are willing to renew their parole, but it is better not to take [it]. Healey and Nesmith, their associates, have disappeared already.

JOHN A. KENNEDY.

ANNAPOLIS, *November 17, 1861.*

JOHN A. KENNEDY:

Deliver the three prisoners, Gwin, Benham and Brent, to commandant of Fort Lafayette and advise me at Washington.

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, November 22, 1861.*

Lieut. Col. MARTIN BURKE, *Fort Hamilton, N. Y.*

COLONEL: I will thank you to allow the Hon. Robert J. Walker to visit Mr. William M. Gwin, Calhoun Benham and J. L. Brent, from California, recently confined in Fort Lafayette.

I am, colonel, your obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, November 25, 1861.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

SIR: You will please permit George D. Prentice, esq., to visit in presence of a proper officer any of the prisoners confined at Fort Lafayette.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

NEW YORK, *November 26, 1861.*

Hon. W. H. SEWARD, *Secretary of State.*

DEAR SIR: I have had to-day a long interview with my brother-in-law, Calhoun Benham, at Fort Lafayette. From the assurances he has given me and from the knowledge I have always had of his lofty integrity and chivalric honor I can say that there is not the taint of disloyalty in his conduct or in his heart. I educated him and have known him as one of my own children from his early childhood. Mr. Benham states to me that he has never in act or word or thought favored the cause of disunion. He tells me that he has at all times viewed the idea of either annexing his State, California, to the Southern Confederacy or making it an independent government as utterly absurd. A movement for an independent government was at one time made in a public assemblage and he himself denounced it in a speech and crushed it. He was district attorney of California till last spring, and he was engaged in the service of the United States three days before he sailed from Panama, saving to our Government $2,000,000 or $3,000,000. He left his home with no other intention than to attend to business very important to himself and to others, and of considerable importance to me, in the Supreme Court at Washington, and to visit my family.

I cannot tell you how anxious I am that Mr. Benham should be discharged. If he remain where he is the inflammatory rheumatism to which he is very subject will kill him, and the heart of his poor sister, my wife, will be broken. Even if he were to survive he would be utterly ruined in fortune for the crisis of his fortune is at hand. All this, however, would not make me ask for his release if I believed him guilty of disloyalty, but I know that he is not.

But on what condition shall he be set free? You asked me to make a report to you in regard to him. I am well convinced that he should

be released at once and unconditionally but I fear that you will not agree with me. He himself regarding his arrest as a great wrong would rather die than take an oath to procure his liberty. He thinks, erroneously in my view, that however loyal he may be in heart and intention the taking of an oath under such circumstances would dishonor and degrade him, and he is as resolute a man as I ever knew. Whether he would while in confinement give his word of honor as to his future conduct as a condition of his freedom I know not. He would certainly examine minutely every word of any promise required. Please inform me what he must promise if anything. Give me the language—and here let me make one suggestion. Please let him make the promise if any be demanded not before his release but immediately after it. If you will send me an order for his discharge and also the form of any necessary promise I pledge you my word of honor that the order shall not be used unless I can return to you the promise signed on the day he leaves prison.

Mr. Seward, I ask as a personal favor, I ask in consideration of all the services I have tried to render to our country, and I ask in the name of justice, that you have my brother restored to liberty. I should fear no difficulties in the case except from the peculiarities of his character, peculiarities resulting perhaps from too great sensitiveness and possibly false notions of honor, but never found in a dishonorable nature.

Messrs. Gwin and Brent were arrested with my brother. I merely suggest their case to your consideration. Pray let me hear from you without delay, for my immediate return to Louisville and to my public post is important.

Very respectfully, your friend,

GEO. D. PRENTICE.

P. S.—A disease of the hand compels me to use a pencil in writing.

G. D. P.

—

ASTOR HOUSE, *New York, November 26, 1861.*

Hon. W. H. SEWARD, *Secretary of State.*

DEAR SIR: In writing to you this afternoon fresh from a conversation with my brother-in-law perhaps I said more than I should have said in regard to the character of a parole to be given by him if any should be required. Of course I understand that if a parole is deemed necessary it must be a full promise to do nothing in any way toward promoting or encouraging opposition to the Government.

Doctor Gwin and Mr. Benham before they left California, hearing that surmises against their loyalty had been expressed, sent to General Sumner to ask whether they would incur any danger of arrest in embarking on the steamer. He replied directly that they would not and surely he had or might have had a better opportunity of informing himself there as to their loyalty or disloyalty than he could have in the voyage. Deeply and even painfully anxious as I am for the immediate discharge of my brother I do not expect that you can favor him above the two gentlemen arrested with him. If the circumstances in regard to the three are the same I recognize the propriety of your treating them all alike. I believe that they all would make a proper promise to do nothing against our Government and that they would keep the promise when made.

Earnestly thanking you for several kindnesses and hoping to thank you for another, I remain, very truly, your friend,

GEO. D. PRENTICE.

DEPARTMENT OF STATE, *Washington, November 30, 1861.*

GEORGE D. PRENTICE, *Astor House, New York.*

DEAR SIR: I duly received your letters of the 26th instant. Before making up my mind in regard to the subject to which they relate I must have an interview with General Sumner which has been requested but not yet obtained.

I am, dear sir, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, November 30, 1861.*

Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

COLONEL: The Hon. William M. Gwin, Calhoun Benham and J. L. Brent, esqs., of California, were arrested on board the mail steamer coming from San Francisco to Panama by Brigadier-General Sumner and on arriving at New York were permitted by him to go at large within the city on parole until the pleasure of the President should be known. On the report of General Sumner to the War Department it was thought prudent that the prisoners should be committed to Fort Lafayette. They are now understood to claim that before embarking they had assurances by Federal authority that they need not apprehend an arrest. Under these circumstances the prisoners may be released on their parole not to do any act hostile or injurious to the Union, and not to enter into or hold any correspondence with persons residing in any of the insurrectionary States and to report themselves to the State Department in Washington for explanations and remain thereafter on parole subject to the direction of the Secretary of State. I transmit this order to Robert Murray, esq., U. S. marshal, who has been instructed by this Department to cause a police examination to be made in some cases of the persons and baggage of prisoners discharged from custody to the end that no correspondence or other improper papers be conveyed by them to persons outside the fort.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, November 30, 1861.*

Col. GEORGE D. PRENTICE, *Astor House, New York:*

An order goes to Colonel Burke to-day for release of Gwin, Benham and Brent on parole to come to Washington for explanations.

WILLIAM H. SEWARD.

FORT HAMILTON, *New York Harbor, December 2, 1861.*

I hereby give my parole of honor not to do any act hostile or injurious to the Union and not to enter into or hold any correspondence with persons residing in any of the insurrectionary States and to report myself to the State Department in Washington for explanation, and to remain thereafter on parole subject to the direction of the Secretary of State.

WM. M. GWIN.

Witness:

CHARLES W. CHURCH,
Justice of the Peace.

(NOTE.—Calhoun Benham and J. L. Brent signed a parole identically the same as the foregoing.)

WASHINGTON CITY, *December 5, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: In accordance with the urgency of the parole given by us on the 2d instant to Col. Martin Burke at Fort Hamilton we have come to this city. We are at Wormley's, I street, between Sixteenth and Seventeenth streets, where we will remain until you take further action in regard to us, abstaining on our honor of course from any act hostile or injurious to the Union and from entering into or holding any correspondence with persons residing in any of the insurrectionary States.

We have the honor to be, very respectfully, your obedient servants,

WM. M. GWIN.
CALHOUN BENHAM.
J. L. BRENT.

[Indorsement.]

A true copy of the paper delivered by me to Mr. Seward.

GEO. D. PRENTICE.

—

DEPARTMENT OF STATE, *December 5, 1861.*

The Secretary of State acknowledges the receipt of the letter of Messrs. Gwin, Brent and Benham of this date and has to inform them that due notice will be given to them in regard to an interview with the Secretary. Meanwhile they may have the full liberty of this city subject to the conditions of their parole.

—

WILLARD'S, *Friday Morning, December 6, 1861.*

Hon. W. H. SEWARD, *Secretary of State.*

DEAR SIR: I shall call to see you a few moments and I may shorten the interview by writing what it would otherwise be my wish to speak. I desire to trouble you as little as possible. I hope you read the letter I sent to your house last night. Doctor Gwin saw you at the appointed hour and was gratified with the interview. I trust all will be right and pleasant. I am telegraphed to hasten to Louisville. It is important to me and I think it highly important to the Government that I should be there. I wish that I could go at once but as I told you in my letter last night I must not go whilst my brother is a prisoner. He and his two companions have no desire whatever to hasten a decision in their case, but I do wish that the matter may be decided soon on my account. I am sure that the three prisoners were arrested without just cause. They went on board the steamer at San Francisco under what they at least understood to be a distinct declaration on the part of General Sumner that they should not be molested. My brother having served the United States Government faithfully and successfully started for Washington with claims to a considerable amount upon the Treasury and it is simply absurd under the circumstances to suppose that an arrest on the Pacific was necessary to bring him where our laws could reach him. Doctor Gwin could not take the oath of allegiance without sacrificing a fortune, and my brother could not take it without sacrificing what he regards as more than a hundred fortunes—his own convictions of honor and self-respect—not from the slightest feeling of disloyalty but from an abhorrence of what he conscientiously believes

would be a stigma. He is amid all his trials and sorrows firm in the conviction that it is his duty to ask his full rights and if he fail to attain them to return to close confinement.

I will when I call upon you ask but a moment of your time. Why can you not let me go home to-morrow or to-night? I feel that I am at one post of duty but I would fain be at another.

Ever your friend,

GEO. D. PRENTICE.

—

*Memorandum.**

DECEMBER 7, 1861.

In an interview between President Lincoln and Mr. Calhoun Benham at the White House on the night of the 7th of December, 1861, at which I assisted, Mr. Lincoln stated to Mr. Benham that he (Mr. Benham), Doctor Gwin and Mr. Joseph L. Brent might go their several ways, they to ask no questions nor any questions to be asked of them, and the pending affair between them and the Government growing out of their arrest and parole to be thus entirely disposed of and ended.

GEO. D. PRENTICE.

The above statement is correct.

CALHOUN BENHAM.

—

Memorandum.

DEPARTMENT OF STATE, *Washington, December 10, 1861.*

The Hon. William M. Gwin and Calhoun Benham and J. L. Brent have arrived at Washington. Explanations from them have been received. It is found that they took passage on board the steamer at San Francisco with what they regarded as assurances from the U. S. military authorities that their respective voyages would not be objected to. Although General Sumner did not understand the general terms he used on that occasion as implying any such opinion the Secretary of State has been fully satisfied that no one of the parties had any disloyal purpose in his journey, and that the complaint that they bore treasonable dispatches or correspondence and destroyed the same on their way to Panama is unfounded. The President therefore has directed that they be released from duress so that they will stand on the same footing as all other citizens whose loyalty is unquestioned.

WILLIAM H. SEWARD.

—

WASHINGTON, *December 10, 1861.*

Understanding that it has been charged that after our arrest in the Bay of Panama on the 4th of November last we or some one of us threw overboard† from the steamer treasonable dispatches or documents, each one of the undersigned for himself declares that such is not the fact; that he never threw overboard or ever at any time had in his possession any dispatch or document of any kind whatsoever in any degree treasonable or in anywise relating to the present troubles.

CALHOUN BENHAM.
WM. M. GWIN.
J. L. BRENT.

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* From a copy in possession of General Joseph L. Brent, of Baltimore, Md.

† See p. 1011 *et seq.* for affidavits of Messrs. Hormenz, Seiden and Jansen, of the steamship Orizaba.

Military Surveillance of Judge William M. Merrick.

Judge Merrick, assistant judge of the U. S. court in the District of Columbia, was placed under military surveillance by order of the Secretary of State October 21, 1861, having a guard placed about his residence. He was charged with interfering with the officers of the U. S. Army while in the discharge of their duties in enforcing the rules and regulations established in Washington for the preservation of the Government. The surveillance was removed a few days after it had been established.—*From Record Book, State Department, "Arrests for Disloyalty."*

CONFIDENTIAL.] COOK COUNTY, ILL., *January 21, 1861.*

Lieut. Gen. WINFIELD SCOTT, *Washington, D. C.*

DEAR SIR: A letter has been received in Chicago within a day or two where I do business (living only six miles from the court-house, south) from Judge Merrick, of your city, stating in effect that Washington would be in the hands of the secessionists by the 4th of March and that thousands of the Marylanders that you are arming have a plot to desert all at once and fight on the other side and that this is unknown to you. This was told in confidence to me.

The fact is, general, that messengers and letters are continually arriving here from Kentucky, Tennessee, Missouri, Virginia, Maryland, Washington, &c., which establish the fact beyond a reasonable doubt that a conspiracy does actually exist which has for its object the sacking or taking of our national capital. God forbid that such a thing should happen while such experienced veterans as yourself and others are at the helm. Do not heed this information too lightly or your life and that of other valuable citizens who love their country will pay the forfeit, for they will destroy all that oppose them if they can. Their secret force now sworn to the accomplishment of this object is said to be over 50,000 and scattered over the States I have named. There is one company in the city of Saint Louis of 300 who say they stand ready to go to South Carolina at a moment's notice if she is coerced; but it is pretty well ascertained that Washington is their destination if an opportunity is offered.

Why, sir, you can have 1,000 or 5,000 men from Chicago by only asking for them. I implore you to be prepared for the worst as the best will take care of itself. I am ready to die if need be in defending the national flag. It is thought by our people generally that the defense of the capital ought not to be intrusted too much to citizens of Maryland, Virginia, or even of the District.

I have the honor to be, your obedient servant,

DEPARTMENT OF STATE, *Washington, October 21, 1861.*

Brig. Gen. ANDREW PORTER, *Provost-Marshal, Washington.*

GENERAL: You are directed to establish a strict military guard over the residence of William M. Merrick, assistant judge of the circuit court of the United States for the District of Columbia.

I am, general, your very obedient servant,

WILLIAM H. SEWARD.

HDQRS. CITY GUARD, PROVOST-MARSHAL'S OFFICE,
Washington, D. C., October 21, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: In the order requiring a military guard to be placed over the residence of Judge Merrick is it desired by the honorable Secretary that the judge should be confined to his house?

I am, sir, very respectfully, your obedient servant,

A. PORTER,
Brigadier-General and Provost-Marshal.

—

DEPARTMENT OF STATE, *Washington, October 21, 1861.*

Brig. Gen. ANDREW PORTER, *Provost-Marshal, Washington.*

GENERAL: In answer to your note of this date I have to say that it is not expected that Judge Merrick will be confined to his house. Indeed it may be sufficient to make him understand that at a juncture like this when the public enemy is as it were at the gates of the capital the public safety is deemed to require that his correspondence and proceedings should be observed.

I am, general, your very obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, October 21, 1861.*

ELISHA WHITTLESEY, Esq., *First Comptroller of the Treasury.*

SIR: I am instructed by the President to direct that until further orders no more moneys be paid from the Treasury of the United States on account of the salary of William M. Merrick, assistant judge of the circuit court for the District of Columbia.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

—

SOUTH AMHERST, MASS., *October 30, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: The day after the announcement in The New York World that Judge Merrick, of the U. S. circuit court, was placed under arrest I wrote to him conjuring him to disprove all suspicions of rebel sympathies and to stand firm in the front rank of the nation. Last night I received his reply thanking me for my interest in his welfare and declaring that he had conscientiously discharged with fidelity his private duties and public trust and quoting for his comfort the sentiment of the pious Psalmist who said (37:6):

> And He shall bring forth thy righteousness as the light, and thy judgment as the noonday.

Judge Merrick imputes his arrest to false information without any accusation being communicated to him that he may meet and repel as it deserves. No one in this vicinity will accuse me of rebel sympathies or of lack of patriotism at this time when the nation calls all faithful sons to rally bravely for the welfare of the country and posterity. I trust Judge Merrick is true to the nation and Government, and as a friend both to the Administration and to him I very respectfully and earnestly ask that he may be released from arrest or at least and with

out delay have the Roman privilege of meeting his accusers face to face with full opportunity to disprove false charges. The nation needs all its friends and none should be alienated who are willing and desirous to serve the country's cause.

Believe me to be, sir, yours, very respectfully,

JAMES L. MERRICK.

Case of John F. Parr.

On the 26th of October, 1861, A. G. Stevens, deputy U. S. marshal at Buffalo, N. Y., wrote to the State Department charging that this person [John F. Parr], a resident of Nashville, Tenn., was in Buffalo, having made now a second visit to that city and to New York to buy goods to take to Tennessee and to induce his brothers to serve in the rebel army and to act as a spy. His first visit had been four or five weeks earlier and he had then taken one or more brothers with him to Tennessee who he said entered the rebel army on arriving there. The deputy marshal aforesaid was immediately directed to arrest the said Parr and convey him to Fort Lafayette, which was done. The arrest was made October 30, 1861. Parr after his arrest acknowledged that he had purchased property in New York to take to Nashville, saying he intended to wait, holding it in readiness to go when communications should be allowed. He refused to state what the property was or where it was. Afterward the Department was informed that a trunk was seized in Buffalo supposed to belong to Parr containing a considerable quantity of quinine marked "William Leonard" and forwarded from New York by the American Express Company, arriving at Buffalo October 31, 1861. Also that proceedings were instituted by the U. S. district attorney for the northern district of New York for the confiscation of said trunk and contents, but no result of such proceedings has been learned. At one time after his arrest Parr informed the Department that he had appealed to the British minister for protection as a British subject, but in all his correspondence transmitted to the Department by his brother to show his loyalty he speaks of his opinion and his position in regard to public questions as if he was a citizen of the United States, declaring what vote he meant to give on the question of convention or no convention in Tennessee and what delegate he intended to vote for. It also appears that he has resided in Nashville for some fifteen years. On the 13th of February, 1862, Parr was ordered to be released on his parole neither to enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State nor to do anything hostile to the United States during the present insurrection. He was therefore released on the 16th day of February, 1862.—*From Record Book, State Department, "Arrests for Disloyalty."*

FORT LAFAYETTE,

New York Harbor, [November 23 or 24, 1861].

Hon. W. H. SEWARD, *Secretary of State.*

SIR: I take the liberty of addressing this appeal to you. Hoping you will show that forbearance that is due me under the circumstances I demand your attention. I am not positive of the charges against me.

From the best I could learn there were two. One was I aided my brothers to join the Southern army. That is false. I have only one brother in the South. He has been there seven years and he is under age and going to school. I offered to bring him home, but he refused as he could stay without being interfered with by the army.

The other [charge] is I was buying goods to take South. Well, sir, I admit I bought some things, but I had not removed them out of the State and, sir, I pledge my word it was not my intention to violate the laws of the land. The things I had use for I could buy them in the South, but I could get them cheaper here although that was not my business here. It was a family matter. I am no secessionist and never took sides or derived any benefit from it. It has been a great damage to me. If it is necessary I will prove it to you and can satisfy you I have worked for the Union and, sir, if my proclivities were any other way I would never come North. I came to bring a brother home. That I have done. I kept my own affairs and business to myself. That made over-officious ones think because I did not talk and tell a great deal that I was secesh all over; but, sir, I think there is a mistake made in me. My all is in the South. It was my duty to be careful. If I am not for the Union there is no Union men in the South. I am an Englishman by birth; so was my father. Neither of us were ever naturalized.

I wish you to take my case into consideration, and you will oblige,

yours,

J. F. PARR.

DEPARTMENT OF STATE, *Washington, November 26, 1861.*

SETH C. HAWLEY, *New York.*

SIR: Herewith I inclose the papers on file in this Department in the case of John F. Parr. Will you please examine them, taking such other evidence as may be found and return these inclosures to me with your report thereon?

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

NEW YORK, *December 18, 1861.*

F. W. SEWARD, *Assistant Secretary of State.*

SIR: On examining the papers sent from your Department in the case of John F. Parr and the testimony received from Buffalo I have found that when the officers arrested him they had no grounds to stand upon beyond the fact that his home was in Tennessee. After he was arrested and on the way to Fort Lafayette he admitted that he had then recently purchased goods in New York and refused to say what they were or where they were. This exhibited a guilty knowledge. He is a good-natured man, of infirm purpose. In my interview with him he informed me that his purchase was quinine and that he shipped it to Buffalo. I have put our detectives on the track and shall probably find it. I think it will turn out that he shipped it to an assumed name or the name of a third party, which will give a bad aspect to his case. I write you this to explain the delay and to prevent any possible discharge of the prisoner until his case can be more completely worked up.

Yours, very respectfully,

S. C. HAWLEY.

NEW YORK, *February 2, 1862.*

F. W. SEWARD, *Assistant Secretary of State.*

SIR: The case of John F. Parr, a prisoner at Fort Lafayette (arrested at Buffalo), should I think be disposed of. When arrested there seemed to be no sufficient grounds for holding him. The correspondence found on him or furnished by his brother, who is a respectable Union man residing at Buffalo, shows on the contrary that though residing in Tennessee he was a Union man until he came North. Why the officers picked him [up] it is difficult to imagine. After he was arrested it transpired (by his own statement) that he had purchased goods in New York, he claiming that he bought them on speculation to ship South when he could legally do so. I set on foot inquiries to find out what and where the goods were and satisfied myself that the purchase was quinine and was sent in a trunk by express to Buffalo. I asked you to order the trunk sent to me so that I might take measures to identify the trunk and Parr as purchaser. The trunk was sent to New York by express to be delivered to me, but was not delivered. By this time the officers in Buffalo got tidings of the matter and interfered and got the trunk ordered back to Buffalo by the express officers and it was sent back without my knowing it had been here. A letter from the district attorney of the northern district of New York shows me that proceedings are to be taken or have been to condemn the property as contraband. The cupidity of the officers has made them vigilant now that compensation is possible. I think the property cannot be condemned even if it can be identified; but if it is that would I think be punishment enough when added to the confinement in Lafayette which Mr. Parr has suffered.

The same testimony which states that Mr. Parr bought the quinine states also that he intended to take it South only when he could legally do so, *i. e.*, after the Confederate forces should be driven from Nashville. That result he expected to occur before this date. It would be harsh to condemn him on that part which indicated guilt and reject that part which if true established his innocence. Especially would this be harsh when the penalty is to be indefinite confinement.

As in these proceedings the public safety and not the punishment of the prisoner is the end to be subserved I have no hesitation in recommending that John F. Parr be dismissed on the usual terms, as I feel confident that he will not meddle with public affairs. It may perhaps be well to take his parole to reside in Buffalo and not to visit Tennessee until the Federal authority shall be established in that State. I herewith return the papers forwarded me with others procured since.

Very respectfully, yours,

S. C. HAWLEY.

DEPARTMENT OF STATE, *Washington, February 5, 1862.*

Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

SIR: Let John F. Parr, a prisoner confined in Fort Lafayette, be released on taking the oath of allegiance to the Government of the United States stipulating that he will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those

States without permission from the Secretary of State; and also that he will not do anything hostile to the United States during the present insurrection.

I am, &c.,

F. W. SEWARD,
Assistant Secretary.

—

FORT HAMILTON, *New York Harbor, February 8, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: In obedience to your orders received last evening I have tendered * * * the oath and stipulations to John F. Parr. [He] declined to accept the offer.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

—

DEPARTMENT OF STATE, *Washington, February 13, 1862.*

Lieut. Col. MARTIN BURKE,
Fort Lafayette, New York Harbor.

SIR: Let John F. Parr, a prisoner confined in Fort Lafayette, be released upon stipulating that he will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State; and also that he will not do anything hostile to the United States during the present insurrection.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

FORT HAMILTON, *New York Harbor, February 16, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: Inclosed please find the stipulations signed by John F. Parr, a prisoner at Fort Lafayette, who has been discharged this morning in obedience to your orders.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

[Inclosure.]

I, John F. Parr, do stipulate that I will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State; and also that I will not do anything hostile to the United States during the present insurrection.

JOHN F. PARR.

Witness present:

HARRY C. EGBERT,
First Lieutenant, Twelfth Infantry.

Case of Messrs. Posey and Linton.

Richard B. Posey, of Charles County, Md., was arrested by order of General Hooker and committed to the Thirteenth Street Prison October 27, 1861. He was charged with having been in communication with the rebels. Lights supposed to be signals were seen at the windows of his house, which was on the river opposite Evansport where the rebels had a strong battery. A report of the investigation of this case was made by Lieut. Col. George D. Wells, commanding First Regiment Massachusetts Volunteers, at Camp Hooker, October 30, 1861, containing among other things the following statements:

> Tom, a colored servant of Mr. Posey, aged about twenty, stated that Massa Dick (Mr. Posey) used to hoist flags during the day down on the bank of the river; that about two months previous to this statement he sent a barrel of crushed sugar over the river. Alonzo, one of Mr. Posey's servants, stated that Mr. Posey with himself and others went over the river after shad barrels; that Mr. Posey saw a steamer and told him to row fast; that they got over to the lower side of the wharf; that after they got over the steamer came over; that they drew their boat up into a little inlet when Mr. Posey went up to the head boss of some soldiers that were there and got them to come down and hide in a little clump of pines that were there so as to fire at the steamer's men if they should come there; that he told the soldiers to go down easy and hide themselves and if the steamer's men got near enough to fire upon them; that there were some twenty-five or thirty of the soldiers; that this was about the last of shad time (middle of May).

He was discharged by order of Brig. Gen. R. B. Marcy November 12, 1861.

Philip H. Linton was arrested on the 6th day of November, 1861, by order of General McClellan on a charge of having been in communication with the rebels and was committed to the Thirteenth Street Prison, but was afterward removed to the Old Capitol. Linton was a resident of Washington in April, 1861, and retired with his wife and sister to the residence of a relative, Richard B. Posey, in Charles County, Md., where they remained up to about the time of his arrest. Some intercourse was known to have taken place between the family of Posey and the family of Evans in Virginia, and the Poseys, including Linton, were accused of communicating with the rebels by signals day and night, conveying letters to and from Virginia and doing other unlawful acts. An investigation was had by order of General Hooker, when it was shown that lights were seen in the southwest room of Posey's house, which were thought to be signals to the rebels, and this room was occupied by Linton. A report of the investigation was made by Lieut. Col. George D. Wells, commanding First Regiment Massachusetts Volunteers, at Camp Hooker, October 30, 1861, containing among other things the following statements.* * * * A large number of his friends certified strongly to the loyalty of Linton. On the 13th day of January, 1862, Linton was ordered to be released on taking the oath of allegiance to the United States stipulating not to enter any insurrectionary State nor correspond with persons therein nor do any act hostile or injurious to the United States and giving an approved bond in the sum of $1,000 to observe the conditions of such stipulation.—*From Record Book, State Department, "Arrests for Disloyalty."*

* Omitted here. See report of E. J. Allen, December 17, p. 1028.

DEPARTMENT OF STATE, *Washington, November 21, 1861.*

Brig. Gen. ANDREW PORTER, *Provost-Marshal, Washington.*

GENERAL: Inquiries have been made at this Department concerning Philip Linton, a prisoner in your custody in this city. You will have the kindness to report to me as soon as you conveniently can the proofs in his case.

I am, general, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

HDQRS. CITY GUARD, PROVOST-MARSHAL'S OFFICE,
Washington, D. C., December 17, 1861.

Brig. Gen. A. PORTER, *Provost-Marshal.*

DEAR SIR: In the case of Philip H. Linton, a state prisoner confined in the Old Capitol Building, I have the honor to report as follows: Said Philip H. Linton was arrested on the 6th of November last by order of General McClellan on a charge of having been in communication with the rebels, and was committed to the Thirteenth Street Prison from which he has since been removed to the Old Capitol. The grounds upon which he was arrested and has been held will appear from the following extracts from a report sent up from General Joseph Hooker's division on the occasion of the arrest and sending to Washington of Richard B. Posey, wife and daughter, of Charles County, Md. This report was made to General Hooker by Lieut. Col. George D. Wells, commanding First Regiment Massachusetts Volunteers, at Camp Hooker, October 30, 1861, and among other things embraces the following passage in the summing up of the evidence:

> My own judgment would be from various revelations and hints in the course of investigation impossible to put on paper but more conclusive to my mind than the written evidence itself that Linton was the mainspring of the whole affair. His family came from Virginia after he came from Washington. His was the southwest room where the signals were mainly seen; he was frequently across, his wife at one time staying in Virginia for weeks, and it was to him that Evans sent when Posey became too cautious to let him into the house. The negroes say that frequently when out late at nights they have stumbled on people below the house and hid from them fearing to be seen as their orders were strict to keep in their quarters. Linton has connections in one of the Departments at Washington and has gone there.

Statements of witnesses kept entirely separate during their examination.

Tom, a colored servant of Mr. Posey, aged about twenty, stated on examination by Lieutentant-Colonel Wells that Mr. Linton (Philip H.) went over the river often to see Mr. Evans [at Evansport where the rebel batteries are]; that he (Linton) was boarding at Posey's; that he sometimes went over in the morning and came back at night; sometimes was gone three or four days; that he went over once with some barrels and was seen from the Government steamer; that he was afraid that the steamer's boats would get his boat and got a guard of men (rebels) to come down to protect it; that Mr. Evans used to come back and forth very often; that he used to bring letters and papers and take letters and papers back with him; that he used to bring the papers to Mr. Linton and that Mr. Linton would take them to Mr. Skinner at the post-office; that Mr. Skinner used to come there (to Mr. Posey's) often to see the men from Virginia; that Massa Dick (Mr. Posey) used to hoist flags during the day down on the bank of the river; that about two months before this statement he sent a barrel of crushed sugar over the river; that his Massa Dick raised him up to tell the truth and if it turned against him still he must tell the truth

Alonzo, one of Mr. Posey's servants, stated on examination that Mr. Posey, Mr. Tom Lozier, Mr. Linton, Frank Wedge (a free colored man), Fido and himself went over the river after shad barrels; that Mr. Posey saw a steamer and told them to row fast; that they got over to the lower side of the wharf; that after they got over the steamer came over; that they drew their boat up into a little inlet, when Mr. Posey went up to the head boss of some soldiers that were over there and got them to come down and hide in a little clump of pines there was there so as to fire at the steamer's men if they should come there; that he told him (Alonzo) to hide behind the house out of the way of the shots; that he told the men to go down easy and hide themselves, and if the steamer's men got near enough to fire upon them; that there were some twenty-five or thirty of the soldiers; that this was about the last of shad time (middle of May).

Frank Wedge, a free colored man, stated on examination that he had been at work for Mr. Posey since the 24th of May; that they went across after some shad barrels the first day he (Posey) hired him; that they saw a steamer while going across; that after they landed on the other side Mr. Posey went up to Mr. Evans' house and on coming back told them to haul the boat up into the inlet, which they did; that then a parcel of soldiers came down and went into a bunch of pines; that Mr. Posey told them (his men) to go behind a hill; that they staid there until the steamer came up; that she laid there and blowed her whistle and the Pawnee came down; that the company that went over after the first barrels was composed of Mr. Radcliff, Tom De Lozier, Tom Davis (free colored man), Mr. Linton, Fido and Alonzo, beside Mr. Posey and himself; that they had three boats.

Theodore Neff, familiarly called Fido, stated on examination that he was about twenty years of age; that his occupation was that of a laborer; that he first came to live with Mr. Posey some time in May; that they went across the river after shad barrels about the middle of the month; that four boats went across; that the company consisted of himself and Isaac (a colored boy), Mr. Posey and a colored boy, Mr. Lozier and George Lozier (brothers); that Mr. Linton saw a tug as they were going over—a tug with a red smoke stack; that he (Fido) saw some fifteen or twenty soldiers across the river; that they had on gray uniforms; that they came out back of Evans' and stood on a hill there about five minutes; that they then came down to the edge of the river not quite to where the boat lay; that on the edge of the beach over the boat there was a growth of pines which concealed the soldiers from the river; that they laid down there until the tug was out of sight; that they had their guns with them; that when the soldiers went down Mr. Posey was up at Mr. Evans' house; that he told the boys that they had better go up on the hill; that they hauled the boat up in a little creek there by the wharf; that this was the only time he (Fido) went across the river.

Samuel Bush stated on examination that he was sixty-four years of age and was a laborer in the employ of Mr. Posey; that he knew Mr. Linton; that he did not think Mr. Linton had been across the river since he and Mr. Posey were fired on by one of the tugs some time about the 1st of May; that he remembered when he went over after barrels that there were no soldiers there then.

Question. Did not Mr. Posey tell you about the men coming down to protect his boats?

Answer. Yes; now you mention it I think he did say something about getting men down to protect his boats. My memory is rather short. There was a picket over there. They used to picket.

Mr. Bush further stated on examination that young Mr. Evans had been back and forth across the river several times during the summer; that he gave the letters and papers that he brought over to Mr. Linton; that the reason that lights were burning at the house of Mr. Posey so late was that there were a good many in the family; that there were no lights burning except when the people went up to bed; that he (Bush) occupied the room in the front of the house with the dormer window; that the room in the southwest corner of the house was occupied by Mr. and Mrs. Linton; that Mr. Posey brought the Lintons over there—Mr. Linton, his wife, and sister—about the middle of May.

Albert Berry Posey, son of Richard B. Posey, aged fifteen, stated on examination that Mr. Linton went across the river once with his wife; that he staid two or three weeks he reckoned; that he staid with Mr. Evans and his family; that his (Albert's) father, Mr. Posey, went over there and brought them back again; that Mr. Linton had been staying there (at Mr. Posey's) since April, having come from Washington.

James Posey, ten years old, stated on examination that Mr. Linton used to go over the river sometimes until one time when his (James') father went over there to get some ladies one of the Federal steamers stopped him and told him not to go over there any more and that he hadn't been over since; that Tip (his brother) had wanted to go over and join the Confederate Army pretty bad, but that his mother and father would not let him.

At the time of Linton's arrest in this city he acknowledged on examination at my office that he was present in company with Mr. Posey at the time of the ambuscade above spoken of, but denied having taken any part in that affair. It appears from the foregoing evidence that Mr. Philip H. Linton from the first commencement of our national troubles has been in intimate association with the Evans family, notorious secessionists and traitors on the Potomac at Evansport, Va., where one of the most formidable of the rebel batteries is located; that he has been in co-operation with one of the Evanses in carrying on a clandestine mail arrangement between Maryland and Virginia and that in the latter part of May last he was present in company with Richard B. Posey on the occasion of an ambuscade said to have been laid by Posey on an inlet near Evansport for the crew of a U. S. steamer similar to that by which the gallant Lieutenant Ward lost his life in the early part of this conflict.

I append hereto sundry recommendatory documents* on the part of Mr. Linton which have been received from various quarters, and which although actions speak louder than words I hope will have their due effect and that upon a full examination of the case, evidence and all, such favors will be extended to Mr. Linton as his real status may merit and the safety of the country at this critical time may allow.

Respectfully, your obedient servant,

E. J. ALLEN.

DEPARTMENT OF STATE, *Washington, January 13, 1862.*

Brig. Gen. ANDREW PORTER, *Provost-Marshal, Washington.*

SIR: Let Philip H. Linton, a prisoner confined in your custody, be released on taking the oath of allegiance to the Government of the United States stipulating that he will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States

* Omitted as unimportant.

without permission from the Secretary of State; and also that he will not do anything hostile to the United States during the present insurrection, and executing and depositing with you to be forwarded to this Department a good and sufficient bond in the sum of $1,000 for the faithful observance of his engagements which must be approved by U. S. District Attorney Edward C. Carrington, esq., of this city.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

HDQRS. CITY GUARD, PROVOST-MARSHAL'S OFFICE,
Washington, April 26, 1862.

ROBERT H. MORRIS, Esq.

SIR: In answer to yours of the 25th instant I have to say that Richard B. Posey was discharged by order of Brig. Gen. R. B. Marcy November 12, 1861. * * *

Respectfully, &c.,

E. J. ALLEN.

Case of Robert S. Bunker.

Robert S. Bunker, of Mobile, was arrested at Cincinnati on the 31st of October, 1861, by order of the Secretary of State made in consequence of information having been communicated that Bunker who had just returned from Europe was a bearer of dispatches for the rebels. Bunker was taken to Fort Warren and detained there until the 11th day of November, 1861, when he was released by order of the Secretary of State on taking the oath of allegiance with stipulations against going to or corresponding with any insurrectionary State.—*From Record Book, State Department, "Arrests for Disloyalty."*

Cases of Andrew Low, Mrs. John Low and Charles Green.

Andrew Low, of Savannah, Ga., was arrested in Cincinnati on the 3d day of November, 1861, while on his way from England to Georgia. The arrest was made by order of the Secretary of State upon information that Low had been one of the rebel commissioners to receive subscriptions to the Confederate loan at Savannah; that he was supposed to have an interest in the steamer Bermuda that ran the blockade off Tybee Island, and that he had been an agent of the rebels at Liverpool during the summer. He was conveyed to Fort Warren and there confined. No treasonable papers or correspondence were found in Low's possession. He admitted, however, that he had been one of the rebel loan commissioners for the State of Georgia. On the 8th day of February, 1862, Mr. Low was ordered to be released upon his parole to proceed at once to Baltimore and report himself each day to General John A. Dix, or such other person as General Dix should designate, and at the expiration of the period of sixty days from the date of release to return and surrender himself to be recommitted to the fort; and that in the meantime he would neither enter any of the States in insurrection against the authority of the United States nor hold any correspondence with any person residing therein, nor to be engaged in any treasonable communication with any person whomsoever nor do any act hostile or injurious to the United States.

Mrs. John Low was arrested in Detroit by a Government agent and by order of the Secretary of State was taken to Washington and committed to the Greenhow House Prison November 10, 1861. She claimed to be a subject of Great Britain and a resident of Virginia. She had just returned from Europe with her brother, Charles Green, who was arrested at the same time. The charges against Mrs. Low were that she was conveying contraband correspondence and information to the insurrectionary States. November 12, 1861, an order was issued from the Department of State directing General Andrew Porter, provost-marshal at Washington, to release Mrs. Low on her engaging on honor to hold no correspondence with and not to enter the insurrectionary States during the rebellion and do no act hostile to the United States Government. Mrs. Low was accordingly released November 13, 1861.

This person [Charles Green] was a resident of Savannah, Ga., and on his return from Europe via Canada was arrested in Detroit by an agent of the Government, and by order of the Secretary of State was committed to Fort Warren November 9, 1861. His family connections in England and America are as far as appears hostile to the Union. He was a large holder of property both real and personal and his papers indicated that he had made extensive preparations to carry on direct and illegal traffic with foreign countries and that he had entertained propositions for running the blockade if not actually joined in such enterprises. The papers found on him also showed that he had subscribed to the Confederate loan and held the bonds of the rebel government. The said Charles Green remained in custody at Fort Warren February 15, 1862.—*From Record Book, State Department, "Arrests for Disloyalty."*

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NEW YORK, *November 1, 1861.*

Hon. W. H. SEWARD, *Washington.*

SIR: Mr. Andrew Low, of Savannah, has returned from England at Halifax and proceeded thence to Montreal and then for Louisville with his wife, en route for Georgia. He was one of the rebel commissioners to receive subscriptions to the Confederate loan at Savannah. He is ——— a leading cotton house in that city and is supposed to have had an interest in the steamer Bermuda that ran the blockade off Tybee Island, Georgia coast. Mrs. Low is the daughter of W. H. Stiles, of Georgia, formerly minister to Austria, and the family all rank rebels. It is for you to determine about his arrest. I have no doubt of his being an agent at Liverpool this summer. Mr. Low has a sandy head, dark red, and looks like a Scotchman or Englishman.

Your obedient servant,

J. G. ANDREW.

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CINCINNATI, OHIO, *November 4, 1861.*

Hon. F. W. SEWARD, *Assistant Secretary of State:*

I have under arrest Andrew Low as per your order. I have examined his person, baggage, &c. He has no papers of a treasonable character with him. What shall I do with prisoner?

A. C. SANDS,
U. S. Marshal.

DETROIT, *November 6, 1861.*

W. H. SEWARD:

Have arrested Charles Green and Mrs. John Low, his sister, of Savannah, Ga., with important documents.

W. H. BARSE.

DEPARTMENT OF STATE, *Washington, November 12, 1861.*

Brig. Gen. ANDREW PORTER, *Provost-Marshal, Washington.*

SIR: Let Mrs. Low, a prisoner confined in the female prison, be released on her engaging upon her honor that she will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State; and also that she will not do anything hostile to the United States during the present insurrection.

I am, general, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, November 13, 1861.*

Hon. W. M. EVARTS, *New York.*

SIR: Your note of the 9th instant* is received. The case of Mr. Low will be promptly investigated and whatever statements and evidence may be submitted in reference to him shall receive immediate attention. In the present state of the case the Secretary is unwilling to refer it elsewhere for examination.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

WASHINGTON, *November 16, 1861.*

Hon. WILLIAM H. SEWARD, &c.

SIR: I have the honor to transmit to you a copy of a letter which I received yesterday from Mr. Charles Green, a British merchant, who appears to be imprisoned in Fort Warren. The principal object of Mr. Green's letter is to request me to claim in behalf of Messrs. Bailey Bros. & Co., of Liverpool, a letter containing valuable papers belonging to that mercantile house which has been taken from him. I trust that there may be no objection to restoring these papers to their owners.

Mr. Green mentions that his sister, Mrs. John Low, is also under arrest. He is mistaken, however, in supposing that her case had been brought to my notice before. I shall be very much obliged if you will give me such information concerning these two arrests as it seems proper that I should receive.

I have the honor to be, with high consideration, sir, your most obedient humble servant,

LYONS.

[Inclosure.]

FORT WARREN, *Boston, November 11, 1861.*

Lord LYONS, &c.

MY LORD: On my way from England to the South where (at Savannah) I have a commercial house and a winter residence I was arrested and brought to this place.

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* Not found.

Although an English subject as my passport shows and never naturalized I prefer giving your lordship no trouble in my case. Later when I ascertain the exact charges and evidence upon which I am detained I may ask your lordship's interference. For the present I must beg you to claim from among my papers on behalf of Messrs. Bailey Bros. & Co., of Liverpool, a letter addressed to me by that house containing statement of claim and order upon William Johnston, president of the Charlotte and South Carolina Railway, for $33,821.98; 48 coupons of the East Tennessee and Georgia Railroad due 1st of July, 1861, at $30 each, $1,440; 82 coupons of the Tennessee State bonds, No. 9982 to No. 10063, due 1st of July, 1861, at $30 each, $2,460.

As the letter indicates these specialties were confided to me to realize and remit proceeds to Messrs. Bailey Bros. & Co., whose property they are. I have no interest whatever in them.

There are also among my papers some orders for cotton to be executed at Savannah which when the ports open there I shall be glad to recover.

Among my effects carried to Washington was a small parcel of apparel chiefly underclothes, value of the whole parcel as nearly as I can recollect £12 or £13, designed for my young kinsman Mr. Josiah G. Low, of Virginia. When this young friend asked me to bring him these things he had not entered the Confederate service where he now is and therefore the apparel, which speaks for itself, could not be as my captors have represented in the papers a rebel uniform. I only allude to this to explain an erroneous statement to my prejudice and to express my regret that it should have caused the transfer to Washington of a trunk and a bag of other clothing upon which I paid the U. S. duties at Detroit. In these two packages everything was procured for my own and family use except the bill for £12 or £13 already mentioned.

I must really apologize to your lordship for occupying your valuable time with such unimportant questions. One affecting me far more is the case of my sister Mrs. John Low, which I trust she has herself brought to your lordship's attention. Her arrest grew solely out of the accident of her traveling with her brother, a Southern merchant. I do not permit myself to doubt her speedy restoration to her family in Virginia upon the examination of her papers. We were traveling under British passports from Earl Russell viséed at the U. S. legation in London.

I may not conclude without acknowledging the considerate treatment the English prisoners receive at the hands of the officers of this fort, and remain, with great respect,

CHARLES GREEN.

I am of course well known to Mr. Molyneux at Savannah.

NEW YORK, *November 28, 1861.*

F. W. SEWARD,
Assistant Secretary of State of the United States.

SIR: * * * When at Boston I was earnestly requested by some of the solid men of that city to look particularly into the case of Mr. Low, of Savannah, Ga., banker, who was arrested at Cincinnati en route from England to Georgia, via Canada, &c. His friends in Boston who are loyal and influential (none more so) hoped that he might be set at liberty on some restricted parole, they thinking that it would be

safe, &c. Mr. Low excluded himself from the class to be examined by refusing to take the oath, and with that I should leave him—considering him in the right place—but for the circumstances following which induced me to refer to his case lest sooner application in his behalf from very respectable and loyal men might effect his release without his case being fully appreciated.

Mr. Low is a banker of the first rank in the South, of English origin; has a branch house in England; is the corresponding banker in the South for W. Peabody, Baring & Co.; is very rich and commands a very extended and rich moneyed circle at home and abroad. While last in England he was on his own account proprietor of 50,000 bales of cotton in Liverpool on which he had realized the advance growing out of the rebellion, making a large fortune by that operation. He is able and influential and is one of the commissioners for the Confederate loan. He pretends that he has not accepted but does not pretend that he has declined, and unquestionably has so far undertaken the trust as to lend his influence to the enterprise. The man who can raise the money to carry on a war is of more consequence than he who commands the armies. Mr. Low at liberty, wherever his parole might place him, if disloyal would be dangerous. He is valuable as a hostage; is guilty of treason if he has acted as commissioner, as I assume he has, and in case of being driven to set up the *lex talionis* he would be worth a thousand common men.

I consider him the most important man in Fort Warren—to keep—unless it be Slidell. I deem it probable that all this is known to your Department, but out of abundant caution I write this lest some of the facts might not have reached you.

I am, very respectfully, yours,

SETH C. HAWLEY.

—

NEW YORK, *December 3, 1861.*

Hon. F. W. SEWARD.

MY DEAR SIR: Shall I trouble you too much by asking you to send me word whether Andrew Low, imprisoned at Fort Warren, is in a way of having his case disposed of? I know that these matters are taken up with much dispatch by the Department and I have been unwilling to trouble you even with this letter, but Mr. Low's friends are quite pressing with me, and as I fully understand Mr. Low is not aware of any grounds against him except his Southern residence I should be very glad to hear either that he will be released or that some examination will be had in his case wherein he may meet the charges against him. * * *

Very truly, yours,

WM. M. EVARTS.

—

DEPARTMENT OF STATE, *Washington, December 4, 1861.*

WILLIAM M. EVARTS, Esq., *New York.*

SIR: I have received your letter of the 3d instant, and have brought the subject to which it relates before the Secretary of State. In reply I am directed by him to inform you that the release of Mr. Andrew Low at the present time is deemed inexpedient.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

and influential moneyed connections. His estate is chiefly in the rebel States but does not as I think consist to any considerable extent of plantations or slaves. I do not learn that he has any property in the free loyal States except stock interests in the iron mines of Lake Superior. He is of English extraction and perhaps born in England. His family connections are chiefly there. His estate is largely composed of funds and personal property and therefore exposed to confiscation and plunder by the pretended authority of the Confederate Government in case he should exhibit Union views. From these circumstances it is inferred that his interests and sympathies are naturally Southern and English and therefore hostile.

There is nothing to show that he has ever been a politician or that he is a conspirator and it is clear that he is a non-combatant. It appears that he was named as one of the commissioners of the Confederate loan in Savannah and that he did not decline the position. He alleges, no doubt with truth that he did not act as commissioner, but it would not have offended his sense of propriety probably if the whole loan had been taken through the influence of his name. On the other hand it is not unlikely that refusal of that position would have driven him from the South robbed of his property and therefore that his compliance was under restraint to that extent. He went to England in July, 1861, apparently on private business. There is no evidence that while abroad he interested himself in the public concerns of this country, North or South. On the contrary several worthy persons who were familiar with his actions certify that his non-intervention was real and complete.

When arrested nothing was found to implicate him in any disloyal proceedings. Indeed there is evidence of his having acted the part of prudence most thoroughly, while the condition of his estate and family (especially the latter) were such as to excuse the strongest solicitude to return to Georgia. Mr. Andrew Low had for partner in the firm of Andrew Low & Co., Mr. Charles Green, also a prisoner in Fort Warren, and it would seem from papers found on Mr. Green that they were probably brothers-in-law as well as partners. The circumstances that have transpired have created the impression that Mr. Green and his family are disposed to be active traitors. This relation has been prejudicial to the case of Mr. Low. A careful scrutiny, however, shows that Mr. Low and Mr. Green have dissolved partnership and separated their business interests for the future, and that such differences and divergencies have occurred to preclude the idea of any sympathy in business or other transaction. Mr. Low's estate is in such condition as to [be] put in peril by any active adhesion to the cause of the United States. He will of course, indeed does, decline to take the oath of allegiance.

My conclusion is that Andrew Low is at present from interest, sympathy, education and prejudice a disloyal man, and if permitted to go South or to England would from necessity throw his influence against the cause of the United States. But he has been represented to be an honorable and upright man in business and personal relations and that his promise could be relied on implicitly. He is clearly no conspirator and has no political ambition to mislead him. Good and true men who have known him long express the highest degree of confidence that he would keep any parole that he would give. All this I believe. If this view of Mr. Low's character is not mistaken the public safety would not be compromised by allowing him his liberty

or parole to live in the city of New York, with such conditions or restrictions as to holding intercourse by letter or otherwise as the Department may please to prescribe. This disposition of the case I would recommend.

Very respectfully, yours,

S. C. HAWLEY.

—

DEPARTMENT OF STATE, *Washington, February 8, 1862.*

Col. JUSTIN DIMICK, *Fort Warren, Boston Harbor.*

COLONEL: You may release Mr. Andrew Low upon his engaging upon honor that he will proceed at once to Baltimore, Md., and report himself each day to Maj. Gen. John A. Dix, or such other person as he (General Dix) shall designate, and at the expiration of the period of sixty days from the date of his release he will voluntarily return and surrender himself to you to be recommitted to the fort, and that in the meantime he will neither enter any of the States in insurrection against the authority of the United States Government, nor hold any correspondence with any person residing in those States without permission from the Secretary of State, nor be engaged in any treasonable communication with any person whatsoever nor do any act hostile or injurious to the Government of the United States.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

—

NEW YORK, *March 1, 1862.*

Hon. FRED. W. SEWARD.

MY DEAR SIR: I find that I need to trouble you again in Mr. Andrew Low's case. The order of the State Department in his case of February 8 ultimo leaves him a quasi prisoner, whereas had he been actually in Fort Warren when the general order respecting political prisoners took effect he would have been enlarged on simple parole with the rest. I am told that to set him right his special parole (which obliges him to report daily in Baltimore and to return to Fort Warren in sixty days) will need to be canceled and the common parole substituted. Upon seeing the new order of the Secretary of War appointing a special commission I at first thought my proper application would be to these commissioners, but on reflection am satisfied that Mr. Low was intended to be put on the footing of release on parole. May I ask that you would be so good as to make the proper order?

Yours, very truly,

WM. M. EVARTS.

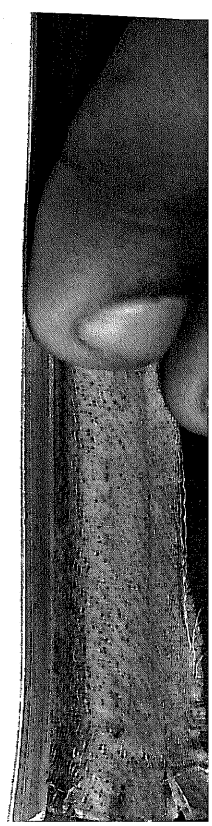
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BALTIMORE, *March 7, 1862.*

Major-General DIX, &c.

GENERAL: In view of your commission to investigate the cases of prisoners of state and in order that you may apprehend my own I beg leave to submit to you a statement of the charges which so far as I understand them have detained me a prisoner.

First. On my return from England via Canada I was arrested on the 3d of November in Cincinnati on a charge of bearing treasonable correspondence. I had been in that city five days openly seeking to procure a military pass for myself and wife, and failing to do so had paid my fare to Washington to try and procure one at headquarters when I was



arrested and sent off to Fort Warren. There was no foundation for this charge as I positively declined to take with me any letter or paper on ordinary or private business. My own and wife's baggage was for three hours subjected to the closest scrutiny and nothing was found for there was nothing to find. I would also state that I never saw and have never seen the Confederate commissioners, Messrs. Yancey and Mann, nor did I hold any communication with them either directly or indirectly.

Second. That I was under suspicion from certain causes of being connected with enterprises to furnish the Confederates with munitions of war, &c. This is utterly untrue. So far from this being the case I carefully avoided doing anything in England in violation of my neutrality. My sole business there was of an urgent, private nature, viz, to attend to arranging a dissolution of my copartnership and to see after the welfare of two young daughters I have at school in Brighton. Abundant evidence has been furnished the commissioner of the State Department, Mr. Hawley, by friends who were aware of all my actions, movements and opinions.

Another charge is that I was a commissioner of the Confederate loan and which came to the knowledge of the Government after I was imprisoned some time. The explanation of that charge is this: Some time in May or June the Confederate Government in Montgomery appointed three commissioners for Georgia to attend to a loan of $15,000,000. These gentlemen resided in the interior and without consulting me on the subject named myself and two other gentlemen as references for the city of Savannah. I gave the matter very little thought; the whole thing was managed by a bank. I never received nor had the custody of any money and never corresponded with the Government or any of its agents on that or any other subject. I do not hold myself responsible in any way for this and you cannot fail to see the situation. The State of Georgia had asserted its sovereignty. A new government was placed over me, and I cannot think that I should be held responsible and punished for events over which I had no control nor taken any part in bringing about, but on the contrary.

In the fullest confidence that you will give my case a just consideration, and that you will release me from my present unfortunate and painful position, I am, with respect, your obedient servant,

AND. LOW.

WAR DEPARTMENT, *Washington, March 12, 1862.*

Maj. Gen. JOHN A. DIX, *Baltimore.*

GENERAL: You will discharge Mr. Andrew Low from the conditions of his present parole and furnish him with a pass to enable him to go beyond the lines of the U. S. Army upon his engaging upon honor that he will render no aid or comfort to the enemies in hostility to the Government of the United States and also that he will not communicate to the persons in insurrection against the authority of the Government of the United States any information calculated to aid them, and that at the expiration of the period of three months he will report himself to the Secretary of War unless during that time he shall effect the discharge of a political prisoner whose exchange shall be satisfactory to the Secretary of War.

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

Case of Matthew F. and Rutson Maury, Jr.

M. F. Maury, a British subject residing at New Orleans, was arrested at Cleveland, Ohio, on the 7th day of November, 1861, by the U. S. marshal of the northern district of Ohio acting by direction of the Secretary of State. He was taken to Fort Lafayette and afterwards transferred to Fort Warren. Maury's offense was conveying letters to and from the rebel States, between those States and others of the United States and foreign countries. Some hundreds of letters addressed to parties in the rebel States were found in his possession. It is shown by the affidavits of Mr. Taylor and Mr. Patterson that Maury voluntarily told them that he had been engaged in conveying letters both ways between New York and New Orleans; had brought some 700 from New Orleans and was carrying a quantity to that place on his return. Maury states the same in a letter by him addressed to the Department of State. On the 5th of February, 1862, Colonel Dimick was instructed to release Maury on his undertaking under oath not to enter or correspond with any insurrectionary State nor do anything hostile to the United States during the present insurrection.

Rutson Maury, jr., late of Galveston, Tex., was arrested at Washington on or about the 9th day of November, 1861, by order of the Secretary of State and conveyed to Fort Lafayette and there confined. He was charged on information communicated from the U. S. marshal for the northern district of Ohio through the Attorney-General and from the U. S. collector at Cleveland through the Treasury Department with conveying correspondence to and from the States under insurrectionary control, between those States and the loyal States and Europe. Maury came from the South to New York and Boston about the 10th of October, 1861, and according to a statement made by William L. Burt, of Boston—

> He stated to various parties that he brought on letters from the South—over 1,000—protected by the consular seal of British Consul Mure, of New Orleans. He delivered a great many letters and stated in my presence that he forwarded English letters that he brought through.

Maury started for the South by way of Cleveland and Louisville in the early part of November, 1861, and on or about the 4th day of that month his baggage was seized at Cleveland and several hundred letters were found in his possession addressed to persons in New Orleans and other places in the insurrectionary States. He left Cleveland for Washington with the object of soliciting the release of his baggage and was arrested in Washington as above stated. The U. S. marshal for the northern district of Ohio informs the Attorney-General that he has satisfactory evidence that Maury had made systematic arrangements—

> For the regular transmission of letters to and from the States in rebellion, embracing both foreign and domestic correspondence. Foreign letters intended for New Orleans and other Southern points are sent by mail to houses in New York and probably Boston whence they are systematically delivered to carriers for him, who undertake their transmission clandestinely to their destination or to New Orleans for distribution.

Maury having been detected in the criminal act with which he is charged no attempt has been made to deny or conceal his guilt. The said Maury remained in custody at Fort Lafayette February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

U. S. MARSHAL'S OFFICE,
Cincinnati, Ohio, November 4, 1861.

Hon. W. H. SEWARD, *Secretary of State, Washington.*

DEAR SIR: A man by the name of Rutson Maury, who is as I am informed a resident of New Orleans, came to this city October 26, and on the 28th of the same month he left here saying that he was going to Washington City. I have since his departure ascertained that he was a bearer of written dispatches, and I now have in my possession a large number of letters left by him with a friend in this city. He had a large cloth belt made which he wore about his body, having the letters sewed up in the belt. Some of the letters are open which I have read and they are of a treasonable character.

Shall I send the letters to you and arrest Maury if he returns to this city? R. M. N. Taylor, of Cleveland, Ohio, has important information in reference to Maury's visit South.

I am, very respectfully, your obedient servant,

A. C. SANDS,
U. S. Marshal.

—

U. S. MARSHAL'S OFFICE, *Cleveland, November 5, 1861.*

Hon. EDWARD BATES, *Attorney-General, Washington, D. C.*

SIR: From facts that have come within my knowledge of late I am satisfied that systematic arrangements exist at New York for the regular transmission of letters to and from the States in rebellion embracing both foreign and domestic correspondence. Foreign letters intended for New Orleans and other Southern points are sent by mail to houses in New York and probably Boston, whence they are systematically delivered to carriers for hire who undertake their transmission clandestinely to their destination or to New Orleans for distribution.

Two of these carriers have during the last week had their baggage detained here, and secreted within it have been found large quantities of letters, in one instance (that of Rutson Maury) nearly 300 of them. Evidences have also been found with them of the systematic and periodical nature of the intended journeys through our lines.

In view of these facts I respectfully inquire whether the arrest of these contraband mail carriers is desired by the Government? Under the telegraphic instructions of the honorable Postmaster-General the letters have been seized and forwarded to Washington, but thus far no arrests have been made. Your early reply will much oblige.

Respectfully, yours,

EARL BILL,
U. S. Marshal.

—

CLEVELAND, OHIO, *November 7, 1861.*

WILLIAM H. SEWARD:

I have this day arrested Matthew F. Maury, of New Orleans. In his trunk found about 200 letters to various points in rebellious States. His business evidently letter carrying between New York and New Orleans. What shall I do with him?

EARL BILL,
Marshal Northern District of Ohio.

DEPARTMENT OF STATE, *Washington, November 7, 1861.*

EARL BILL, *U. S. Marshal, Cleveland:*

Send Matthew F. Maury to Fort Lafayette, N. Y., and send the papers to the State Department.

WILLIAM H. SEWARD.

U. S. MARSHAL'S OFFICE, *Cleveland, November 7, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington.*

SIR: Referring to the telegraphic dispatch I had the honor to send you of this date and in further explanation of the matter therein mentioned I beg further to say that about the 28th of October a trunk or valise belonging to one Rutson Maury was seized by the inspector of the revenue at this place containing (as then disclosed) some seventy-nine or eighty letters directed to persons at various points and places in the States in rebellion against the Government. On the 2d instant M. F. Maury passed through here on his way South and his trunk was also seized by the inspector. In it were found twenty packages of letters having a destination beyond the lines of the Government forces, the number estimated at from 600 to 700. Both trunks are still held, information having been filed and proceedings commenced for confiscation under the act of Congress of July 13, 1861, and now remain in my hands under process of attachment duly issued.

On a close investigation a secret pocket was found in R. Maury's valise in which were stowed about 200 more letters having destination like those mentioned above, among which I found one unsealed addressed to "James Maury, New Orleans," informing him that the writer would be in New Orleans November 8, and ready to leave on the succeeding 11th, to which were appended the words "You understand," signed "M. F. M." I was therefore led to conclude that both Maurys—who I learn are brothers—were jointly engaged in the regular and systematic transmission of information by letters and perhaps otherwise across the lines of our armies, and made such arrangements as were intended to secure the persons of either or both of them should they be found in my district. This I have been induced to believe was my official duty and in accordance with the desire of the Government as expressed in the telegraphic circular of the honorable Postmaster-General under date of —— August, in which he says, "The President * * * directs that his proclamation of the 16th instant interdicting commercial intercourse with the South shall be applied also to correspondence; and wherein he directs the arrest of any person who after this order shall receive letters for transmission to or from said States, &c." Under these circumstances it was that I respectfully asked the instructions of the Government as to what disposition to make of M. F. Maury, who is in my custody without a formal warrant. Permit me to add that all the letters taken as above stated have been duly forwarded to Washington pursuant to the instructions of the Postmaster-General.

Respectfully, your obedient servant,

EARL BILL,
U. S. Marshal.

OFFICE OF SUPT. OF THE METROPOLITAN POLICE,
New York, November 7, 1861.

F. W. SEWARD, Esq., *Assistant Secretary of State.*

SIR: The papers announce the arrest of M. F. Maury at Cleveland with a bag of letters, &c., on Saturday last. He is the same person to whom allusion was made in mine of 3d instant as carrying on a messenger express between New York and New Orleans. I understand him to be a relative of Lieutenant Maury; that he has been residing in Galveston, Tex., where he is connected with a mercantile house; that the firm of Maury Bros., No. 5 Hanover street, New York, are his near relatives and business correspondents. In searching I find that his rates were $2.50 per half ounce. Those at a distance were instructed to forward their letters for him to the address of "Donald Rose, care of Maury Bros., New York." I send you this additional information in order that interested friends may not succeed by misrepresentations to have him released before he is fairly in custody.

Very truly, yours,

JOHN A. KENNEDY,
Superintendent.

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TREASURY DEPARTMENT, *November 8, 1861.*

Hon. W. H. SEWARD, *Secretary of State.*

SIR: I inclose herewith two letters from Charles J. Ballard, collector at Cleveland, Ohio, giving particulars concerning the case of Mr. R. Maury. Mr. Maury has evidently been engaged in conveying correspondence into the States under insurrectionary control and should be arrested. By the proclamation of the President the insurrectionary States are placed in the position of public enemies; to carry correspondence between them and the loyal States is to render them aid and comfort; to render such aid and comfort is treason. Mr. Maury is in the city.

Yours, truly,

S. P. CHASE.

[Inclosure No. 1.]

COLLECTOR'S OFFICE, *Cleveland, November 4, 1861.*

Hon. S. P. CHASE, *Secretary of the Treasury.*

DEAR SIR: Yours of 1st instant asking me to report particulars concerning R. Maury's case is just received. In reply would say in the first place that his letter to Secretary Seward* (a copy of which was sent) sounds very nice taken in connection with facts that we are in possession of here. The trunk of said Maury contained a small quantity of gentleman's clothing, dress patterns, dry goods of different kinds in small quantities, drugs, toilet articles, &c., and when first opened some eighty letters directed to different parts of the Southern Confederacy were found, the majority of which were directed to New Orleans. Upon a more thorough examination of said trunk some 200 more letters similarly directed were found secreted in the partition that separates the top from the lower part of said trunk. Said letters have been delivered to the postmaster here and will I suppose in due time be forwarded to the Postmaster-General.

Some five days after the seizure of R. Maury, jr.'s trunk we seized a trunk belonging to M. F. Maury who is without doubt a brother of R. Maury. The latter trunk contained in connection with other things

* Probably refers to Matthew F. Maury to Seward, *ante*.

from 200 to 300 letters directed to different parts of the South, more to New Orleans than to any one other place. We think from the circumstances connected with the seizure of their two trunks that these Maurys are engaged in the transmission of correspondence from the loyal to the disloyal States and vice versa.

A good many of the packages were marked "unpaid;" others not marked thus. I would infer from this they get pay for conveying said letters, some of which they obtain North and some South. Some of said letters are from Liverpool, some from Paris, others from New York, &c. Some of the foreign letters were sent to care of parties in this country whose names are now cut out. I think there are regular headquarters in New York and Boston where these letters are collected together, and I would not wonder if it was at Maury Bros., New York, and Henry C. Wainwright, No. 20 State street, Boston. We find by papers in one of said trunks that there is a time fixed to leave New Orleans (on their return we suppose), which is November 11.

In short we are fully of the opinion that we have been lucky enough to intercept two of the regular mails that are being carried from North to South and from South to North. Upon the return of R. Maury from Cincinnati it was reported to him that we had found in his trunk some seventy-nine letters. If he had known of our finding the some 200 letters secreted in partition I do not think he would have made the effort to get possession of his trunk, but by getting his trunk he hoped and expected to get the secreted letters. The place of secretion would not hold all that he had and the seventy-nine or eighty were in the pockets of his clothes.

Procedure for forfeiture has been commenced in the U. S. court here against the trunk and contents (except letters) of R. Maury, jr.

Very respectfully, yours,

CHARLES J. BALLARD,
Collector.

[Inclosure No. 2.]

COLLECTOR'S OFFICE, *Cleveland, November 5, 1861.*

Hon. S. P. CHASE, *Secretary of the Treasury.*

DEAR SIR: Since writing the letter that accompanies this I have learned some facts concerning R. Maury, jr., that I thought best to communicate. When in this city trying to have his baggage released he was quite free with a certain person here. He said to him that circumstances connected with himself were such that he should not think at all strange if he was sent to Fort Lafayette, and instructed him what to do concerning his effects if such should be the case. He as much as acknowledged that he knew he was violating the laws of the land, and said if he were shot or his head pulled off or whatever was done to him he never would reveal who put this correspondence into his possession to carry South.

He had several hundred dollars in gold when here (this we learned after he left). We have just learned that he left a package in safe at Burnet House, Cincinnati. We have not learned what the contents of said package is but have learned that the same has been seized by U. S. officer. This package may contain correspondence of such a nature that he dare not put the same in his trunk. He says he is cousin to Lieutenant Maury.

I believe this whole Maury tribe are as full of secesh as an egg is of meat.

Respectfully, yours,

CHARLES J. BALLARD,
Collector.

DEPARTMENT OF STATE, *Washington, November 8, 1861.*

A. C. SANDS, Esq., *U. S. Marshal, Cincinnati, Ohio:*

Arrest Rutson Maury and convey him to Fort Warren. Secure all his papers and send them here.

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, November 8, 1861.*

A. C. SANDS, Esq., *U. S. Marshal, Cincinnati, Ohio.*

SIR: Your letter of the 4th instant has been received. You will please forward the letters mentioned by you as having been left by Rutson Maury to this Department.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

U. S. MARSHAL'S OFFICE, *Cleveland, November 8, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: In reply to my dispatch dated November 7, 1861, I received yours by magnetic telegraph of same date at 11 p. m.,* in obedience to which I herewith forward you the affidavits† of Wilson M. Patterson and Robinson M. N. Taylor in substantiation of the charge embraced in my dispatch of yesterday. As to the letters taken from said Matthew F. and Rutson Maury as stated in my letter of yesterday I have the honor to state that they have been forwarded to A. N. Zevely, esq., Third Assistant Postmaster-General of the United States, agreeably to instructions to the postmaster of this city. Those found with the baggage of M. F. Maury were forwarded on the 2d day of November instant.

I beg to add that Matthew F. Maury will leave for Fort Lafayette at 9 p. m. this day.

Respectfully, your obedient servant,

EARL BILL,
U. S. Marshal.

—

DEPARTMENT OF STATE, *Washington, November 9, 1861.*

WARD H. LAMON, Esq., *U. S. Marshal, Washington.*

SIR: You will please arrest Rutson Maury and deliver him into the custody of the provost-marshal of this city. Examine his person and baggage and send all letters and other papers found in his possession together with your report thereon to this Department.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary of State.

—

U. S. MARSHAL'S OFFICE,
Cincinnati, Ohio, November 9, 1861.

Hon. F. W. SEWARD,
Assistant Secretary of State, Washington.

DEAR SIR: Your dispatch of November 8 for the arrest of Rutson Maury is at hand. I send you by mail to-day a package of letters left

* See Seward to Bill, p. 1043. † Omitted.

by Maury with a friend in this city who is a loyal citizen. If Maury returns I will arrest and convey him to Fort Warren as per your order.

Very respectfully, your obedient servant,

A. C. SANDS,
U. S. Marshal.

HDQRS. CITY GUARD, PROVOST MARSHAL'S OFFICE,
[*November 9, 1861.*]

W. MURE, Esq., *Her Britannic Majesty's Consul, New Orleans.*

DEAR SIR: I have just been arrested on order Secretary of State and am likely to remain here one hour. Herewith is copy order for arrest.*

As I am not allowed to visit you or Lord Lyons, Her Britannic Majesty's minister, on my parole, I judge it well to send you a line.

Very truly, yours,

RUTSON MAURY.

I was arrested in the office of Assistant Secretary of the Treasury while looking after baggage detained at Cleveland by his own appointment.

R. M.

NEW YORK, *November 11, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I learn that my nephew Matthew Fontaine Maury, a cotton broker at New Orleans, was arrested in Ohio on his way to New Orleans and a number of letters found in his trunk and that he has been lodged in Fort Lafayette. I hear the same also of another nephew, Rutson Maury, jr., but of this I am not so certainly informed. In the first case his trunk and all his clothing and effects (except what he had on) have been seized and taken from him and it may be the same with Rutson. I therefore hope that you will at least order the trunks, &c., to be delivered to them, if not their release from confinement, for I have no idea that they had any treasonable intentions. It has been said in the New York papers I think of one or both of them that they have served in the Southern army, or are members of it, but this is not true. It has also been said that they came northward for the sole purpose of carrying a mail, which is not true either.

There are four brothers of them in commercial business in the South, and as they were all in a state of destitution the question was should they go into the army or try to get a support in some other way. They decided against the army, and the chief object of M. F. Maury in coming here was to bring a bill of his brother James on Liverpool for £120 for negotiation as it could not be negotiated at New Orleans and the chief object of Rutson was to receive some money due to him in Boston as a member of the late firm of Maury & Wilder at Galveston, and which he suspected and with reason that his partner (Wilder) now in Boston would appropriate to his (Wilder's) own use. The carrying of letters was a mere incident, as I believe, to the chief object of the journey in both cases. They found they could eke out their slender resources (both having been almost wholly disappointed in their chief objects in coming North) by carrying letters, but I am told they stipu-

*Omitted here. See p. 1046 for this order of arrest.

lated expressly that the letters should be purely commercial or family letters and that they should be open or authority given to open them themselves and that they should contain nothing of a treasonable nature.

Under these circumstances I hope that you will not think my application unreasonable. Their parents have both been dead some years and they have their way to make in the world. You knew Sarah Mytton Maury, their mother, when she was in the United States some years ago. M. F. Maury is unmarried. Rutson has left a wife and child in the South who are destitute of support. Both are in delicate health and may require some attention. I therefore hope you will also give permission for their brother, Walker Maury, of New York, to see them occasionally.

It is perhaps due to myself to say that neither I nor my house have received any letters from our correspondents in the South nor written any thither since the prohibition (though our business required it to be done) except the advice from New Orleans of the bill for £120. If Commodore Du Pont were here he among others could well vouch for my loyalty from first to last.

With much respect, I have the honor to be, your most obedient servant,

MATTHEW MAURY.

[Indorsement.]

We know the writer of the above and know him to be loyal to the Union.

JAMES G. KING & SONS.
BROWN BROS. & CO.
M. H. GRINNELL.

WASHINGTON, *November 12, 1861.*

Hon. WILLIAM H. SEWARD, &c.

SIR: I have already had the honor to mention to you verbally that information has reached me that a British subject named Rutson Maury has been arrested by order of the executive government and held in confinement in this city. I shall be much obliged if you will give me the particulars of this case.

I have also the honor to request that if the prisoner be not immediately released you will give the orders necessary to enable a member of this legation to visit him.

I do myself the honor in compliance with your request to send you a copy of the letter* from Mr. Maury to Mr. Mure which you delivered to me yesterday.

I have the honor to be, with high consideration, sir, your most obedient humble servant,

LYONS.

DEPARTMENT OF STATE, *Washington, November 13, 1861.*

Right Hon. Lord LYONS, &c.

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of yesterday asking for particulars respecting Mr. Rutson Maury, a British subject confined at Fort Lafayette, N. Y.

*See Maury to Mure, November 9, p. 1047.

In reply I have the honor to acquaint you that Mr. Maury was arrested for conveying information contrary to the military regulations of the United States. His case is undergoing examination and your request for his discharge cannot be complied with until the result shall show that there is no sufficient cause for his further detention.

In compliance with your request orders have been given to Col. Martin Burke, commanding at Fort Hamilton, to allow any member of the British legation to visit Mr. Maury at Fort Lafayette.

I have the honor to be, your obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, November 13, 1861.*

ROBERT MURRAY, Esq., *U. S. Marshal, New York.*

SIR: Will you please transfer M. F. Maury from Fort Lafayette, N. Y., to Fort Independence, Boston, and report to this Department?

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

DEPARTMENT OF STATE, *Washington, November 13, 1861.*

A. C. SANDS, Esq., *U. S. Marshal, Cincinnati, Ohio.*

SIR: Your communication of the 9th instant and the package mentioned have been duly received. In reply I have to inform you that Rutson Maury was arrested in this city and is now in Fort Lafayette.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

OFFICE OF THE SUPT. OF THE METROPOLITAN POLICE,
New York, November 13, 1861.

Hon. W. H. SEWARD, *Secretary of State.*

SIR: I have to-day received the inclosed letter from Mr. William L. Burt, of Boston, in relation to the Maurys now in custody. Thinking the information he gives may be of service I send it to you.

Very truly, yours,

JOHN A. KENNEDY,
Superintendent.

[Inclosure.]

BOSTON, *November 12, 1861.*

Hon. JOHN A. KENNEDY, *Superintendent of Police.*

MY DEAR SIR: I see by the telegraph that "Jutson" Maury was arrested in Washington at the Treasury Department and will probably come under your care. The name should be Rutson Maury, jr. He belongs in Galveston, Tex., and was a member of the firm of Maury & Wilder. He is a secessionist and came North from New Orleans arriving in New York about the 10th of October, bringing some thousand letters as he stated of all kinds and for secession as well as commercial purposes. He stated that he brought letters under the seal of the British consulate (from Mr. Mure, the British consul in New Orleans) containing secession information, &c., for parties here and abroad.

I think evidence can be obtained showing that he was personally employed by the rebels, thinking to use his British citizenship as a protection. He has stated to parties who can be produced before the rebellion that he was born in Virginia and I think can claim nothing on that score probably. I think I can put you in possession of any reasonable amount of testimony in reference to him and had endeavored myself to see that he was arrested when he first left New York for the South nearly two weeks since, but the party failed to find you in New York.

If any information further than you have is wanted in reference to Rutson Maury, jr., or Matthew Fontaine Maury, arrested in Cleveland, Ohio, his brother, let me know. If you wish any further information as to how you hear from me, &c., I have inclosed card to Frank E. Howe, the Massachusetts agent in Broadway just below the Astor.

Yours, truly,

WILLIAM L. BURT.

—

DEPARTMENT OF STATE, *Washington, November 16, 1861.*

JONATHAN AMORY, Esq., *Boston, Mass.*

SIR: I transmit herewith a copy of a letter written by William L. Burt, esq., attorney and counselor at law, whose office is at 46 Washington street, Boston, received from John A. Kennedy, superintendent of police, New York. Will you have the kindness to call upon the writer and obtain from him a statement under oath of all the facts and circumstances in reference to the Maurys in his possession and forward them to this Department by post as soon as you conveniently can?

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

DEPARTMENT OF STATE, *Washington, November 18, 1861.*

JOHN S. KEYES, Esq., *U. S. Marshal, Boston, Mass.*

SIR: From letters found in possession of the Maurys who were recently arrested it appears that Henry C. Wainwright, of Boston, has been in the habit of receiving and forwarding correspondence between parties in the insurrectionary States and their sympathizers in Europe as well as in the North. Will you please place him under surveillance and make a thorough examination of his person and premises and secure all letters and other papers found thereon and remit them with your report to this Department?

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

DEPARTMENT OF STATE, *Washington, November 18, 1861.*

JOHN A. KENNEDY, Esq.,
Superintendent of Police, New York.

SIR: From extracts which were found in possession of the Maurys recently arrested for conveying information to the insurrectionary States it appears that the following persons in New York have been engaged in receiving and forwarding correspondence between parties in the

insurrectionary States and their sympathizers in Europe as well as in the loyal States: John Munroe & Co., Charles Le Cesne, C. A. Robert, Maury Bros., and Mr. Converse.

Will you please cause a quiet but thorough watch to be kept over the movements of these parties and after the arrival of the next foreign mail place them under surveillance and seize all correspondence and other papers and send them with your report to this Department?

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

DEPARTMENT OF STATE, *Washington, November 19, 1861.*

Col. MARTIN BURKE, *Fort Hamilton, N. Y.*

COLONEL: You will permit Mr. Archibald, the British consul at New York, to see Rutson Maury, * * * a British subject now confined at Fort Lafayette.

I am, colonel, your obedient servant,

WILLIAM H. SEWARD.

—

POST-OFFICE DEPARTMENT, *November 19, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: The Postmaster-General submits to your notice the accompanying letter from William L. Burt, esq., and will be glad to receive any suggestion you may desire to make as to the matter to which it relates.

I have the honor to be your obedient servant,

T. P. TROTT,
Chief Clerk.

[Inclosure.]

BOSTON, *November 15, 1861.*

Hon. MONTGOMERY BLAIR, *U. S. Postmaster-General.*

DEAR SIR: I telegraphed you* relative to the letters of Rutson Maury, jr., and Maury & Wilder, as I knew that Rutson Maury, jr., had been arrested and sent to Fort Lafayette and these letters if resent, whether directed to him or to James Maury & Co., New Orleans, or Maury & Wilder, Galveston, Tex., probably contained information and plans to carry out a scheme to have all the cotton in the exposed Southern ports transferred to English hands. This plan in event of confiscation or capture would save the cotton and in event the ports were opened it would be ready for a profitable market.

Maury is an Englishman undoubtedly, although he has said at times he was an American and has been spending his time in Louisiana and Alabama since last spring and is in open sympathy and action with the rebels. He stated here in Boston that he brought more than a thousand letters through from the South; also that he had the seal of the British consul (Mure) at New Orleans to protect the inclosures for Southern agents abroad. Maury and his brother were engaged in this scheme for getting letters through probably from the fact of their English origin and acquaintance.

The letters were delivered to Mr. Wainwright here in Boston before your dispatch arrived. Four of them for Rutson Maury, jr., seven of

*Not found.

them for James Maury & Co., of New Orleans, were forwarded to Maury Bros., New York, by Mr. Wainwright before we could stop them, and I have requested the postmaster here to telegraph Mr. Kennedy, chief of police, to call for the letters in New York as having been improperly delivered. This scheme for transferring all the cotton in the South to English hands for a nominal price is being carried out systematically and agents are now employed in Southern cities to take the transfers. The more the Government can learn of this the better they can meet it. Letters with the same superscription as above will come for Maury by every steamer now from Europe till his arrest is known there. These letters will pass through the Boston and New York offices. Those in Boston being directed probably to care of Henry C. Wainwright and very likely all the letters for delivery will be directed to him or to his care.

Mr. Wainwright is entirely innocent in this matter no doubt, but is used by Maury from the fact that he has been the agent for these parties before, and is now by appointment from our court the receiver of the late firm of Maury & Wilder. These letters for the next few weeks so directed will probably contain much political information, and ought in some way to be in the control of the Government. You will see the importance of the suggestion, and I presume Mr. Wainwright whenever English letters are delivered to him will be willing to satisfy the postmaster, Mr. Palfrey, that the contents or inclosures are not for Maury or his friends, and if for them that the contents are legitimate.

A letter in reference to the Maurys is on file in the State Department. I have troubled you with this communication believing that I possess some information that the Government could use to advantage. I was surprised that letters should be ordered to be delivered without an examination to parties under arrest.

I am, yours, &c.,

WILLIAM L. BURT.

U. S. MARSHAL'S OFFICE, *Boston, November 19, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to report that * * * Matthew F. Maury, who was committed to Fort Independence on Monday last, but for whom no arrangements had been made, was delivered to me by Lieutenant-Colonel McPherson, in command there, and transferred by me to Fort Warren. Colonel McPherson is about to leave for the West where he is ordered to report to General Halleck, and as his absence will leave the fort without an officer he obtained General Butler's order for the transfer of Maury to Fort Warren, and I transferred him accordingly. * * *

Your obedient servant,

JOHN S. KEYES,
U. S. Marshal.

BOSTON, *November 19, 1861.*

F. W. SEWARD, Esq., *Assistant Secretary of State.*

SIR: Your esteemed favor of 16th instant was only received this morning with copy of note from William L. Burt, esq. I immediately called on that gentleman who tells me that he will commit to paper his reasons for knowing Mr. Maury, to whom you allude, to be "a dangerous secessionist." He gave me much reason to think him so. The

Mr. Wainwright to whose care the letters were intrusted is a distant relative of mine and he was at the time acting under the court in winding up the affairs of Maury & Wilder, and I obtained from him the within account of his transactions, and as he advised my writing to Mr. Kennedy to demand the letters of Maury Bros. sent them by Mr. Wainwright I have done so. I trust that you may obtain valuable information from that quarter. I am under the impression that this Mr. Maury undertook to send letters at $2.50 per ounce. I shall probably receive by to-morrow morning Mr. Burt's promised communication.

I remain, respectfully, your obedient servant,

JONATHAN AMORY,
U. S. Dispatch and Passport Agent.

[Inclosure.]

BOSTON, *November 19, 1861.*

J. AMORY, Esq.

DEAR SIR: With regard to your inquiries this morning as to my relations with Mr. R. Maury, jr., I first became acquainted with him a year ago and have since then been agent in this city for his firm, Maury & Wilder, of Galveston, Tex. During the summer the firm was dissolved and I acted as his agent until October when he arrived here. The firm being embarrassed I was appointed by the supreme judicial court of this Commonwealth as the receiver. He soon after left for the South and I now understand that he is under arrest by order of the Government. On the 13th instant I received a notice through the post-office that eighteen letters from the Dead-Letter Office were received for me. The next day I received another notice and then called and took the letters and sent eleven to Maury Bros., New York. Seven of them were directed to R. Maury, jr., and four to J. Maury & Co., New Orleans. I retained seven directed to Maury & Wilder, and they were opened and examined in the presence of Mr. Burt and found to be purely of a business character.

I regret that I sent the eleven letters to New York but it never occurred to me that there could be anything in them except business or family matters. I have never seen or corresponded with M. F. Maury.

Your obedient servant,

HENRY C. WAINWRIGHT.

OFFICE OF SUPT. OF THE METROPOLITAN POLICE,
New York, November 20, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: This morning I received a letter from Mr. Jonathan Amory, agent, Boston, informing me that Mr. Henry C. Wainwright had sent eleven letters to the care of Messrs. Maury Bros., 5 Hanover street, for Mr. Rutson Maury, jr. I immediately dispatched one of my force to obtain those letters and any others in their possession. He returned with the inclosed letters* addressed to sundry persons in the rebel States, being fifteen more than the number forwarded by Mr. Wainwright. No sort of objection was made by the Mr. Maury in charge when the demand was made.

* Omitted as unimportant.

A package of other papers belonging to the firm of Maury Bros. was brought to me but upon examination I do not find anything in them to justify their being withheld and shall restore them.

Very truly, yours,

JOHN A. KENNEDY,
Superintendent.

I sent forward the envelope with the letters referred to above but omitted to place this* in it. If I have put in another in mistake please return the same.

—

DEPARTMENT OF STATE, *Washington, November 21, 1861.*

Hon. MONTGOMERY BLAIR, *Postmaster-General, Washington.*

SIR: I have the honor to acknowledge the receipt of your communication of the 19th instant inclosing a letter from William L. Burt, esq., of Boston, relative to correspondence intended for the insurgents addressed to their agents in Europe under cover to Mr. Wainwright, of Boston. In reply I have to suggest that since Mr. Wainwright appears to be a loyal citizen the postmaster at Boston be directed to deliver the letters to him, but at the same time to inform him that inasmuch as letters relative to plans for breaking the blockade and furnishing information to the insurgents have passed through his hands it is expected that hereafter he (Wainwright) will not send such letters forward but that when he comes in possession of any treasonable correspondence he will deliver it to the U. S. marshal for the district of Massachusetts to be forwarded to this Department.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

DEPARTMENT OF STATE, *Washington, November 21, 1861.*

ROBERT MURRAY, Esq., *U. S. Marshal, New York.*

SIR: It has been intimated to this Department that M. F. and Rutson Maury, confined at Fort Lafayette, are perhaps suffering from the want of proper clothing by reason of the detention of their trunks by the U. S. officers of the northern district of Ohio who have filed a libel for the confiscation of the same with their contents. You will please ascertain the facts and take [such] measures as may be necessary to provide the Maurys with needful clothing.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

DEPARTMENT OF STATE, *Washington, November 21, 1861.*

M. H. GRINNELL, Esq., *New York.*

SIR: Your letter of the 20th instant† with its inclosure has been received. In reply I have to state that the U. S. officers of the northern district of Ohio have filed a libel for the confiscation of the trunks and their contents belonging to M. F. and Rutson Maury. Robert Murray,

*Inclosure not found.

†Omitted; merely requested that the trunks and property of the Maurys be forwarded to them from Ohio.

esq., U. S. marshal for the southern district of New York, has been instructed to see that the Maury brothers do not suffer for the want of clothing.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

POST-OFFICE DEPARTMENT, DEAD-LETTER OFFICE,
Washington, D. C., November 22, 1861.

F. W. SEWARD, Esq., *Assistant Secretary of State.*

SIR: Herewith I send you eight packages of letters seized by U. S. Marshal Bill at Cleveland, Ohio. A copy of the memorandum sent by the marshal is inclosed in package.

Very respectfully, your obedient servant,

A. N. ZEVELY,
Third Assistant Postmaster-General.

[Inclosure.]

U. S. MARSHAL'S OFFICE, *Cleveland, November 7, 1861.*

Memorandum of letters found in R. Maury's trunk this day, secreted in a shrewdly contrived and secret compartment thereof, viz:

Letters directed to New Orleans, La	150
Letters directed to Richmond, Va	1
Letters directed to Montgomery, Ala	1
Letters directed to Mobile, Ala	17
Letters directed to parish of Saint James, La	2
Letters directed to parish of Saint Landry, La	1
Letters directed to Houston, Tex	13
Letters directed to Charleston, S. C	1
Letters without direction as to place	10
Total	196

EARL BILL,
U. S. Marshal.

P. S.—Letters handed E. Cowles, postmaster. One to Petersburg, Va., not on the above list.

BOSTON, *November 22, 1861.*

F. W. SEWARD, Esq., *Assistant Secretary of State.*

SIR: I sent in my last respects to the State Department Mr. H. C. Wainwright's communication respecting Mr. Maury. I now beg to hand [you] Mr. Burt's statement, which gives clear views of the subject and probably will be more satisfactory in this shape although previously stated to me. I beg to annex copy of letter from Mr. Kennedy, superintendent of police in New York, to whom I had given information respecting the letters and which no doubt will have been received by the Department before this. * * *

Very respectfully, your obedient servant,

JONATHAN AMORY,
U. S. Dispatch and Passport Agent.

P. S.— * * * Mr. Keyes called on me this morning and I advised him to see Mr. Wainwright who will give him all information, and need not be told of Mr. Keyes' instructions.

Respectfully,

J. A.

[Inclosure.]

BOSTON, *November 22, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

DEAR SIR: In compliance with the request of your Department please find below the information in reference to the Maurys that I have been able to obtain for you.

Rutson Maury, jr., is some twenty-eight or thirty years of age, and has been engaged in business for the last few years in Galveston, Tex. He has been one of the partners of the firm of Maury & Wilder, of Galveston, Tex., cotton buyers. Since the beginning of the difficulties with the South Maury has freely expressed his sympathy with and confidence in the success of the rebellion. About the 16th of April last (1861) he left Galveston and went to Montgomery, Ala., and as he stated saw the officers of the rebel government and for purposes which he did not he said wish to have known. He went I think from there to Charleston, S. C., and thence to Washington and New York. He was North until about May 6 when he left Boston and New York for Washington and the South. He stated in the cars on his way that if he carried through certain matters for the South that he had in his charge he was to receive $500 and his expenses paid, and he sent through all his luggage consisting of several trunks by express taking nothing with himself but a small satchel He did not, however, return to Galveston, but was at the South—in New Orleans, Mobile and other places—and during the month of August was at Cullum's Springs, Choctaw County, Ala.

In September he went to Galveston, and from there back to New Orleans and then started North. He came by the way of Louisville and arrived here probably not far from the 10th or 12th of October. He stated to various parties that he brought on letters from the South—over a thousand—protected by the consular seal of British Consul Mure, of New Orleans. He delivered a great many letters, and stated in my presence that he forwarded English letters that he brought through. He delivered letters to Lewis L. Squier or Squires, but whether political or not I do not know—probably not, however. He delivered letters and made statements to John P. Ritter, No. 132 Broadway, New York City. He told Mr. Ritter how he brought the letters from New Orleans; of the abuse of the consul's seal. He said he was on his journey stopped by the officials; paid them $100 to permit him to take his packages through.

His arrangements for correspondence have been made, and the letters are to come to the care of or under cover to Henry C. Wainwright, of Boston, as I have suggested in a previous letter to the Post-Office Department, and to Mr. Jonathan Amory, U. S. dispatch agent here. And I think it all important that their contents should be known to the Government. The other letter will convey all the information upon this point that I have.

The family consists of brothers James Maury, of New Orleans; Rutson Maury, jr., now under arrest; William Maury, of the firm of Maury & Hogg, of New Orleans; Matthew F. Maury, clerk for James Rareshide, of New Orleans, also under arrest; Walker Maury, clerk for Maury Bros., New York (Maury Bros. are uncles), and another brother who is preparing for some profession in New York. As to what Maury undertook to carry South in the shape of letters, correspondence, &c., the Department of course have the best information in the letters themselves.

Mr. Wilder, of the firm of Maury & Wilder, is here in Boston and a native of Massachusetts, his father being a manufacturer in the town of Lancaster, Mass. He can be seen at my office at any time and will give with pleasure any information in this or any matter that will assist the Government. He has been to Washington once in reference to affairs in Texas and will probably be on again before long. The firm of Maury & Wilder had all their property that is left them in the shape of cotton in the hands of George M. Barnard, of Boston, and one small consignment to Liverpool. The debts here will probably exhaust the funds if a settlement is ever made and I am not aware that Maury has any other pecuniary interest in any matters that the Government can reach. Mr. Wainwright (Henry C.) is acting as receiver for the firm and for that reason and his previous acquaintance probably he acted as the agent for receiving and transmitting Maury's correspondence. Mr. Wainwright says he never directed or requested the letters forwarded to him for the Maurys by the Post-Office Department and if he did of course that Department has his letter or letters on file. It may be that Maury signed his name without his knowledge or authority. I should like to know the facts. Will you see how the matter is in the Post-Office Department?

Yours, truly,

WM. L. BURT.

NEW YORK, *November 22, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

MY DEAR SIR: I inclose a letter from Mr. Maury. He feels very bad. Can't you give instructions as to his letters? Certainly he is a loyal man and has so conducted himself all through these troubles. He is in business in this city and has many correspondents in England. The detention of his letters is a serious matter and may cause him much trouble.

I am, very truly, yours, &c.,

M. H. GRINNELL.

[Inclosure.]

NEW YORK, *November 22, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: When I returned to my office (Maury Bros.) two days ago after an absence of about two hours I found that two policemen had been there ransacking my papers and a tin bank box (which I held for another party and which contained about $80,000 of bonds and stocks), acting under an order from you or Superintendent Kennedy as I understood from the youth in my office. They carried off a number of letters, memoranda, &c., for which they gave no receipt. Superintendent Kennedy on my personal application has returned to me a quantity of papers and letters which he says are all that were taken except some letters which he has sent to you, but the truth of which I may be unable to ascertain for some time to come.

Among the letters sent to you are some dead letters which came to us from Boston and a portion of a quantity of letters received from Europe to be forwarded to the South and which have been accumulating for months (without our having forwarded any) though we wrote to England that we should not forward any until we could do so legally. Be good enough to return all these letters and any other papers to us.

I find to-day that our letters by the steamer Asia have been stopped by your order. A letter from Washington has been detained one day by being opened, and the delay of our letters by the previous steamer which I had supposed to be purely accidental has probably been caused by a like stoppage. I am aware that you have to do many things to guard against treason, &c., but I hereby protest against the aforenamed acts in behalf of my house, Maury Bros., in case any loss or damage should occur thereby. We suffer great inconvenience from not having our English letters because we cannot answer them by to-morrow's steamer, and very probably some loss of which I cannot judge until I get them. If it is necessary that the letters of my house should be stopped, but for which I know no other reason than that my name is Maury, I should be particularly obliged to you to name some person to read them here at the post-office that I may get them without greater delay than an hour or so.

As I have a suspicion that all these things are concocted by a conspiracy in Boston I asked Superintendent Kennedy whether the search arose from Walker Maury naming to his brother in Fort Lafayette that we had a number of letters for him (the dead letters before named) and of which information the policemen at the fort took a memorandum. He said "No." I then asked if it arose from information from Boston but he refused to answer. I have seen him again on this subject after first seeing Police Commissioner Bowen and he said the information was from your office. I then asked whether the order from you was the result of information received by him from Boston and sent to you which he refuses to tell me. It is important to trace up the origin of the whole matter and if the order upon which you acted came through Superintendent Kennedy I shall be obliged to you to send me an order to Superintendent Kennedy to tell me all about it. If not through him I shall be equally obliged by your giving me the information.

With much respect, I have the honor to be, your most obedient servant,

M. MAURY.

P. S.—I beg leave to add I feel that I have been treated with gross and careless injustice. An important reason for revoking the exequatur of Consul Barclay, of this city, during the Crimean war was that he had acted upon the information of policemen and spies in regard to the bark Maury instead of applying to Mr. A. A. Low, the owner, and to those who knew him and his business. I claim that I am entitled to the same consideration as Mr. A. A. Low. Nevertheless I am willing to pass over these indignities thus far if there is reason to suppose they were in any way necessary for the good of the country.

M. M.

U. S. MARSHAL'S OFFICE, *Boston, November 23, 1861.*

F. W. SEWARD, Esq.,
Assistant Secretary of State, Washington.

SIR: I have duly received yours of the 15th and 18th instant and have previously written you of my action in the premises as directed by your telegram of the 15th instant. * * *

In the matter of Henry C. Wainwright I have had a conference with J. Amory, esq., U. S. dispatch agent, who informs me that he has written to you inclosing a letter from William L. Burt, esq., on the same subject. I then waited on Mr. Wainwright and saw and read all his

letter books and accounts connected with the Maurys, and examined him in relation to them. His acquaintance began with R. Maury, jr., one year ago when he took the agency here for the firm of Maury & Wilder, of Galveston, Tex. Upon the return from the South in October of R. Maury, jr., several letters from Europe, which had been received by Mr. Wainwright from the Boston post-office, being directed to his care, were handed to R. Maury, jr., to whom they were addressed, and read by him in Wainwright's presence. They were business letters from a cotton house in Liverpool and Mr. Wainwright thinks had no improper communications in them; at any rate knew of none if there were any.

During Maury's stay in Boston he told Mr. Wainwright that he had or should write to the Dead-Letter Office for his letters to be sent to Boston and did so, but whether in Wainwright's name or in his own Wainwright does not remember. The notice of the Dead-Letter Office came to Wainwright after Maury had left, and he not understanding it waited till the Boston post-office notified him when he called and took the letters which had been forwarded from the Dead-Letter Office, seven of which being addressed to the firm of Maury & Wilder, of whom he is the receiver, he opened and found to be simply business letters. He has them still, and I examined them and could see nothing wrong in them. The other eleven which were addressed to the other Maury he sent to New York and informed Mr. Amory, so that they were obtained and you have them now. He has brought me another which arrived to-day by the Asia which I inclose* herewith.

The whole action on his part has been simply a straightforward business transaction and without a thought of harm. I think that R. Maury, jr., directed his European letters to be sent to the care of Mr. Wainwright, Boston, when he was going North, and then being in Boston he used Wainwright's name to get those from the Dead-Letter Office. Mr. Wainwright is a very sound, loyal Union man, and is very indignant that Maury should have done anything to compromise him. He is in the interests of Wilder against Maury in their partnership transactions, and will do everything fair and honorable to assist the Government.

If there are any facts beyond the direction of the letters to his care I should be glad to know them that I may make further inquiries, and would like also the order to the Dead-Letter Office that I may see if it is in Wainwright's handwriting.

* * * * * * *

I have the honor to be, very respectfully, your obedient servant,

JOHN S. KEYES,
U. S. Marshal.

FORT LAFAYETTE, *New York Harbor, November 23, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington.*

SIR: A period of fourteen days has elapsed since my arrest in Washington and beyond the fact of letters on family and business relations to the best of my knowledge and belief which were handed to me by friends in New York being found in my baggage, I know of no charge that can be brought or exists against me. If any it is false. The contents of the letters I am totally ignorant of as I did not suppose any friend would knowingly act treasonably.

* Not found.

I can assure you on the honor of a gentleman that I have at no time had any communication or correspondence of a political character or been engaged in or a party to any act of rebellion with any person or persons either on this or the other side of the Atlantic, North, South, East or West. In evidence of my neutrality there is in possession of the Treasury Department a letter written by Mr. William Mure, Her Britannic Majesty's consul at New Orleans, which I handed to Mr. Harrington, Assistant Secretary of the Treasury, prior to my arrest. My business alone and my family who arrived from England at New Orleans in May last have solely engrossed my attention since I left Liverpool twelve months since. My business as a cotton buyer for England and the North is at an end for some time, hence my object in going South was my family.

Now, sir, allow me to ask you as an act of humanity, looking at my guiltlessness of any intention of acting wrongfully, some clemency which I would also seek from the friendship and esteem felt by my mother (Mrs. Sarah M. Maury) toward yourself. My wife is and has been long an invalid, a stranger where she is (Bladen Springs, Ala.), and where she has been ever since her first arrival in this country and moreover destitute of funds as owing to the disturbed state of the country I could not draw a bill on any quarter prior to my leaving the South.

At least if I am still to remain in confinement allow me the privilege of knowing how long I am sentenced for, and if not asking you to grant too great a favor grant me a permit to write to my wife through General Wool at Fortress Monroe to inform her of my position.

I am, sir, your obedient servant,

RUTSON MAURY, JR.

—

DEPARTMENT OF STATE, *Washington, November 29, 1861.*

JOHN A. KENNEDY, Esq., *Superintendent of Police, New York.*

SIR: The letter addressed to Maury Bros. sent hither shows that that house has been made a medium of communication for those violating the laws of the United States and of hostility to this Government. This ought not to be tolerated in view of the safety of the Government itself. If, however, the representative of the house at New York will give his parole that the practice shall be discontinued, and that he will receive and transmit no letters having for their object to evade the blockade or to do any other act of hostility toward the United States the correspondence of the house may then be delivered to them.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

—

OFFICE OF SUPT. OF THE METROPOLITAN POLICE,
New York, December 2, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: To-day I called on Messrs. Charles Le Cesne and Cæsar Augustus Robert and returned to them the letters you returned to me belonging to these gentlemen. They expressed themselves entirely satisfied with the course the Government had taken toward them; very satisfactorily explained the manner in which they were induced to forward letters South that had come into their possession in a legitimate way; readily agreed to any stipulation submitted in regard to the disposition of any similar letters they may receive.

On the contrary Mr. Maury endeavored to treat the proceeding lightly. He spoke very contemptuously of the course the Govern-

ment had taken and derided the idea of two of his letters being treasonable. His remarks were rather defiant than otherwise when I deemed it proper to caution him that a continuance of the course he had heretofore pursued would subject him to be dealt with in a more decided manner. I delivered to him the three letters you returned to me.

Very truly, yours,

JOHN A. KENNEDY,
Superintendent.

—

[BRITISH LEGATION,] *Washington, December 3, 1861.*

Hon. WILLIAM H. SEWARD, &c.

SIR: The open letters which you were so good as to send to me with your informal note of the 30th ultimo were from Mr. Rutson Maury and Mr. Matthew F. Maury, two brothers, who are detained as political prisoners in Fort Lafayette.

On the case of Mr. Rutson Maury I have already had the honor to communicate with you.

Mr. Matthew F. Maury states that he believes that the offense for which he is imprisoned is that of carrying letters between the Northern and the Southern States. He declares that the letters of which he took charge with this object were simply private letters; that he practiced no concealment about them and that he was not conscious that in carrying them he was committing an act contrary to law. I do myself the honor to communicate these statements to you in the hope that they will receive due attention in the consideration of the case. Mr. Matthew F. Maury particularly requests that his trunk containing his personal effects, which appears to have been detained at Cleveland, may be restored to him. I write of course under the impression that Mr. Matthew F. Maury, as well as his brother, Mr. Rutson Maury, is a British subject who has not become a citizen of the United States.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

LYONS.

—

WASHINGTON, *December 4, 1861.*

Hon. WILLIAM H. SEWARD, &c.

SIR: You were so good as to inform me in the note which you did me the honor to write to me on the 19th ultimo that orders had been given to permit Mr. Archibald, Her Majesty's consul at New York, to see Mr. Rutson Maury, a British subject confined as a political prisoner in Fort Lafayette.

I have the honor to transmit to you a copy of the report made to me by Mr. Archibald of the result of a visit which he paid to Mr. Maury in virtue of this permission. I trust that you will allow the statement made in it to have due weight in the consideration of Mr. Maury's case.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

LYONS.

[Inclosure.]

BRITISH CONSULATE, *New York, November 30, 1861.*

Right Hon. Lord LYONS, K. C. B., &c.

MY LORD: I have the honor to report to your lordship that I have visited at Fort Lafayette Mr. Rutson Maury, jr., who was arrested at

Washington about the 5th instant and subsequently transferred to Fort Lafayette. Mr. Maury is a native of England not naturalized in this country; is twenty-seven years of age and has resided for about a year at Galveston in Texas carrying on business there as a cotton broker. He is married and his wife and child are resident in Alabama.

Mr. Maury's business affairs having been greatly damaged by means of the civil war and as he states misconduct of his partner in business he came North to Boston where his partner resided in April, returned to New Orleans in May and from thence to Galveston where he remained until September when his business affairs again required his presence in Boston where he remained until some time in October when he came to New York and determined to return to New Orleans and rejoin his family in Alabama with the intention of spending the winter there.

While in the North he undertook to convey to the South a number of commercial letters almost all of which had been received from England, France and Germany addressed to commercial houses in the South. He received these letters, numbering in all some 200 or 300, from various persons. He says he did not consider it was unlawful or improper for him to carry merely private or commercial letters such as these. While at Cleveland, Ohio, on his way South his baggage was taken possession of by the police and detained on account of letters being found in his trunk. Mr. Maury thereupon returned to Washington to obtain restitution of his luggage which after interviews which he had with some members of the Government was directed to be restored to him in case nothing more objectionable than what had been reported were discovered in his luggage. A further search being made more letters as Mr. Maury supposes were found in a secret compartment of his trunk which may not have been previously perceived. These letters he says were of the same character as those which had first been discovered no distinction being made in the packing of them away, and it being necessary on account of the number of them to make use of the secret compartment. On the report to the Government of this fresh discovery Mr. Maury was arrested and has since been detained as a prisoner.

Mr. Maury states that he has never at any time intermeddled in the politics of the country, and solemnly assures me that he has never in any way taken part with the insurgents; that reports which have gone abroad that he had served in the Southern army or militia are utterly unfounded; that in consenting to convey these commercial letters to the South which had been accumulating here for some time his object was in the first place to make his journey useful to parties who had been unable to communicate with their partners and agents in New Orleans on business matters, and secondly, although he made no stipulation to this effect, he hoped to receive some remuneration for the service which in his reduced circumstances would have contributed toward defraying expenses.

The ingenuousness with which Mr. Maury makes his statement and all that he details of the circumstances of his case convince me that in taking charge of the letters in question he believed he could innocently carry letters of a purely commercial and private nature and he stipulated that none of the letters delivered to him should contain political intelligence of any kind, and further should be opened if necessary for the purpose of ascertaining this fact.

I have, &c.,

E. M. ARCHIBALD.

DEPARTMENT OF STATE, *Washington, December 5, 1861.*

Right Hon. Lord LYONS, &c.

MY LORD: I have the honor of replying to your lordship's note of the 3d instant which relates to the cases of Rutson Maury and Matthew F. Maury.

These persons were arrested for having passed the lines of the army without permission of the authorities of the United States and in the act of preparing for again crossing the same lines without such authority, and in direct violation of well-known regulations established by the Government.

They were combined in business and that business was the carrying for hire of correspondence between insurgent citizens and their confederates in the United States and in Europe. On examination it was found that this correspondence was secreted with fraudulent design to escape exposure. Much of the correspondence was found to have for its objects, first, premeditated violation of the blockade; second, the treasonable supply of the insurgents with arms and munitions of war.

The illegal and treasonable practices in which they were engaged must be prevented. These persons are detained with that view.

I have inquired concerning the trunk of Matthew F. Maury and I learn that it is libeled with a view to the confiscation of the trunk itself and its contents by judicial proceeding in the State of Ohio.

I regret exceedingly that these young men have by such palpable acts of hostility to the United States rendered it necessary for the public safety that they be detained in custody. It is proper to say that the authorities in whose custody they are were early instructed to supply them with whatever of clothing and other things should be necessary for their comfort.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, December 5, 1861.*

Right Hon. Lord LYONS, &c.

MY LORD: I have the honor to acknowledge the receipt of your communication of yesterday relative to the case of Mr. Rutson Maury, a British subject confined as a political prisoner in Fort Lafayette and to inform you in reply that I see nothing in it to alter the conclusion come to on the subject in my previous note to you of this date.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

NEW YORK, *December 5, 1861.*

Hon. W. H. SEWARD, *Secretary of State, &c.*

SIR: I had the honor to address you on 30th of November in company with letters from sundry persons on the subject respecting the strange and unexplained detention of sundry letters belonging to Maury Bros. The inconvenience we are subjected to in consequence must be my excuse for again troubling you. On 2d instant Superintendent Kennedy delivered some letters to us which he had received open from your Department, telling us two were detained by you as apparently of a treasonable nature, which two I suppose must be from my brother, Rutson Maury, and from T. & H. Littledale & Co., or from the acting

head of that house, John Torr; nor have I any of our letters per Canada, which ought to be dated 14th, 15th or 16th of November, as the two detained from the Asia ought to be dated 7th, 8th or 9th.

I cannot possibly imagine anything treasonable in the two letters in question, and even if there were any treasonable propositions in them I maintain that they are as safe from doing any harm in my custody as in any other. Torr or Littledale's letter may possibly reply to mine of 22d, in which I urged for the twentieth or thirtieth time that opinion in England must turn more and more in favor of the power and resources of the North at the expense of the South, &c. And my brother's letter will probably contain the result of the applications which he intended to make personally to our friends in London to send us orders to buy 7.30 per cent. Treasury notes. It may also contain remarks upon our two nephews who had arrived from the South and whom you now have in confinement. We must say we are utterly at a loss to divine any rational cause for this suspicion of us. We repeat again that we have not written a letter to the South that we know of nor have we forwarded any European letters to the South since it was made illegal though we have heard of opportunities almost weekly.

With much respect, your most obedient servant,

M. MAURY.

NEW YORK, *December 11, 1861.*

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., Washington.

SIR: On Saturday afternoon, 7th instant, Mr. Grinnell read to me your letter of 5th to him. I am greatly surprised at your report that "the correspondence addressed to them (Maury Bros.) and through their care to others and intercepted and now in the State Department conclusively shows that this house has been and is yet expected to be engaged in violating the blockade." As I am utterly unconscious of any disloyalty to the Union unless it can be deemed disloyal to have failed to inform the authorities that my nephews were here, having brought letters from the South in October and contemplating carrying letters (purely commercial and family letters as I understood) back to the South, I have no doubt that I can satisfactorily explain matters if I am only told fully and precisely what I am to explain. In the first place I am at a loss to know whether "blockade" means marine blockade or the land blockade of letters, &c., and whether "has been" refers to "expected" or to "engaged." If marine is intended I deny any knowledge whatever of having violated it or having been or being expected to violate it, and if "has been" refers to "expected" I cannot be responsible for the expectations of others. I certainly have no suspicion who the expecters are and I should be glad to know.

It would appear therefore that the suspicion of my house so far as I am concerned arises entirely from my captured nephews. I have nothing to alter in the explanation of the letter carrying which I wrote to you some days before, 22d ultimo, but I may add some things in further explanation. I have already said that I had four nephews in the South. I gave here to one of them $200 to be divided in certain proportions, having said that none was to go to such as might have entered the army and I gave it because I knew the two left in the South to be destitute and to have regarded our wish that none of them should enter the army. Three of them at least being of a temperament to render it probable that they would go into the army I felt the more favorably toward them because they regarded our wishes and suffered extreme

destitution (to the degree of trying to pawn their watches, &c., for support, as corroborated by a relative of the family who saw them at New Orleans) rather than enter the army. They could not come northward without money. The one to look (in vain, alas) for his funds in Boston and the other at a later day to bring hither a bill of exchange on Liverpool for £120 which James Maury, hearing of the rise of cotton at Liverpool, thought he might venture to draw but which was wholly unsalable there and proved to be equally so here.

They had borrowed until they could borrow no more, and with little prospect but of enlistment before them were utterly at a loss what to do when it was discovered that sufficient money for traveling expenses could be got by carrying letters and so their expected resources in the North might be reached. I regarded their visit as the consequence of dire necessity—a sort of second edition of that of Joseph's brethren to Egypt. Under these circumstances I do not think you could have expected me to inform against them for carrying as I supposed mere commercial and family letters.

Allow me to digress and say that the facts of the case were very striking to me as confirming my previous opinions that the inevitable and extreme destitution of the great mass in the South must force nearly all the able into the army for a support and compel most others to regard a return into the Union as desirable even under the old Constitution. And further the more of them that could come here without damage to the North and return, reporting the evidences of trade, prosperity, &c., which they saw in the North the sooner would there be a reunion.

Considering the situation of their brothers and of Rutson's and James' wives and families I was sorry for the arrests; but as respects the arrested themselves I was not altogether sorry, as I have often said, for they were violating the law. Rutson, jr., was here on business in spring; went South in March and remained there until October. Neither of them carried any letters written by me nor any received by us from Europe nor did they bring any letters for us either for ourselves or for Europe except the advice of the bill for £120. I do not know of any letters received here and awaiting their arrival. I neither knew nor know anything of the contents of letters addressed to my nephews to our care received while they were here. I had reason to suppose they were not treasonable but I have since heard it said that there were about 250 letters seized in their possession and all of the most treasonable character, including a plan of breaking the blockade, orders for fire-arms, &c., proofs that double-bottomed trunks passed regularly between the South and Europe. I know nothing of any such trunks. I never saw any trunk of any kind in our office while either of the two young men were here. I did not suppose that either of them were coming here until each of them actually arrived. I warned them most earnestly of the folly and impropriety of carrying anything that could be considered treasonable and I understood they would not carry such things or such letters. If 250 or any smaller number of treasonable letters were found upon them either my confidence was abused by them or theirs perhaps by others.

I have forgotten to name that about the time of their departure and just as I was going up to my dinner I received a note from the district attorney asking me to call at his office, and I did call once or twice without finding him until the afternoon of the next day. He said he had heard that my house was in the regular business of receiving and forwarding letters to and from the South and read me an extract of a letter from Boston to that effect. Hence it was that I wished to know

if your information against us came from Boston. I told him it was a mistake and probably arose from my two nephews having been here from the South and having carried letters which I understood were of a purely commercial and family nature. It is notorious that such letters frequently pass between the North and South. In the last two months I have heard of several opportunities of sending but I have not availed myself of any of them though I have much wished to write two or three such for myself and my house.

Allow me to assure you that it is a great error to suppose that we are in any way disloyal to the Union. I and my brother (now in England) voted for Mr. Lincoln. We and my sister having had up to the time when the secession of Virginia approached great influence over our relatives in the Navy and Army used it strenuously to prevent their resignation; but as usual with Southern people our arguments had no more efficiency than arguments to prove the impropriety of catching an epidemic fever. In evidence of my indisposition to embarrass the Government or to risk exposing it to ridicule or contempt I have refused several recommendations to publish the case of Maury brothers here or in Europe, and in giving some details of the detention of our letters to those whose are probably among them, although I felt in the absence of any explanation very indignant at such detention, I wrote thus:

> We must request as a favor that you will not publish anything about it in your newspapers. No doubt Mr. Seward's intentions are good and patriotic, but he has made several blunders, and his spies and informers have probably misled him.

From what I have already written you will readily perceive that it could be no satisfaction to me to find my numerous friends here and in England sneering at this Government, or Gladstone and my co-Etonians in Parliament from Lord Derby downward comparing the New York post-office to that of the King of Naples.

Since beginning to write this letter I have received through the post-office sundry letters from Europe for Maury Bros. which have been detained and opened, but I still lack some from my brother and from T. & H. Littledale & Co., or their acting head, John Torr, and there may be others which I cannot conjecture. I trust in view of all circumstances that you will by this time have satisfied yourself on the subject and let us have all our detained letters or accurate copies of them, and direct that our correspondence shall for the future be unobstructed; and I beg leave most particularly to request that those letters from Europe for the South which came direct from thence to our care and which the policemen carried away from our iron safe may be returned to us. We have no account of them or of their number, but they are probably from E. Evans & Co., Liverpool, and John K. Gilliat & Co., London. They were intrusted to us direct by the parties in Europe and we informed them that they would not be forwarded until it was legal. We have not informed the parties of their seizure and we wish not to be under the necessity of doing so in order to avoid throwing unnecessary trouble upon Mr. Adams in London.

I can only add that I shall be glad to explain any particulars that you may have against me or my house and that, with much respect, I have the honor to be, your most obedient servant,

M. MAURY.

DECEMBER 13, 1861.

P. S.—Not having been able to see Mr. Grinnell yesterday I beg leave to add that I have no more letters. You will observe that Mr. Torr to whom I have alluded refused to preside at the indignation meeting in

Liverpool. He showed sense at least, but he has been a constant believer in the impossibility of reunion. He belongs to the old Tory party and is I think in intimate political intercourse with Derby and D'Israeli. I shall be curious to hear what he has to say a fortnight later.

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DEPARTMENT OF STATE, *Washington, December 19, 1861.*

JOHN A. KENNEDY, Esq., *Superintendent of Police, New York.*

SIR: You may discontinue the surveillance over the correspondence of Messrs. Maury Bros., and say to them that this is done with the expectation that if any letters addressed to persons in the insurrectionary States come into their possession hereafter they will not attempt to forward them but will deliver them to you to be sent to this Department. Will you please return the inclosed letter to them?

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

OFFICE OF THE SUPT. OF THE METROPOLITAN POLICE,
New York, December 24, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: The letters returned from the Department addressed to Messrs. Maury Bros., not in each case having the postage paid, instead of handing over in person to their address I returned to Mr. Taylor, the postmaster, and yesterday called on Mr. Maury to communicate the contents of the letter of the Assistant Secretary of the 19th instant. He not being at home on my invitation has called on me this morning.

I stated to him the requirement made by the Department, viz, that it is expected of him to deliver over to the superintendent of the police any letters he may receive addressed to persons in the insurrectionary States. To this he dissents on the ground that he supposes no letters have been sent to him for persons in those States which were not purely of a commercial or family character, and which are not innocent of any design to interfere with the business of the Government. He desires instead of being required to deliver such letters to me that the condition will stand that he shall return them to the writers, informing them that he can send no letters to the South during the period of interdiction. He says that he has directed his brother in Liverpool to give notice to their correspondents in Europe that no letters for the South will be forwarded by them until it is legal to do so, and gives that as a justification for taking the ground he does. Your further instructions are requested.

Very truly, yours,

JOHN A. KENNEDY,
Superintendent.

—

OFFICE OF THE SUPT. OF THE METROPOLITAN POLICE,
New York, December 24, 1861.

F. W. SEWARD, Esq., *Assistant Secretary of State.*

SIR: Messrs. Maury Bros., not having as yet agreed to the conditions alluded to in yours of 19th instant I send you two letters* to their address received per America.

Very truly, yours,

JOHN A. KENNEDY,
Superintendent.

* Omitted.

NEW YORK, *December 24, 1861.*

Hon. W. H. SEWARD, *Secretary of State, &c., Washington.*

SIR: I had the honor to address you on the 11th instant. I have to-day seen Superintendent Kennedy who wished me to promise to deliver to him all letters we may receive from Europe for parties in the South. He kept me so long while he was preparing the letter to you which he read to me that I would not ask him to write it over again for the purpose of giving more fully the reasons why I preferred returning the letters to Europe to delivering them to him. The first reason is that we have not forwarded any such letters since communication was interdicted; the second, that having informed several of our friends and requested my brother in England so to inform them that we should not forward any such letters until it was legal to do so they may send letters to us to be forwarded at the first moment when it is legal, and you must be aware that it may be a matter of much commercial importance to have their letters conveyed to the South immediately it becomes legal to do so without their waiting to hear that it is so.

I have received a number of our letters since my last which have been opened in Washington, but there are evidently several still wanting which I trust you will send to us, including an account sales of cotton and anything that Edward Heath & Co. may have written us as to a shipment of gunny-bags to this port. I wish also the letters for the South to be returned to us as I named on the 11th instant. Among the letters we have received was an envelope which has been marked unimportant at your office and none of the contents of which have come to hand, although it appears to have been prepaid double in England. We do not recognize the writing. Upon speaking to Kennedy he thinks we had better send it to you for explanation.

In conclusion we have done everything that we can think of by way of explanation to satisfy you that we are entitled to be regarded as loyal citizens. We hope therefore that you will give orders that for the future our letters shall pass into our hands without obstruction.

With much respect, I have the honor to be, your most obedient servant,

M. MAURY.

P. S.—I have to-day written to my brother that I wish our friends to abstain from sending any letters for the South to us on any pretense whatever.

M. M.

—

DEPARTMENT OF STATE, *Washington, January 2, 1862.*

JOHN A. KENNEDY, Esq., *Superintendent of Police, New York.*

SIR: I am directed by the Secretary of State to say that you may return to Mr. M. Maury, of Maury Bros., the inclosed letters. You may also discontinue the surveillance over their correspondence on their engagement (as proposed by Mr. M.) to return to the future writers all such letters as shall come to them for transmission to the insurrectionary States during the continuance of the insurrection.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

NEW YORK, *January 3, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: I respectfully beg your attention to the following statement in behalf of my brothers, Rutson Maury, jr., and Matthew F. Maury, who were arrested last October at Cleveland, Ohio, for carrying letters to the South: Rutson Maury, jr., was placed in Fort Lafayette on the 10th of November where he has since remained. Rheumatism and influenza to both of which he is subject in aggravated forms are preying upon his bodily health. In addition to these mental anxiety caused by the destitute condition of his wife and child in Alabama renders his captivity hard to be borne. Matthew F. Maury was conveyed to Fort Lafayette on the 9th of November and transferred thence on the 16th to Fort Warren, where he is still. An intestine disease contracted two years ago in New Orleans and of which his physicians affirmed he ought according to the laws of nature to have died now threatens him again. We have lately heard of the death of the lady to whom he was engaged in marriage. A hopeless depression of spirits acting upon a body infirm and naturally unable from long residence in the South to endure the rigor of a Northern climate makes his confinement trying indeed.

The offense of which they are guilty is carrying letters. I do assure you they took particular care so far as I know and verily believe that neither treason nor political discussion should be contained in them. To say the very least it was their known interest so to do. Every letter was either open or had the words "open if necessary" written upon it.

In fine I beg to remind you of your friendship for my mother, Sarah Mytton Maury, in the years 1845 and 1846, and deigning to hope that such remembrance may descend to her sons and induce you to grant their release I am, respectfully, your obedient servant,

WALKER MAURY.

FORT LAFAYETTE, *New York Harbor, January 24, 1862.*

Hon. W. H. SEWARD, *Secretary of State, Washington.*

SIR: I last addressed you on the 10th instant, forwarding my communication through Lord Lyons. It is impossible for me to know whether or not said communication reached his lordship but I certainly do know that to this date I am without any replies to my favors. Failing in obtaining any answer I would be pleased to know what steps the United States Government have determined to take in my case and what proposals will be acceptable to the United States Government in order to effect my release from prison. If the Government refuse to allow me to proceed South to rejoin my family I am willing to proceed to England if I am released at once and allowed to forward letters and means of support to my family during the continuance of the war, said letters being forwarded through the U. S. authorities abroad, *i. e.*, the consuls appointed by the Government.

I am, sir, your obedient servant,

RUTSON MAURY, JR.

NEW YORK, *January 26, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: Earl Bill, U. S. marshal at Cleveland, Ohio, agreeably to the instructions of Hon. Ed. Jordan, Solicitor of the Treasury of the United

States and in obedience to the order of the U. S. district court for that district forwarded to their owners the trunks seized as the property of my brothers Matthew F. and Rutson Maury, jr. In the trunk of the former Mr. Bill found the sum of $14.45, from which after deducting necessary charges he sent the balance in the trunk.

I have written to Mr. Bill asking for the restoration of $300 in gold seized in the latter part of November last as the property of Rutson Maury, jr. To this he has replied that he is "not aware that any Department or officer of the Government has given him or any officer of his district any order or direction to restore to Rutson Maury, jr., all his effects," though he restored money found in the trunk of M. F. Maury. He also informs me that the sum in question is now in the hands of James A. Craw, esq., sheriff of Cuyahoga County, at Cleveland; and he further recommends me to apply to your Department for an order to be issued for its restoration.

I therefore respectfully beg of you to issue an order for the restoration of this money to my brother, and am, sir, with much respect, your obedient servant,

WALKER MAURY.

—

DEPARTMENT OF STATE, *Washington, January 28, 1862.*

EARL BILL, Esq., *U. S. Marshal, Cleveland, Ohio.*

SIR: I have to request that you will inform this Department whether proceedings have been commenced in the U. S. courts for the confiscation of the $300 in coin which was seized with the other property belonging to Mr. Rutson Maury at the time of his arrest.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

FORT LAFAYETTE, *New York Harbor, January 29, 1862.*

Hon. W. H. SEWARD, *Secretary of State, Washington.*

SIR: On December 4, 1861, Lord Lyons informed me that on the 2d of that month the Solicitor of the Treasury had been requested to direct the U. S. attorney at Cleveland to send my trunks to the care of Her Majesty's consul at New York, thus discontinuing proceedings against them and their contents. I had also at Cleveland deposited $300 in gold in the hands of R. M. N. Taylor, esq., proprietor of the Angier Hotel for safe-keeping until my return there. I have never been able to recover this money and only to-day am informed that my money ($300) is in the hands of James A. Craw, esq., sheriff at Cleveland, seized in the latter part of November last as my property and now held by the sheriff subject to the adjudication of the district court of the United States as to whether it shall or not be confiscated under the act of Congress in that behalf. As I am suffering for this money, my family also, I respectfully ask that the U. S. district attorney at Cleveland be requested to discontinue proceedings and that the money be forwarded to me at Fort Lafayette, care Colonel Burke.

I am, sir, your obedient servant,

RUTSON MAURY, JR.

Extract of a letter from Mr. Matthew F. Maury to Lord Lyons, dated Fort Warren, January 30, 1862.

* * * May I ask your lordship to propose to him (Mr. Seward) to grant me a release upon condition that I return to England within a week or thereabout from my discharge, according to the sailing of the steamer, and that I engage on parole of honor to hold no communication with the Southern States or do anything hostile to the United States in the interim. It is but three weeks since one of my fellow-prisoners, Mr. D. C. Lowber, of New Orleans, was released upon precisely the terms thus offered. * * *

—

U. S. MARSHAL'S OFFICE, *Cleveland, January 31, 1862.*

Hon. F. W. SEWARD,
Assistant Secretary of State, Washington.

SIR: I am this day in receipt of your letter of the 28th instant requesting information "whether proceedings have been commenced in the U. S. courts for the confiscation of the $300 in coin which was seized with the other property belonging to Mr. Rutson Maury at the time of his arrest." In reply I have the honor to state that on the 29th day of November last I found in possession of Mr. R. M. N. Taylor, the proprietor of the Angier Hotel of this city, $300 in gold coin which had been deposited with said Taylor by Rutson Maury, jr., after the seizure of his baggage by the inspector of the revenue (which event took place I think on or about the 28th of October last), and the day prior to his leaving this city for Washington with the avowed purpose of applying to the Government for the discharge of his baggage. Upon being advised of such deposit I seized the package of gold and filed an information with the district attorney who forthwith commenced proceedings against the same for confiscation, and upon the hearing of the cause by the district court on the 21st instant it was by the court adjudged and decreed to be confiscated, and on the 25th instant the court made its order for distribution of the same, one-half to the informer and the remaining half to be paid into the Treasury of the United States according to the provisions of the act of Congress in that behalf, which has been done accordingly as I am informed. It will be seen therefore that the $300 in coin was not seized with the other property belonging to Mr. Rutson Maury at the time of his arrest which was made in Washington (and neither here nor by me) nor at the time of the seizure of his baggage or other property, but a month after that event. The proceedings in court for its confiscation have been wholly separate and distinct from those for the forfeiture of the other property both in character and point of time, in the latter the libel having been filed under the act of Congress of July 13, 1861, and as to the coin they were under the confiscation act of August 6, 1861.

I remain, sir, your obedient servant,

EARL BILL,
U. S. Marshal.

—

DEPARTMENT OF STATE, *Washington, February 4, 1862.*

ROBERT F. PAINE, Esq., *U. S. Attorney, Cleveland.*

SIR: I transmit a copy of a letter of the 29th ultimo addressed to this Department by Rutson Maury, jr., a prisoner at Fort Lafayette, and

will thank you to discontinue proceedings against the sum of money to which it refers and to remit the same to him to the care of Mr. Archibald, British consul at New York.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, February 4, 1862.*

Col. MARTIN BURKE, *Fort Hamilton, N. Y.*

COLONEL: I will thank you to inform Rutson Maury, jr., that his letter to this Department of the 29th ultimo has been received; that the attorney of the United States for the northern district of Ohio has been directed to discontinue proceedings against the money to which the letter refers and to remit the amount to him to the care of the British consul at New York.

I am, your very obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, February 5, 1862.*

Col. JUSTIN DIMICK, *Fort Warren, Boston.*

SIR: Let Matthew F. Maury, a prisoner confined in Fort Warren, be released on stipulating upon oath that he will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State; and also that he will not do anything hostile to the United States during the present insurrection.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

DEPARTMENT OF STATE, *Washington, February 5, 1862.*

SETH C. HAWLEY, Esq., *New York.*

SIR: Will you have the kindness to go to Fort Lafayette and see Mr. Rutson Maury? The Government is disposed to release him but is embarrassed by a want of confidence that he will honorably and faithfully keep any engagements he may be required to make. If he can satisfy you upon that point he will be released upon condition that he will not enter any of the insurrectionary States nor hold any correspondence with persons residing in those States nor do any act hostile or injurious to the Government of the United States during the present hostilities without permission from the Secretary of State.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

U. S. DISTRICT ATTORNEY'S OFFICE,
Cleveland, February 6, 1862.

Hon. W. H. SEWARD, *Secretary of State, Washington, D. C.*

DEAR SIR: Yours of the 4th instant inclosing copy of a letter from Rutson Maury, jr., and instructing me to discontinue proceedings against the sum of money to which it refers and to remit the same to him to the care of Mr. Archibald, British consul at New York, has just

been received. It is impossible to comply for the reason that there are no proceedings pending. The trial was had and the gold condemned and decreed to be forfeited on the 21st ultimo, and James A. Craw, sheriff of Cuyahoga County, Ohio, in whose possession the same was, was ordered to pay the money to the clerk of the court, which was done the same day. On the 25th ultimo a final order of distribution was entered ordering one-half paid to the informer and the other into the Treasury of the United States. The proceedings were under the act of August 6, 1861, and my final report to the Solicitor of the Treasury was made January 29. The fact is Rutson Maury, jr., and M. F. Maury were both engaged in the business of giving aid to the rebels. They had established a regular mail between New Orleans and New York and at the time of their arrest they had between 400 and 600 letters on their way to New Orleans, one of which was a letter from the captain-general of Cuba to Jeff. Davis informing him that the rebel flag had been recognized in Cuba, &c.

Your obedient servant,

ROBERT F. PAINE,
U. S. Attorney.

—

FORT WARREN, *Boston Harbor, February 12, 1862.*

Hon. W. H. SEWARD, *Secretary of State.*

SIR: * * * Matthew F. Maury requests to defer taking his parole for a few days until he hears from Lord Lyons.

I am, sir, with the highest respect, your obedient servant,

J. DIMICK,
Colonel First Artillery, Commanding Post.

—

NEW YORK, *February 12, 1862.*

F. W. SEWARD, *Assistant Secretary of State.*

SIR: In pursuance of your instructions of the 5th instant I visited Fort Lafayette and had an interview with Mr. Rutson Maury, a prisoner in that fortress. I have only the man's appearance and manner to guide me to a conclusion in his case. He is undoubtedly a British subject. He tells a story that does not in any respect impeach itself and altogether impresses me as a man to believe. His family (wife and child) are in Alabama and he wishes to go there or to take measures to bring them to him, preferring as I see the former. I think he may be trusted to observe the conditions of any parole you may require and recommend the experiment. If the conditions are that he remain at the North I hope he will be allowed such degree of liberty in correspondence as shall permit him to call his family to him. If he is required to remain here separate from his family there will be a motive constantly operating to induce him to evade his parole. Moreover he should have his family with him if it is possible.

Yours, respectfully,

S. C. HAWLEY.

P. S.—The order to me in this case was not accompanied by any inclosures.

S. C. H.

FORT LAFAYETTE, *New York Harbor, February 12, 1862.*

Lieut. Col. MARTIN BURKE,
Third Artillery, Commanding Forts Hamilton and Lafayette.

COLONEL: I have the honor to inform you that in obedience to the instructions received from you I have read to Rutson Maury, jr., a prisoner confined at this post, the communication of the honorable Secretary of State relative to the confiscation of $300 in coin belonging to the said Rutson Maury, jr.

I am, colonel, very respectfully, your obedient servant,
CHAS. O. WOOD,
First Lieutenant, Ninth Infantry, Commanding Post.

FORT LAFAYETTE, *New York Harbor, February 13, 1862.*

Hon. W. H. SEWARD, *Secretary of State, Washington, D. C.*

SIR: I am favored with your communication of 4th instant regarding $300 in gold coin referred to in my letter to you dated 29th ultimo. Since then I have had communication from F. W. Seward, esq., Assistant Secretary of State, addressed to Col. M. Burke, inclosing a copy of a letter from the marshal of Cleveland, Ohio, wherein Mr. F. W. Seward is informed that under the act of Congress dated August 13, 1861, my property has been confiscated, one-half of the amount being paid to the informer and one-half to the Treasury of the United States of America. I am induced to forward you a copy of a letter addressed to my brother by Mr. Earl Bill concerning this money, which letter I judge to have been written on or about the 25th of January, as the date of my brother's letter to me is 27th, and is as follows:

It is true that there is now in the hands of James A. Craw, esq., sheriff at Cleveland, $300 in gold, seized in the latter part of November last as the property of Rutson Maury, and now held by the sheriff subject to the adjudication of the district court of the United States as to whether it shall or not be confiscated under the act of Congress in that behalf. If it is believed by you or by your brother Rutson that it is proper and right that this money should be discharged from the libel filed against it by the district attorney I suggest that application be made to the proper Department of the Government and its order in that behalf obtained. Though the money is not in my possession or under my control, I can vouch that such an order will be most promptly obeyed by the officer who has the custody of it.

EARL BILL.

Now, sir, the very man who writes as above writes to the Assistant Secretary of State that the hearing of the cause came on on the 21st ultimo and on the 25th was declared by the court confiscated, one-half being paid to the informer and one-half to the Treasury of the United States under the confiscation act of August 13. What that act is I know not and should be pleased to know its nature. I wish also to know by what right any court can take my property without my being notified to appear in person or by counsel? I shall await your reply confirmatory of your communication of the 4th instant. For nearly six months I have been unable to send my wife and child money to pay their monthly expenses; in fact I am penniless in your country, and now to have my little taken from me without trial added to my imprisonment is indeed I should think enough to satisfy the revenge of those who have been instrumental in bringing me to the level of a felon.

I am, sir, your obedient servant,
RUTSON MAURY, JR.

This man R. M. N. Taylor met me in Mr. Kennedy's (chief of police) office on the morning of the 11th of November last and assured me that he would send the money to my brother, and the way he has done it is by pocketing $150.

FORT WARREN, *Boston Harbor, February 15, 1862.*

I, Matthew F. Maury, a prisoner in Fort Warren, do solemnly swear that I will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State; and also that I will not do anything hostile to the United States during the present insurrection. So help me God.

MATTHEW F. MAURY.

Sworn and subscribed to before me at Fort Warren on this the 15th day of February, A. D. 1862.

J. DIMICK,
Colonel First Artillery, Commanding Fort.

WAR DEPARTMENT, *Washington, February 21, 1862.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette, New York Harbor.*

COLONEL: You may release on the 22d day of February instant the following prisoners confined in Fort Lafayette upon their engaging upon their honor that they will render no aid or comfort to the enemies in hostility to the Government of the United States: * * * Rutson Maury. * * *

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

FORT LAFAYETTE, *New York Harbor, February 22, 1862.*

We, the undersigned, do solemnly promise upon our word of honor that we will render no aid or comfort to the enemies in hostility to the Government of the United States.

RUTSON MAURY.
[AND 36 OTHERS.]

WASHINGTON, *March 1, 1862.*

Hon. WILLIAM H. SEWARD, &c.

SIR: Mr. Rutson Maury has sent me a copy of a letter which he addressed to you on the 13th of last month respecting a sum of $300 in gold belonging to him which appears to have been confiscated by order of the district court of the United States for the northern district of Ohio.

Mr. Maury's imprisonment was naturally an impediment to his taking measures to resist the application to the court for the confiscation of his property. He was moreover informed by a letter which you were so good as to write to him on the 4th ultimo that the U. S. district attorney had been directed to discontinue proceedings against the money and to remit the amount to him to the care of Her Majesty's consul at New York.

Under these circumstances he begs me to call your attention again to the matter in the hope that the sum of which he is still deprived may be restored to him. He also requests me to apply for the restoration of letters addressed to him which were taken from the office of Messrs. Maury Bros., of New York, in the month of November last after having been returned from the Dead-Letter Office at Washington. One he says

contained a draft drawn by Mr. William Mure on the Royal Bank at Liverpool; another a very important family paper.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

LYONS.

DEPARTMENT OF STATE, *Washington, March 5, 1862.*

Right Hon. Lord LYONS, &c.

MY LORD: I have the honor to acknowledge the receipt of your note of the 1st instant calling my attention to a certain sum of money belonging to Mr. Rutson Maury which was confiscated by order of the district court of the United States for the northern district of Ohio.

In reply I have the honor to transmit to you herewith a packet of letters addressed to Mr. Maury with an accompanying list of the same, and to state that when on the 4th ultimo I informed Mr. Maury that the U. S. district attorney had been directed to discontinue proceedings against the money in question and to remit the amount to him I was under the impression that the cause was still pending in the court, but it having been disposed of by judgment of confiscation it is not in the power of the Executive to interpose in the matter.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Case of Mason, Slidell, Macfarland and Eustis.

These notorious individuals [James M. Mason and John Slidell], one late a Senator of the United States from the State of Louisiana and the other holding the same position from the State of Virginia, violated their oaths in the incipient stages of the rebellion, being among the original conspirators in working up the stupendous scheme of treason. They plunged into active and open rebellion the moment their respective power to injure the Government by secret treachery had been exhausted by the course of events. They sought and obtained pretended commissions from the rebel government as commissioners or ministers plenipotentiary to the Governments of France and Great Britain and sailed by a roundabout course for their respective theaters of duty under such pretended appointment. In the course of said voyage on the 8th day of November, 1861, they were found by Captain Wilkes, of the U. S. war steamer San Jacinto, on board the British mail steamer Trent and by him arrested on board the said mail steamer, taken on board the said San Jacinto and brought to the United States and lodged in Fort Warren for safe-keeping. The British Government claimed that the arrest of these malefactors on the Trent under the British flag was a violation of neutral rights and requested that they be surrendered. This claim was acknowledged by the United States to be just, and the request founded thereon was therefore acceded to. The prisoners were placed on board a British man-of-war pursuant to arrangements with the British minister on the 1st day of January, 1862.

George Eustis, private secretary to the rebel commissioner, John Slidell, was captured by Captain Wilkes, of the San Jacinto, near the West Indies on board the English steamer Trent November 8, 1861. He arrived in Boston Harbor November 24 and was committed to Fort

Warren. Eustis was released by order of the Secretary of State January 1, 1862.—*From Record Book, State Department, "Arrests for Disloyalty."*

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U. S. CONSULATE-GENERAL, *Havana, October 17, 1861.*

Maj. WILLIAM H. FRENCH,
Commanding Military Station, Key West.

SIR: The following telegraphic dispatch unfortunately came to my hand after the Nonpareil had left the harbor. It is from the U. S. consular agent at Cardenas and dated last evening:

The steamer Theodora has just entered this port under the flag of the Southern Confederacy. She comes from Charleston; brings passengers, and among them it is said the French consul and his family.

I will communicate any other information that may reach me.

Respectfully and truly, your obedient servant,

THOS. SAVAGE,
U. S. Vice-Consul-General.

—

U. S. CONSULATE-GENERAL, *Havana, October 17, 1861.*

Maj. WILLIAM H. FRENCH, *Key West.*

SIR: Since mine of this date announcing the arrival of the Theodora at Cardenas I have seen a private letter from that place advising that Mr. Mason and Mr. Slidell have come in her on their way to Europe as commissioners of the rebels at France and England. * * *

Respectfully, yours,

THOS. SAVAGE,
Vice-Consul-General.

—

NEW YORK, *October 30, 1861.*

Hon. G. WELLES:

By dispatches from Havana by our steamship Columbia we learn that the steam privateer Theodora, formerly the steamer Gordon, of Charleston, had arrived at Havana with a full cargo, and landed Slidell and Mason with their families. * * *

SPOFFORD, TILESTON & CO.

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DEPARTMENT OF STATE, *Washington, November 6, 1861.*

Hon. GIDEON WELLES, *Secretary of the Navy.*

SIR: I have the honor to transmit herewith a duplicate dispatch received here yesterday from the consul-general of the United States at Havana, on which he reports the arrival * * * of the Theodora from Charleston at Cardenas.

The Department has been informed that the practice of the commanders of ships of the blockading squadron in suspending lanterns from the mastheads of their respective vessels at night is of great service to the vessels of the insurgents intending to run the blockade; giving them exact information as to the position of the blockading ships, and in the absence of light-houses and buoys furnishing to the pilots of the escaping vessels valuable aid in clearing the harbors.

I have the honor to be, sir, your obedient servant,

F. W. SEWARD,
Acting Secretary.

HALIFAX, NOVA SCOTIA, *November 8, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State:*

* * * Steamer Nashville escaped from Charleston. Was coaling at Bermuda on 3d to leave for Liverpool on 5th. Slidell and Mason not on board. Supposed they left Saint Thomas for Southampton on 30th ultimo in English steamer.

M. M. JACKSON,
Consul.

LEGATION OF THE UNITED STATES,
London, November 15, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: * * * On Tuesday morning the 12th I received an informal note from Lord Palmerston inviting me if convenient to call and see him at his own house between 1 and 2 o'clock of that day. I accepted and went. He received me in his library all alone and at once opened on the subject then evidently weighing on his mind. He said that information had come to him of the late arrival of a U. S. vessel of war, the James Adger. She had put into one or two places and finally stopped at Southampton where she had taken in coals and other supplies. But the day before his lordship had understood the captain had got very drunk on brandy after which he had dropped down to the mouth of the river as if about to sail on a cruise. The impression was that he had been directed to keep on the watch for the steamer expected to arrive on Thursday from the West Indies in order to take out of it by force the gentlemen from the Southern States, Messrs. Mason and Slidell, who were presumed to be aboard. Now he was not going into the question of our right to do such an act. Perhaps we might be justified in it as the steamer was not strictly a public vessel or perhaps we might not. He would set the argument aside for those whose province it was to discuss it. All he desired to observe was that such a step would be highly inexpedient in every way he could view it. It would be regarded here very unpleasantly if the captain after enjoying the hospitality of this country, filling his ship with coals and with other supplies and filling his own stomach with brandy (and here he laughed in his characteristic way) should within sight of the shore commit an act which would be felt as offensive to the national flag. Neither could he see what was the compensating advantage to be gained by it. It surely could not be supposed that the addition of one or two more to the number of persons who had already been some time in London on the same errand would be likely to produce any change in the policy already adopted. He did not believe that the Government would vary its action on their account be they few or many. He could not therefore conceive of the necessity for resorting to such a measure as this which in the present state of opinion in England could scarcely fail to occasion more prejudice than it would do good.

His lordship was about to proceed to another matter when I begged leave to interrupt him for the purpose of disposing of this case first. It is almost needless to point out how completely he had taken for granted from the outset that the intention imputed to the Government in sending over the Adger was the true one. He did not even ask me whether he was correct in presuming it and directed all his reasoning

rather to the end of dissuading the execution of the design by trying to convince me not so much of its impropriety as of its inexpediency. This furnishes a curious example of the absence of confidence in our principles of action growing out of indifference to the labor of understanding them. I began a reply by requesting permission to ask his lordship a question, and that was upon what ground he rested his belief that any such enterprise as he described had been meditated by Captain Marchand. This seemed to surprise him a little but he immediately answered that it was his impression derived from the fact of the arrival of the U. S. steamer just now and the coincidence of her preparation to start again with the period assigned for the approach of the gentlemen in the West India steamer. He could not conceive what the Adger was sent all the way across for if not for this object.

It is scarcely difficult to fix upon the source from which such an impression as this must have been directly or indirectly obtained. I made no allusion to it, however, and contented myself with expressing my satisfaction on finding he had no better foundation for the story. In point of fact I might say to him that Captain Marchand had been up to London; had called upon me and had shown me his instructions. The purpose of the Government on learning that Messrs. Mason and Slidell had evaded the blockade by sailing in a steamer called the Nashville, originally stolen from the owners in the North by forcible seizure whilst lying in that port at the commencement of the difficulties, had been to dispatch steamers various ways with instructions to intercept and capture that vessel and her passengers wherever she might be found on the ocean. To that end Captain Marchand had come all the way across in the expectation of overtaking and making prize of her. He would have done so had he met her. I took it for granted that his lordship had no objection to make to that proceeding. But having once arrived here and ascertained that the Nashville was not likely to make its appearance in these waters the captain after refitting his vessel had written to me a note announcing his departure under his instructions to return home.

At the same time I thought it no more than fair to apprise his lordship that I had urged the captain to keep his eye upon a steamer that was departing from London at about the same time under the protection of the British flag though to my knowledge intended to convey a large cargo of contraband of war to some part of the blockaded coast of the United States. It was just as well to confess that we had been very much annoyed by these repeated cases of outfits from this island. First the steamer Bermuda had sailed and she had succeeded in running into Savannah. Next came the Fingal which went only a few weeks since; her fate we had not yet heard of. Lastly was this Gladiator just dispatched from London with scarcely any pretense of concealment. I had advised Captain Marchand to keep on the track of her and the very first moment he could form a reasonable conviction of her intent to land anywhere in the United States to snap her up at once if possible. With this exception I thought the destination of the James Adger might be depended upon.

Here the discussion of this matter rested and his lordship seemed tolerably well satisfied. * * * This conference lasted perhaps half an hour, and on taking my leave his lordship expressed his satisfaction with the result.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

U. S. STEAMER SAN JACINTO, *November 15, 1861.*

Hon. GIDEON WELLES, *Secretary of the Navy.*

SIR: I have written to you relative to the movements of this ship from Cienfuegos on the south coast of Cuba. There I learned that Messrs. Slidell and Mason had landed in Cuba and had reached the Havana from Charleston. I took in some sixty tons of coal and left with all dispatch on the 26th of October to intercept the return of the Theodora; but on my arrival at the Havana on the 31st I found she had departed on her return and that Messrs. Slidell and Mason with their secretaries and families were there and would depart on the 7th of the month in the English steamer Trent for Saint Thomas on their way to England.

I made up my mind to fill up with coal and leave the port as soon as possible to await at a suitable position on the route of the steamer to Saint Thomas to intercept her and take them out.

* * * * * * *

I then went over to Key West in hopes of finding the Powhatan or some other steamer to accompany me to the Bahama Channel to make it impossible for the steamer in which Messrs. Slidell and Mason were to embark to escape either in the night or day. The Powhatan had left but the day before and I was therefore disappointed and obliged to rely upon the vigilance of the officers and crew of this ship and proceeded the next morning to the north side of the island of Cuba, communicated with Sagua la Grande on the 4th, hoping to receive a telegraphic communication from Mr. Shufeldt, our consul-general, giving me the time of the departure of the steamer.

In this also I was disappointed and ran to the eastward some ninety miles, where the old Bahama Channel contracts to the width of fifteen miles some 240 miles from the Havana and in sight of the Paredon del Grande Light-House. There we cruised until the morning of the 8th awaiting the steamer, believing that if she left at the usual time she must pass us about noon of the 8th and we could not possibly miss her. At 11.40 a. m. on the 8th her smoke was first seen. At 12 m. our position was to the westward of the entrance into the narrowest part of the channel and about nine miles northeast from the light-house of Paredon del Grande, the nearest point of Cuba to us. We were all prepared for her, beat to quarters, and orders were given to Lieut. D. M. Fairfax to have two boats manned and armed to board her and make Messrs. Slidell, Mason, Eustis and Macfarland prisoners and send them immediately on board. (A copy of this order to him is herewith inclosed.) The steamer approached and hoisted English colors. Our ensign was hoisted and a shot was fired across her bow. She maintained her speed and showed no disposition to heave to. Then a shell was fired across her bow which brought her to. I hailed that I intended to send a boat on board, and Lieutenant Fairfax with the second cutter of this ship was dispatched. He met with some difficulty and remaining on board the steamer with a part of the boat's crew sent her back to request more assistance. The captain of the steamer having declined to show his papers and passenger list a force became necessary to search her. Lieut. James A. Greer was at once dispatched in the third cutter also manned and armed.

Messrs. Slidell and Mason, Eustis and Macfarland were recognized and told they were required to go on board this ship. This they objected to until an overpowering force compelled them; much persuasion was used and a little force and at about 2 o'clock they were

brought on board this ship and received by me. Two other boats were then sent to expedite the removal of their baggage and some stores when the steamer, which proved to be the Trent, was suffered to proceed on her route to the eastward and at 3.30 p. m. we bore away to the northward and westward. The whole time employed was two hours and thirteen minutes.

I inclose you the statements of such officers who boarded the Trent relative to the facts and also an extract from the log book* of this ship.

It was my determination to have taken possession of the Trent and send her to Key West as a prize for resisting the search and carrying these passengers whose character and objects were well known to the captain, but the reduced number of my officers and crew and the large number of passengers on board bound to Europe who would be put to great inconvenience decided me to allow them to proceed.

Finding the families of Messrs. Slidell and Eustis on board I tendered them the offer of my cabin for their accommodation to accompany their husbands. This they declined, however, and proceeded in the Trent.

Before closing this dispatch I would bring to your notice the notorious action of her Britannic Majesty's subjects, the consul-general of Cuba and those on board the Trent in doing everything to aid and abet the escape of these four persons and endeavoring to conceal their persons on board. No passports or papers of any description were in possession of them from the Federal Government, and for this and other reasons which will readily occur to you I made them my prisoners and shall retain them on board here until I hear from you what disposition is to be made of them.

I cannot close this report without bearing testimony to the admirable manner in which all the officers and men of this ship performed their duties and the cordial manner in which they carried out my orders.

To Lieutenant Fairfax I beg leave to call your particular attention for the praiseworthy manner in which he executed the delicate duties with which he was intrusted. It met and has received my warmest thanks.

After leaving the north side of Cuba I ran through the Santaren Passage and up the coast from off Saint Augustine to Charleston, and regretted being too late to take a part in the expedition to Port Royal.

I inclose herewith a communication from Messrs. Slidell, Mason, Eustis and Macfarland with my answer.

I have the honor to be, very respectfully, your obedient servant,

CHARLES WILKES,
Captain.

[Inclosure No. 1.]

U. S. STEAMER SAN JACINTO, *At Sea, November 8, 1861.*

Lieut. D. M. FAIRFAX, U. S. Navy,
Executive Officer, San Jacinto.

SIR: You will have the second and third cutters of this ship fully manned and armed and be in all respects prepared to board the steamer Trent now hove to under our guns.

On boarding her you will demand the papers of the steamer, her clearance from Havana with the list of passengers and crew.

Should Mr. Mason, Mr. Slidell, Mr. Eustis and Mr. Macfarland be on board you will make them prisoners and send them on board this ship immediately and take possession of her as a prize.

* Omitted.

I do not deem it will be necessary to use force; that the prisoners will have the good sense to avoid any necessity for using it, but if they should they must be made to understand that it is their own fault. They must be brought on board. All trunks, cases, packages and bags belonging to them you will take possession of and send on board this ship. Any dispatches found on the persons of the prisoners or in possession of those on board the steamer will be taken possession of also, examined and retained if necessary.

I have understood that the families of these gentlemen may be with them. If so I beg you will offer some of them in my name a passage in this ship to the United States, and that all the attentions and comforts we can command are tendered them and will be placed in their service.

In the event of their acceptance should there be anything which the captain of the steamer can spare to increase the comforts, in the way of necessaries or stores of which a war vessel is deficient, you will please to procure them. The amount will be paid for by the paymaster.

Lieut. James A. Greer will take charge of the third cutter which accompanies you and assist you in these duties.

I trust that all those under your command in executing this important and delicate duty will conduct themselves with all the delicacy and kindness which becomes the character of our naval service.

I am, very respectfully, your obedient servant,

CHARLES WILKES,
Captain.

[Inclosure No. 2.]

U. S. STEAMER SAN JACINTO, *At Sea, November 11, 1861.*

Lieut. D. M. FAIRFAX, U. S. Navy.

SIR: You will report to me in writing all the facts which transpired under your observation on board the mail steamer Trent, bound from Havana to Saint Thomas, whilst hove to under our guns on the 8th instant and boarded by you under my orders.

I am, respectfully, your obedient servant,

CHARLES WILKES,
Captain.

(Same to Lieut. James A. Greer, Second Assistant Engineer James B. Houston, Third Assistant Engineer George W. Hall, Paymaster's Clerk R. G. Simpson, Master's Mate Charles B. Dahlgren, and Boatswain H. P. Grace, U. S. Navy.)

[Inclosure No. 3.]

U. S. STEAMER SAN JACINTO, *At Sea, November 12, 1861.*

Capt. CHARLES WILKES, U. S. Navy,
Commanding San Jacinto.

SIR: At 1.20 p. m. on the 8th instant I repaired alongside of the British mail packet in an armed cutter, accompanied by Mr. Houston, second assistant engineer, and Mr. Grace, the boatswain.

I went on board the Trent alone leaving the two officers in the boat with orders to await until it became necessary to show some force.

I was shown up by the first officer to the quarter-deck where I met the captain and informed him who I was, asking to see his passenger list. He declined letting me see it. I then told him that I had information of Mr. Mason, Mr. Slidell, Mr. Eustis and Mr. Macfarland hav-

ing taken their passage at Havana in the packet to Saint Thomas and would satisfy myself whether they were on board before allowing his steamer to proceed. Mr. Slidell evidently hearing his name mentioned came up to me and asked if I wanted to see him. Mr. Mason soon joined us, and then Mr. Eustis and Mr. Macfarland when I made known the object of my visit. The captain of the Trent opposed anything like a search of his vessel nor would he consent to show papers or passenger list. The four gentlemen above mentioned protested also against my arresting and sending them to the U. S. steamer near by. There was considerable noise among the passengers just about this time and that led Mr. Houston and Mr. Grace to repair on board with some six or eight men, all armed. After several unsuccessful efforts to persuade Mr. Mason and Mr. Slidell to go with me peaceably I called to Mr. Houston and ordered him to return to the ship with the information that the four gentlemen named in your order of the 8th instant were on board, and force must be applied to take them out of the packet. About three minutes after there was still greater excitement on the quarter-deck which brought Mr. Grace with his armed party. I however deemed the presence of any armed men unnecessary and only calculated to alarm the ladies present, and directed Mr. Grace to return to the lower deck where he had been since first coming on board.

It must have been less than half an hour after I boarded the Trent when the second armed cutter under Lieutenant Greer came alongside (only two armed boats being used). He brought in the third cutter eight marines and four machinists in addition to a crew of some twelve men. When the marines and some armed men had been formed just outside of the main-deck cabin where these four gentlemen had gone to pack up their baggage I renewed my efforts to induce them to accompany me on board. Still refusing to accompany me unless force was applied I called in to my assistance four or five officers and first taking hold of Mr. Mason's shoulder with another officer on the opposite side I went as far as the gangway of the steamer and delivered him over to Lieutenant Greer to be placed in the boat. I then returned for Mr. Slidell who insisted that I must apply considerable force to get him to go with me. Calling in at least three officers he was also taken in charge and handed over to Mr. Greer. Mr. Macfarland and Mr. Eustis after protesting went quietly into the boat. They had been permitted to collect their baggage but were sent in advance of it under charge of Lieutenant Greer. I gave my personal attention to the luggage, saw it put in a boat and sent in charge of an officer to the San Jacinto.

When Mr. Slidell was taken prisoner a great deal of noise was made by some of the passengers which caused Lieutenant Greer to send the marines into the cabin. They were immediately ordered to return to their former position outside. I carried out my purpose without using any force beyond what appears in this report. The mail agent, who is a retired commander in the British navy, seemed to have a great deal to say as to the propriety of my course, but I purposely avoided all official intercourse with him. When I finally was leaving the steamer he made some apology for his rude conduct and expressed personally his approval of the manner in which I had carried out my orders. We parted company from the Trent at 3.20 p. m.

Very respectfully, your obedient servant,

D. M. FAIRFAX,
Lieutenant and Executive Officer.

[Inclosure No. 4.]

U. S. STEAMER SAN JACINTO, *At Sea, November 12, 1861.*

Captain WILKES, *Commanding San Jacinto.*

SIR: In accordance with your instructions I submit the following:

On November 8, between 1 and 2 p. m., I was ordered by Lieutenant Breese, acting executive officer, to shove off with the third cutter and go alongside of the English mail steamer which was then lying to under our guns. In the boat with me were Third Assistant Engineer Hall, Paymaster's Clerk Simpson, Master's Mate Dahlgren, 1 sergeant, 1 corporal and 6 privates of marines, 4 machinists and the crew, consisting of 13 men, the whole party being well armed. When I arrived at the steamer I was met on the guard by Mr. Grace with a message from Lieutenant Fairfax (who had preceded me on board) to bring the marines on board and station them outside of the cabin, which I did; also to keep the spare men on the guard and to have the boats' crews in readiness to jump on board if needed. As soon as the marines were stationed I had the space outside and forward of the cabin kept clear of passengers and assumed a position where I could see Lieutenant Fairfax, who was then engaged in conversation with persons in the cabin. He shortly came out and told me to remain as I was. He then went back into the cabin and in a few minutes returned with Mr. Mason. He had his hand on his shoulder and I think Mr. Hall had his on the other one. He transferred Mr. Mason to me and I had the third cutter hauled up, into which he got. Shortly after Mr. Macfarland came out and got into the boat. I think he was unaccompanied by any of the officers.

About this time I heard a good deal of loud talking in the cabin and above all I heard a woman's voice. I could not hear what she said. Mr. Fairfax appeared to be having an altercation with some one. There was much confusion created by the passengers and ship's officers who were making all kinds of disagreeable and contemptuous noises and remarks.

Just then Mr. Houston came to me and said he thought there would be trouble. I told him to ask Mr. Fairfax if I should bring in the marines. He returned with an answer to bring them in. At that time I heard some one call out "Shoot him." I ordered the marines to come into the cabin which they did at quick time. As they advanced the passengers fell back. Mr. Fairfax then ordered the marines to go out of the cabin which they did, Mr. Slidell at the same time jumping out of a window of the state-room into the cabin where he was arrested by Mr. Fairfax and was then brought by Mr. Hall and Mr. Grace to the boat, into which he got. Soon after Mr. Eustis came to the boat accompanied by Mr. Fairfax.

I then by his order took charge of the boat and conveyed the gentlemen arrested, viz, Messrs. Slidell, Mason, Macfarland and Eustis, to the San Jacinto where I delivered them over to Captain Wilkes. This was about 2 o'clock. I then returned to the steamer. When I reached her the baggage of the gentlemen was being brought up and sent to the San Jacinto. Soon after Mr. Fairfax told me to send the marines and spare hands on board which I did. He then left me in charge of our party and went on board the San Jacinto. About 3 o'clock she ran under the Trent's stern. I was hailed and directed to come on board, which I did with all excepting Mr. Grace, Mr. Dahlgren and Mr. Hall, who came in another boat.

Very respectfully, your obedient servant,

JAMES A. GREER,
Lieutenant.

P. S.—I desire to add that it was about 1.35 p. m. when I went alongside of the Trent. There were but two armed boats used during the day. A third boat the crew of which were unarmed went alongside during the detention. When I first went on board with the marines and at intervals during my stay the officers of the steamer made a great many irritating remarks to each other and to the passengers which were evidently intended for our benefit. Among other things said were: "Did you ever hear of such an outrage?" "Marines on board! Why, this looks devilish like mutiny." "These Yankees will have to pay well for this." "This is the best thing in the world for the South; England will open the blockade." "We will have a good chance at them now." "Did you ever hear of such a piratical act?" "Why, this is a perfect Bull Run." "They would not have dared to have done it if an English man-of-war had been in sight." The mail agent (a man in the uniform of a commander in the royal navy I think) was very indignant and talkative and tried several times to get me into a discussion of the matter. I told him I was not there for that purpose. He was very bitter. He told me that the English squadron would raise the blockade in twenty days after his report of this outrage (I think he said outrage) got home; that the Northerners might as well give up now, &c. Most all the officers of the vessel showed an undisguised hatred for the Northern people and a sympathy for the Confederates. I will do the captain of the vessel the justice to say that he acted differently from the rest, being when I saw him very reserved and dignified. The officers and men of our party took no apparent notice of the remarks that were made and acted with the greatest forbearance.

Respectfully,

JAS. A. GREER.

[Inclosure No. 5.]

U. S. STEAMER SAN JACINTO, *At Sea, November 13, 1861.*

Capt. CHARLES WILKES, *Commanding.*

SIR: In obedience to your order of the 11th instant I respectfully report:

That upon going alongside of the English steamer Trent on the 8th of this month Lieutenant Fairfax went on board ordering the boatswain and myself to remain in the boat. A few minutes after this my attention was attracted by persons speaking in a loud and excited manner upon the steamer's upper deck. While considering its meaning the noise was repeated which decided me to join Lieutenant Fairfax immediately on board, and I found him surrounded by the officers of the ship and passengers, among whom I recognized Messrs. Mason, Slidell and Eustis. The confusion at this time passes description. So soon, however, as he could be heard the mail agent (who was a retired lieutenant or commander in the British navy) protested against the act of removing passengers from an English steamer.

Lieutenant Fairfax requested Mr. Mason to go quietly to the San Jacinto but that gentleman replied that he would "yield only to force," whereupon I was ordered to our ship to report the presence of the above-named gentlemen together with Mr. Macfarland and ask that the remainder of our force be sent to the Trent, after which I returned to her and entering the cabin saw Mr. Fairfax endeavoring to enter Mr. Slidell's room which was then prevented in a measure by the excitement which prevailed in and around that gentleman's quarters. The passengers (not including Messrs. Mason, Slidell, Eustis or Macfarland)

were disposed at this time to give trouble; some of them went so far as to threaten, and upon Lieutenant Greer being informed by me of this fact he ordered the marines to clear the passage-way of the cabin, but as Mr. Slidell had now come out of his state-room through the window where we could get to him the order to the marines was countermanded by Lieutenant Fairfax. Mr. Slidell was removed to the boat by Mr. Grace and myself, and no more force was used than would show what would be done in case of necessity. Mr. Mason was taken charge of by Lieutenant Fairfax and Third Assistant Engineer Hall. The two secretaries walked into the boat by themselves.

While we were on board of the Trent many remarks were made reflecting discreditably upon us and the Government of the United States. No one was more abusive than the mail agent, who took pains at the same time to inform us that he was the only person on board officially connected with Her Britannic Majesty's Government who, he said, would in consequence of this act break the blockade of the Southern U. S. ports. Another person supposed to be a passenger was so violent that the captain ordered him to be locked up. A short time before leaving the steamer I was informed by one of her crew that the mail agent was advising the captain to arm the crew and passengers of his ship, which I immediately communicated to Lieutenant Greer. About 3.30 p. m. we returned to the San Jacinto.

I am, very respectfully, your obedient servant,

J. B. HOUSTON,
Second Assistant Engineer, U. S. Steamer San Jacinto.

[Inclosure No. 6.]

U. S. STEAMER SAN JACINTO, *At Sea, November 13, 1861.*

Capt. CHARLES WILKES,
Commanding U. S. Steamer San Jacinto.

SIR: In obedience to your order of the 11th instant I respectfully make the following report of what came under my observation on board the mail steamer Trent whilst hove to under our guns on the 8th instant:

I boarded the steamer in the third cutter under the command of Lieutenant Greer. Immediately on reaching the steamer's deck I stationed four men (an oiler, assistant oiler, and two firemen) who accompanied me in the port gangway. I then went into the cabin where I saw Lieutenant Fairfax surrounded by a large number of passengers and the officers of the ship. He was conversing with Mr. Mason and endeavoring to get him to come peaceably on board this ship. Mr. Mason refused to comply unless by force. Lieutenant Fairfax said he would take him by force and taking hold of Mr. Mason's coat collar gave an order, "Gentlemen, lay hands on him." I then laid hold of him by the coat collar, when Mr. Mason said he would yield under protest. I accompanied him as far as the boat which was at the port gangway.

Returning to the cabin Lieutenant Fairfax was at Mr. Slidell's room. After a short time Mr. Slidell came from his room through a side window. He also refused Lieutenant Fairfax's order to come on board the ship unless by force. I with several of the officers then caught hold and used sufficient power to remove him from the cabin. He was accompanied to the boat by Second Assistant Engineer Houston and Boatswain Grace. I then received an order from both Lieutenants Fairfax and Greer to retain the boat until Messrs. Eustis and

Macfarland were found. I remained in the gangway till Messrs. Mason, Slidell, Eustis and Macfarland shoved off, Lieutenant Greer having charge of the gentlemen.

There was a great deal of excitement and talking during the whole time, the officers of the steamer endeavoring particularly to thwart Lieutenant Fairfax in carrying out his orders. They also used very harsh expressions toward us, calling us pirates, piratical expedition, &c., and threatened to open our blockade in a few weeks. At one time the officers and passengers made a demonstration. At the moment the marine guard came hastily in the cabin, but were immediately ordered back by Lieutenant Fairfax.

As far as I am able to judge everything was conducted on our part in a peaceable, quiet and gentlemanly manner, and most remarkably so by Lieutenant Fairfax who certainly had sufficient cause to resort to arms. I remained aboard the Trent till after the baggage belonging to the gentlemen had been sent, and finally returned to this ship with Lieutenant Greer.

Most respectfully, your obedient servant,

GEORGE W. HALL,
Third Assistant Engineer, U. S. Navy.

[Inclosure No. 7.]

U. S. STEAMER SAN JACINTO, *At Sea, November 12, 1861.*

Capt. CHARLES WILKES,
Commanding U. S. Steamer San Jacinto.

SIR: In compliance with your order of yesterday I have the honor to state the following:

Between the hours of 1.30 and 2 p. m. on Friday, November 8, I boarded the mail steamer Trent in the third cutter under the command of Lieut. James A. Greer, of this ship. Immediately after my arrival on board the Trent I was called into the cabin by Lieutenant Fairfax who was endeavoring to persuade Mr. Mason to go peaceably on board the San Jacinto which he obstinately refused to do, and said he would only go by force. Lieutenant Fairfax then said, "Gentlemen" (addressing the officers of this ship then present, Mr. George W. Hall, third assistant engineer; Mr. H. P. Grace, boatswain, and myself), "lay your hands on Mr. Mason," which we accordingly did. Mr. Mason then said, "I yield to force," or words to that effect, when a gentleman alongside in uniform, apparently an officer of the Trent, said, "Under protest." Mr. Mason then said, "I yield to force under protest and will go."

There was a great deal of excitement on board during this time, and the officers and passengers of the steamer were addressing us by numerous opprobrious epithets such as calling us pirates, villains, traitors, &c. The above occurred on the port side of the cabin. Immediately after I was ordered by Lieut. James A. Greer to take charge on the starboard side, as some of our boats were coming alongside to take the personal effects of the prisoners. I remained there until about 3.15 p. m. when I was ordered by Lieut. James A. Greer to return on board the San Jacinto in charge of a portion of the prisoners' baggage.

I am, sir, very respectfully, your obedient servant,

ROBERT G. SIMPSON,
Paymaster's Clerk.

[Inclosure No. 8.]

U. S. STEAMER SAN JACINTO, *At Sea, November 12, 1861.*

Capt. CHARLES WILKES.

SIR: In obedience to your order I hereby state that I was one of those who boarded the Trent mail packet. Mr. Mason and Messrs. Macfarland and Eustis stepped quietly into the boats and were removed to the San Jacinto. Mr. Slidell, however, on a flat refusal to leave the ship in any other manner was by a gentle application of force placed in the boat and removed.

Everything was conducted in an orderly, gentlemanly manner as far as it came under my observation.

I remain, your obedient servant,

CHARLES B. DAHLGREN,
Master's Mate.

[Inclosure No. 9.]

U. S. STEAMER SAN JACINTO, *At Sea, November 12, 1861.*

Capt. CHARLES WILKES,
Commanding U. S. Steamer San Jacinto.

SIR: In obedience to your orders of the 12th instant I have the honor to make the following statement:

On the 8th instant about 1.30 p. m. I was ordered to accompany Lieut. D. M. Fairfax in the second cutter to board the mail steamer Trent, then hove to under the guns of the San Jacinto. Lieutenant Fairfax ordered Mr. Houston and myself to remain in the boat while he went on board. A few minutes after Mr. Fairfax boarded her we heard some loud talking on deck and Mr. Houston went on board to see if Mr. Fairfax needed assistance. He shortly returned and delivered Lieutenant Fairfax's order that I should come on board with the crew. I came on board, found Mr. Fairfax surrounded by ladies and gentlemen and reported to him. He ordered me to remain in the gangway with the men. He was talking at the time to Mr. Mason, persuading him to come on board the San Jacinto without further force being used. Soon after another boat came alongside in charge of Lieut. James A. Greer. He went in the cabin. Soon afterward Lieutenant Fairfax ordered me to wait on Mr. Slidell to the boat. At this order some of the passengers began to shout and the marines rushed in the cabin but Lieutenant Fairfax ordered them back to the gangway. I saw Mr. Slidell in the second cutter. Messrs. Mason, Eustis and Macfarland were in the boat. Mr. Greer returned with those gentlemen to the San Jacinto and I was charged to bring the baggage and effects of the gentlemen on board the San Jacinto, which I did and reported my return to Lieutenant Breese. All the officers of this ship that boarded her have been grossly abused by the officers and passengers of the mail steamer.

I am, sir, very respectfully, your obedient servant,

H. P. GRACE,
Boatswain, U. S. Navy.

[Inclosure No. 10.]

U. S. STEAMER SAN JACINTO, *At Sea, November 9, 1861.*

Captain WILKES, U. S. Navy, *Commanding San Jacinto.*

SIR: We desire to communicate to you by this memorandum the facts attending our arrest yesterday on board the British mail steamer Trent by your order and our transfer to this ship.

We, the undersigned, embarked at Havana on the 7th instant as passengers on board the Trent, Captain Moir, bound to the island of Saint Thomas, the Trent being one of the regular mail and passenger line of the British Royal Steamship Company running from Vera Cruz via Havana to Saint Thomas and thence to Southampton, England. We paid our passage money for the whole route from Havana to Southampton to the British consul at Havana, who acts as the agent or representative of the said steamship company, Mr. Slidell being accompanied by his family consisting of his wife, four children and a servant, and Mr. Eustis by his wife and servants.

The Trent left the port of Havana about 8 o'clock on the morning of the 7th instant and pursued her voyage uninterruptedly until intercepted by the U. S. steamer San Jacinto under your command on the day following (the 8th instant) in the manner now to be related.

When the San Jacinto was first observed several miles distant the Trent was pursuing the usual course of her voyage along the old Bahama or Nicholas Channel; was about 240 miles from Havana and in sight of the light-house of Paredon Grande, the San Jacinto then lying stationary or nearly so about the middle of the channel and where it was some fifteen miles wide as since shown us on the chart, the nationality of the ship being then unknown.

When the Trent had approached near enough for her flag to be distinguished it was hoisted at the peak and at the main and so remained for a time. No flag was shown by the San Jacinto.

When the Trent had approached within a mile of the San Jacinto, still pursuing the due course of her voyage, a shotted gun was fired from the latter ship across the course of the Trent and the U. S. flag at the same time displayed at the peak. The British flag was again immediately hoisted as before by the Trent and so remained. When the Trent had approached, still on her course, within from 200 to 300 yards of the San Jacinto a second shotted gun was fired from your ship again across the course of the Trent. When the Trent got within hailing distance her captain inquired what was wanted. The reply was understood to be they would send a boat, both ships being then stationary with steam shut off. A boat very soon put off from your ship followed immediately by two other boats with full crews and armed with muskets and side arms. A lieutenant in the naval uniform of the United States and with side arms boarded the Trent, and in the presence of most of the passengers then assembled on the upper deck said to Captain Moir that he came with orders to demand his passenger list. The captain refused to produce it and formally protested against any right to visit his ship for the purpose indicated.

After some conversation importing renewed protests on the part of the captain against the alleged object of the visit and on the part of the officer of the San Jacinto that he had only to execute his orders, the latter said the two gentlemen (naming Mr. Slidell and Mr. Mason) were known to be on board as also two other gentlemen (naming Mr. Eustis and Mr. Macfarland) and that his orders were to take and carry them on board the San Jacinto. It should have been noted that on first addressing the captain the officer announced himself as a lieutenant of the U. S. steamer San Jacinto. The four gentlemen thus named being present the lieutenant addressed Mr. Slidell and afterward Mr. Mason repeating that his orders were to take them together with Mr. Eustis and Mr. Macfarland and carry them on board his ship, which orders he must execute.

Mr. Mason and Mr. Slidell in reply protested in the presence of the captain of the Trent, his officers and passengers against such threatened violation of their persons and of their rights, and informed the lieutenant that they would not leave the ship they were in unless compelled by the employment of actual force greater than they could resist and Mr. Eustis and Mr. Macfarland united with them in expressing a like purpose. That officer stated that he hoped he would not be compelled to resort to the use of force but if it became necessary to employ it in order to execute his orders he was prepared to do so. He was answered by the undersigned that they would submit to such force alone. The lieutenant then went to the gangway where his boats were; the undersigned going at the same time to their state-rooms on the deck next below, followed by Captain Moir and by the other passengers. The lieutenant returned with a party of his men a portion of whom were armed with side arms, and others appearing to be a squad of marines having muskets and bayonets. Mr. Slidell was at this time in his state-room immediately by and in full view. The lieutenant then said to Mr. Mason that having his force now present he hoped to be relieved from the necessity of calling it into actual use. That gentleman again answered that he would only submit to actual force greater than he could overcome when the lieutenant and several of his men by his order took hold of him in a manner and numbers sufficient to make resistance fruitless, and Mr. Slidell joining the group at the same time one or more of the armed party took like hold of him and those gentlemen at once went into the boat.

During this scene many of the passengers became highly excited and gave vent to the strongest expressions of indignation, seeming to indicate a purpose of resistance on their part, when the squad armed with muskets with bayonets fixed made sensible advance of one or two paces with their arms at a charge. It must be added here, omitted in the course of the narrative, that before the party left the upper deck an officer of the Trent named Williams, in the naval uniform of Great Britain and known to the passengers as having charge of the mails and accompanying them to England, said to the lieutenant that as the only person present directly representing his government he felt called upon in language as strong and emphatic as he could express to denounce the whole proceeding as a piratical act.

Mr. Slidell and Mr. Mason, together with Mr. Eustis and Mr. Macfarland, against whom force in like manner had been used, were taken to the San Jacinto as soon as they entered the boat. When they reached your ship you received them near the gangway, announcing yourself as Captain Wilkes, the commander of the ship, and conducted them to your cabin, which you placed at their disposal. When the undersigned came on board they found the men at their quarters and the guns bearing on the Trent. After some time occupied in bringing on board our baggage and effects the San Jacinto proceeded to the northward through the Santaren Channel, the Trent having been detained from three to four hours.

The foregoing is believed to be a correct narrative in substance of the facts and circumstances attending our arrest and transfer from the British mail steamer to the ship under your command, and which we doubt not will be corroborated by the lieutenant present as well as by all who witnessed them.

The incidents here given in detail may not have been witnessed by each one of the undersigned individually but they were by one or more of them. As for the most part they did not pass under your notice we

have deemed it proper to present them in this form before you, expressing the wish that if considered incorrect in any part the inaccuracies may be pointed out.

With a respectful request that you will transmit a copy of this paper to the Government of the United States together with your report of the transaction, to facilitate which a copy is herewith inclosed,

We have the honor to be, very respectfully, your obedient servants,

JOHN SLIDELL.
J. M. MASON.
GEORGE EUSTIS.
J. E. MACFARLAND.

[Inclosure No. 11.]

U. S. STEAMER SAN JACINTO, *At Sea, November 13, 1861.*

Messrs. JOHN SLIDELL, JAMES M. MASON, GEORGE EUSTIS and J. E. MACFARLAND.

GENTLEMEN: Your letter dated the 9th instant was handed to me yesterday. I shall transmit it agreeably to your request to the honorable Secretary of the Navy with my report of the transaction to which it refers.

In reply to your wish to have any inaccuracies it may contain pointed out I deem it my duty to say that the facts differ materially in respect to the time and circumstances.

First, the facts in my possession are derived from the log book (the official record of the ship); and second, from the reports in writing of all the officers who visited the Trent, all which will form a part of my report.

I am, very respectfully, your obedient servant,

CHARLES WILKES,
Captain, Commanding San Jacinto.

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U. S. FLAG-SHIP MINNESOTA,
Hampton Roads, November 15, 1861.

Hon. GIDEON WELLES, *Secretary of the Navy, Washington.*

SIR: The San Jacinto, Captain Wilkes, has just arrived (2 p. m.) from the Bahama Channel. She put in here for coal in order to get to New York. She has on board Messrs. Slidell, Mason, Eustis and Macfarland, all of whom she took out of the English steamer Trent on the 8th instant. The moment she gets through with taking on board 100 tons of coal she will start for New York.

Respectfully, your obedient servant,

L. M. GOLDSBOROUGH,
Flag Officer.

—

U. S. STEAMER SAN JACINTO,
Hampton Roads, November 15, 1861.

Hon. GIDEON WELLES, *Secretary of the Navy.*

SIR: I have found it impossible to reach New York, my coal being exhausted; I have but a half day's supply remaining on board. I shall obtain sufficient in a few hours to proceed forthwith to my destination, New York, where I hope to receive your instructions relative to the Confederate prisoners I have on board and this ship.

I have determined to send Commander A. Taylor, U. S. Navy, who is a passenger in this ship from the coast of Africa, to Washington by the boat as bearer of dispatches and have given him orders to report to you in person. He will be able to answer you all and every question relative to the subject of my dispatch of which he is the bearer.

Believing that the Department has entertained doubts of the loyalty of Commander Taylor it affords me great pleasure to say that my intercourse with him has fully satisfied me that no one is more loyal to the Union in the Navy.

I have the honor to be, very respectfully, your obedient servant,

CHARLES WILKES,
Captain.

—

U. S. STEAMER SAN JACINTO, *November 15, 1861.*

Captain WILKES, *Commanding U. S. Steamer San Jacinto.*

SIR: Before leaving your ship we think it proper that we should state that since we have been on board of her we have uniformly been treated with great courtesy and attention.

Very respectfully, your obedient servants,

JOHN SLIDELL.
J. M. MASON.
J. E. MACFARLAND.
GEORGE EUSTIS.

—

DEPARTMENT OF STATE, *Washington, November 16, 1861.*

ROBERT MURRAY, *U. S. Marshal, New York:*

You will proceed in the San Jacinto to Fort Warren, Boston, with Messrs. Mason and Slidell and suite. No persons from shore are to be admitted on board the vessel prior to her departure from New York.

WILLIAM H. SEWARD.
GIDEON WELLES.

—

DEPARTMENT OF STATE, *Washington, November 16, 1861.*

ROBERT MURRAY, *U. S. Marshal, New York:*

Forthwith on the arrival of Messrs. Mason and Slidell at New York you will without allowing them to land convey them and the persons of their suite to Fort Warren, Boston.

WILLIAM H. SEWARD.

—

NAVY DEPARTMENT, *Washington, November 16, 1861.*

Commodore H. PAULDING,
Commandant Navy-Yard, New York:

You will send the San Jacinto immediately to Boston and direct Captain Wilkes to deliver the prisoners at Fort Warren. Let their baggage be strictly guarded and delivered to the colonel at Fort Warren for examination. The San Jacinto will be paid off at Boston. Send amount of money required. Answer per telegraph.

GIDEON WELLES,
Secretary of the Navy.

BALTIMORE, *November 16, 1861.*

Hon. W. H. SEWARD:

I send a special train to Washington with very gratifying and important dispatches from the West Indies.

JOHN A. DIX.

—

CAMDEN STATION, *November 16, 1861.*

Hon. GIDEON WELLES:

We sent an extra train at 8.30 (?) due Washington about 12 noon with Captain Taylor,* of the San Jacinto, who captured Messrs. Mason and Slidell and attendants near the West Indies.

W. P. SMITH.

—

BALTIMORE, *November 16, 1861.*

THOMAS A. SCOTT, *Assistant Secretary of War:*

The boat was late this morning. Slidell and Mason are taken prisoners and are now at Fort Monroe. No news of the fleet this morning.

M. N. FALLS.

—

NEW YORK, *November 16, 1861.*

Hon. THOMAS A. SCOTT, *Assistant Secretary of War:*

I find Associated Press have sent news of capture of Slidell and Mason to catch steamer off Cape Race to-day. Is it well to let the news go without any particulars? It will leave here in City of New York to-day but we may reach her off Cape Race with such particulars as you choose to send. If you say so I will try to overtake the first dispatch and stop it.

E. S. SANFORD.

—

NEW YORK, *November 16, 1861.*

T. A. SCOTT:

All right. Message received† and have sent word along the line to make great exertion to get on board at Cape Race. The excitement here is great. All hands seem rejoiced. The stock brokers are working for a fall on the strength of difficulty with England. The people are glad to see John Bull taken by the horns. It is suggested as a punishment to stop Mason's oysters and Slidell's whisky.

S[ANFORD].

—

NEW YORK, *November 16, 1861.*

Hon. T. A. SCOTT:

Finding the line down in Nova Scotia we have sent to Farther Point on the Saint Lawrence to be put on board the Jura which will pass there to-night. If you have any particulars you wish to add and will send them by 6 o'clock they will be in time to reach the Jura.

E. S. SANFORD.

---

*Taylor was a bearer of dispatches from Captain Wilkes to Secretary Welles.

†Not found.

BALTIMORE, *November 16, 1861.*

Mr. FOX, *Assistant Secretary of the Navy:*

Intelligence from Bermuda says:

Cargo of Fingal was placed on board Nashville which started to run blockade at Savannah and Fingal sailed under English flag for Liverpool with Slidell and Mason on board.

This may put a different national aspect on affairs.

C. C. FULTON.

—

BOSTON, *November 17, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

DEAR SIR: The excitement of the day—the seizure of Mason and Slidell—must plead my apology for addressing you. I have conversed with many of our leading merchants, heard the opinions of many of our ablest lawyers, and all agree that the action of Captain Wilkes in seizing these men is commendable and that the Administration ought to sustain him and hold them at all hazards. In New York the English interest will be loud in condemnation and ought not to be heeded.

We think here the results will justify the act of Wilkes and there are precedents in abundance in the records of the British courts to sustain it. Public sentiment in New England will be all right and entirely sustain this course. The question of opening a port of trade at Beaufort, S. C., if seriously entertained involves numerous questions and difficulties and here it is generally considered that it will be a mistake to attempt it.

With great respect, yours, truly,

PHILO S. SHELTON.

—

NEW YORK, *November 18, 1861.*

Hon. WILLIAM H. SEWARD, *Washington.*

DEAR SIR: On behalf of the relatives of John Slidell, esq., and the family of the late Commodore Perry (whose daughter is my wife) I write to ask whether I may be allowed to communicate with him and to tender him so far as a loyal citizen may do such acts of kindness and friendship as his situation may demand. You will greatly oblige me if you will indicate the practice and wishes of the Government in this respect. Where I am known it would be unnecessary for me to add that I have no sympathy whatever in any of the political views of Mr. Slidell and never entertained any other feeling than love for my country and her flag.

With high regard, your obedient servant,

JOHN HONE.

—

WASHINGTON, *November 19, 1861.*
(Received December 2.)

[EARL RUSSELL, *London.*]

MY LORD: I have already informed your lordship by telegraph that Mr. Mason and Mr. Slidell who are believed to have been on their way to England and France as commissioners from the so-called Confederate Government were taken by force out of the British mail-packet Trent by the U. S. ship San Jacinto in the Bahama Channel and brought to this country as prisoners.

The copious extracts from American newspapers which I have the honor to inclose* will make your lordship acquainted with such particulars concerning this unfortunate affair as have transpired here. They will also convey to you a tolerably correct idea of the impression which it has made upon the American public. The evidence of the English witnesses on board the Trent will probably reach London about the same time as the present dispatch. Without a knowledge of that evidence it is impossible for me to form any correct opinion of the character of the transaction. I have accordingly deemed it right to maintain the most complete reserve on the subject. To conceal the distress which I feel would be impossible nor would it if possible be desirable; but I have expressed no opinion on the questions of international law involved; I have hazarded no conjecture as to the course which will be taken by Her Majesty's Government. On the one hand I dare not run the risk of compromising the honor and inviolability of the British flag by asking for a measure of reparation which may prove to be inadequate. On the other hand I am scarcely less unwilling to incur the danger of rendering a satisfactory settlement of the question more difficult by making a demand which may turn out to be unnecessarily great.

In the present imperfect state of my information I feel that the only proper and prudent course is to wait for the orders which your lordship will give with a complete knowledge of the whole case. I am unwilling moreover to deprive any explanation or reparation which the United States Government may think it right to offer of the grace of being made spontaneously. I know too that a demand from me would very much increase the main difficulty which the Government would feel in yielding to any disposition which they may have to make amends to Great Britain. The American people would more easily tolerate a spontaneous offer of reparation made by its Government from a sense of justice than a compliance with a demand for satisfaction from a foreign minister.†

* * * * * * *

I have, &c.,

LYONS.

U. S. STEAMER SAN JACINTO,
Newport, R. I., November 20, 1861.

Hon. GIDEON WELLES, *Secretary of the Navy.*

SIR: I intended to send you the inclosed dispatch from New York; but on my arrival in the Narrows I was boarded by a steam-tug with Marshal Murray and his deputy on board. As soon as they came on board and handed me your and Mr. Seward's dispatch I headed the ship for Boston.

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* Not found.

† Some of the correspondence between the British authorities relating to Mason and Slidell's case herein arranged in its chronological order with the American reports, orders, correspondence, &c., on the same subject, is copied from an official British document, "North America, No. 5," covering "Correspondence respecting the seizure of Messrs. Mason, Slidell, Macfarland and Eustis from on board the royal mail-packet Trent by the commander of the U. S. ship of war San Jacinto; presented to both Houses of Parliament by command of Her Majesty, 1862." It was transmitted to the Department of State by Hon. Charles Francis Adams. See Adams to Seward, January 17, 1862, discussing some of this correspondence. Copies of the same document are also found on file in the Confederate archives, having been transmitted by the Confederate representatives in London to the authorities in Richmond.—COMPILER.

Adverse winds and want of coal compelled me to put in this port, and shall leave as soon as I have taken in sufficient coal to carry me to Boston.

Very respectfully, your obedient servant,

CHARLES WILKES,
Captain.

[Inclosure.]

NEWPORT, R. I., *November 20, 1861.*

Hon. GIDEON WELLES, *Secretary of the Navy:*

I have been obliged to put in here for coal, being unable to reach Boston owing to the severe winds we encountered. I shall coal and leave the earliest moment for my destination. I forward you the contents of a note received from the prisoners on board my ship at their request, and ask for an early reply to its contents. It is as follows, viz:

U. S. STEAMER SAN JACINTO, *At Sea, November 20, 1861.*

Capt. CHARLES WILKES.

SIR: You have informed us in consequence of adverse winds and a short supply of coal it is your intention to put into Newport, R. I. We have seen in the newspapers that the Government of the United States has decided that we shall be placed in custody of the commanding officer at Fort Warren in Boston Harbor. The voyage from Newport to Boston by sea at this season of the year will probably be tempestuous and disagreeable; still we should with the exception of one of the signers of this letter who is much indisposed prefer that mode of conveyance to Fort Warren to that by land. Still we would much prefer to be placed in custody at Newport on account of comparative mildness of climate and the delicate health of the undersigned, and we are willing to pledge ourselves not to make any attempt to escape nor to communicate with any person while there unless permitted so to do. We will esteem it a favor if you will by telegraph make our wishes known to your Government.

We have the honor to be, very respectfully, your obedient servants,

JOHN SLIDELL.
J. M. MASON.
J. E. MACFARLAND.
GEORGE EUSTIS.

I have forwarded you a dispatch relative to my reasons for making the capture of these commissioners by this day's mail.

Your obedient servant,

CHARLES WILKES.

NAVY DEPARTMENT, *Washington, November 21, 1861.*

Capt. CHARLES WILKES,
Commanding U. S. Steamer San Jacinto, Newport, R. I.:

The Government has prepared no place for confinement of prisoners at Newport. The Department cannot change the destination of the prisoners.

GIDEON WELLES,
Secretary of the Navy.

BOSTON, *November 22, 1861.*

Hon. G. WELLES, *Secretary of the Navy:*

Telegram relative to search on board San Jacinto received. Orders sent to Colonel Dimick for Captain Wilkes, who has not yet arrived.

WM. L. HUDSON.

WASHINGTON, *November 22, 1861.*
(Received December 7.)

[Earl RUSSELL, *London.*]

MY LORD: * * * I transmit to your lordship herewith copies* of the articles on the capture of Messrs. Mason and Slidell which have been published in the principal newspapers since I had the honor to address to you my dispatch of the 19th ultimo. To a person accustomed to the strong language of the American press these articles appear moderate and even subdued in tone. At all events the line taken by the greater part of the newspapers is rather to argue that Great Britain has not the right to complain and therefore will not do so than to defy her to make objection right or wrong. I wish I could add that the argument was generally carried on in courteous language or in a friendly spirit.

Your lordship may observe in several of the inclosed extracts from the American newspapers assertions concerning language stated to have been held by me in private conversation. These assertions are wholly without foundation. I have avoided the subject of the capture on board the Trent as much as possible, and have said no more than that it is an untoward event which I very much regret. I have neither publicly nor privately expressed any opinion whatever on the question of international law or on the course likely to be taken by Her Majesty's Government. I have had no communication on the subject, verbal or written, official or private, with any member of the Government of the United States.

Messrs. Mason and Slidell with their secretaries, Messrs. Macfarland and Eustis, have been sent to Fort Warren, in Boston Harbor.

I have, &c.,

LYONS.

U. S. STEAMER SAN JACINTO, *Boston, November 24, 1861.*

Hon. GIDEON WELLES, *Secretary of the Navy, Washington.*

SIR: I have the honor to report that I left Newport in this ship at 11.30 p. m. on the 21st instant en route for Boston, but on the next morning I was obliged to put into Holmes' Hole on account of the intense fog. We arrived off Boston Light last evening and anchored there, the night being very dark and a severe storm ahead.

I delivered the Confederate commissioners this morning to Colonel Dimick, commanding U. S. detachment at Fort Warren, from whom I obtained a receipt. So soon as the prisoners were landed I proceeded immediately to Boston and at 2 p. m. anchored off the navy-yard.

I have telegraphed you through Captain Hudson the amount of money required to pay off the crew and shall await your further orders.

I am, sir, very respectfully, your obedient servant,

CHARLES WILKES,
Captain.

NAVY DEPARTMENT, *Washington, November 25, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to transmit herewith a copy of the report of Capt. Charles Wilkes of the arrest of Messrs. Mason and Slidell and

* Not found.

their secretaries, Messrs. Macfarland and Eustis, on board the steamer Trent, dated U. S. steamer San Jacinto, at sea, November 16, 1861.

I am, respectfully, your obedient servant,

GIDEON WELLES.

[Inclosure.]

U. S. STEAMER SAN JACINTO, *At Sea, November 16, 1861.*

Hon. GIDEON WELLES, *Secretary of the Navy.*

SIR: In my dispatch by Commander Taylor* I confine myself to the reports of the movements of this ship and the facts connected with the capture of Messrs. Mason, Slidell, Eustis and Macfarland, as I intended to write you particularly relative to the reasons which induced my action in making them prisoners.

When I heard at Cienfuegos on the south side of Cuba of these commissioners having landed on the Island of Cuba and that they were at the Havana and would depart in the English steamer on the 7th of November, I determined to intercept them and carefully examined all the authorities on international law to which I had access, viz, Kent, Wheaton and Vattel, besides various decisions of Sir William Scott and other judges of the admiralty court of Great Britain which bore upon the rights of neutrals and their responsibilities.

The governments of Great Britain, France and Spain having issued proclamations that the Confederate States were viewed, considered and treated as belligerents and knowing that the ports of Great Britain, France, Spain and Holland in the West Indies were open to their vessels and that they were admitted to all the courtesies and protection vessels of the United States received, every aid and attention being given them, proved clearly that they acted upon this view and decision and brought them within the international law of search and under the responsibilities. I therefore felt no hesitation in boarding and searching all vessels of whatever nation I fell in with and have done so.

The question arose in my mind whether I had the right to capture the persons of these commissioners, whether they were amenable to capture. There was no doubt I had the right to capture vessels with written dispatches. They are expressly referred to in all authorities, subjecting the vessel to seizure and condemnation if the captain of the vessel has the knowledge of their being on board. Both these gentlemen were not dispatches in the literal sense and did not seem to come under that designation and nowhere could I find a case in point.

That they were commissioners I had ample proof from their own avowal, and bent on mischievous and traitorous errands against our country, to overthrow its institutions and enter into treaties and alliances with foreign States, expressly forbidden by the Constitution.

They had been presented to the captain-general of Cuba by Her Britannic Majesty's consul-general, but the captain-general told me that he had not received them in that capacity but as distinguished gentlemen and strangers.

I then considered them as the embodiment of dispatches and as they had openly declared themselves as charged with all authority from the Confederate Government to form treaties and alliances tending to the establishment of their independence I became satisfied that their mission was adverse and criminal to the Union and it therefore became my duty to arrest their progress and capture them if they had no passports or papers from the Federal Government as provided for under the law

* Wilkes to Secretary Welles, November 15, p. 1080.

of nations, viz: "That foreign ministers of a belligerent on board of neutral ships are required to possess papers from the other belligerent to permit them to pass free."

Report and their assumption gave them the title of ministers to France and England, but inasmuch as they had not been received by either of these powers I did not conceive they had any immunity attached to their persons and were but escaped conspirators plotting and contriving to overthrow the Government of the United States and they were therefore not to be considered as having any claim to the immunities attached to the character they thought fit to assume.

As respects the steamer in which they embarked I ascertained in the Havana that she was a merchant vessel plying between Vera Cruz, the Havana and Saint Thomas carrying the mail by contract.

The agent of the vessel, the son of the British consul at Havana, was well aware of the character of these persons; that they engaged their passage and did embark in the vessel; his father had visited and introduced them as ministers of the Confederate States on their way to England and France.

They went in the steamer with the knowledge and by the consent of the captain, who endeavored afterward to conceal them by refusing to exhibit the passenger list and the papers of the vessel. There can be no doubt he knew they were carrying highly important dispatches, and were endowed with instructions inimical to the United States. This rendered his vessel (a neutral) a good prize and I determined to take possession of her and as I mentioned in my report send her to Key West for adjudication where I am well satisfied she would have been condemned for carrying these persons and for resisting to be searched. The cargo was also liable, as all the shippers were knowing to the embarkation of these live dispatches and their traitorous motives and actions to the Union of the United States.

I forbore to seize her, however, in consequence of my being so reduced in officers and crew and the derangement it would cause innocent persons, there being a large number of passengers who would have been put to great loss and inconvenience as well as disappointment from the interruption it would have caused them in not being able to join the steamer from Saint Thomas to Europe. I therefore concluded to sacrifice the interests of my officers and crew in the prize and suffered the steamer to proceed after the necessary detention to effect the transfer of these commissioners, considering I had obtained the important end I had in view and which affected the interests of our country and interrupted the action of that of the Confederates.

I would add that the conduct of Her Britannic Majesty's subjects both official and others showed but little regard or obedience to her proclamation by aiding and abetting the views and endeavoring to conceal the persons of these commissioners.

I have pointed out sufficient reasons to show you that my action in this case was derived from a firm conviction that it became my duty to make these parties prisoners and to bring them to the United States.

Although in giving up this valuable prize I have deprived the officers and crew of a well-earned reward I am assured they are quite content to forego any advantages which might have accrued to them under the circumstances.

I may add that having assumed the responsibility I am willing to abide the result.

I am, very respectfully, your obedient servant,

CHARLES WILKES,
Captain.

U. S. MARSHAL'S OFFICE, *New York, November 25, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: Pursuant to the instructions contained in your telegraphic dispatch of the 16th instant I boarded on the evening of the 18th instant between the hours of 5 and 6 p. m. abreast of the Highland Lights the steamer San Jacinto having on board Messrs. Mason and Slidell, commissioners of the Confederate States, and their secretaries, Macfarland and Eustis, and proceeded with the ship to Fort Warren where I delivered the parties into the custody of Colonel Dimick, in charge of the fort.

I thoroughly searched and examined their baggage but found no papers of any description whatever.

I am, sir, your very obedient servant,

ROBERT MURRAY.
U. S. Marshal.

—

FORT WARREN, *Boston Harbor, November 25, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: I have the honor to report the arrival at this port of prisoners James M. Mason, John Slidell, George Eustis and J. E. Macfarland. They were received of Captain Wilkes, U. S. Navy, on the morning of the 24th instant.

I have the honor to be, sir, with high respect, your obedient servant,

J. DIMICK,
Colonel First Artillery, Commanding Post.

—

WASHINGTON, *November 25, 1861.*
(Received December 9.)

[EARL RUSSELL, *London.*]

MY LORD: No authoritative declaration has to my knowledge been made by the United States Government of the view which it takes of the capture of Messrs. Mason and Slidell on board the Trent. Certainly no communication has been made to me on the subject. I have neither sought nor avoided an interview with Mr. Seward, but it has so happened that I have not seen him nor indeed any member of the Government since the intelligence of the capture arrived.

The discussion of the question of international law is continued in the newspapers. I inclose the most remarkable articles* which have appeared in them since I wrote my dispatch dated three days ago. The tone of the press may be considered to be on the whole moderate.

I have, &c.,

LYONS.

—

BOSTON, *November 26, 1861.*

Hon. G. WELLES, *Secretary of the Navy:*

Telegram relative to search of baggage received. Captain Wilkes absent in Boston. Will see him in an hour and telegraph.

WM. L. HUDSON,
Commandant, Navy-Yard.

*Not found.

BOSTON, *November 26, 1861.*

Hon. GIDEON WELLES, *Secretary of the Navy:*

Captain Wilkes informs me that the baggage of the rebel commissioners was not examined by him, they being under the control of the marshal. My letter by the mail of this evening shows my action in relation to your first telegram on this subject.

W. L. HUDSON.

NAVY-YARD, *Boston, November 26, 1861.*

Hon. GIDEON WELLES, *Secretary of the Navy, Washington.*

SIR: I have the honor to inform you that the telegram relative to the examination of the effects of the rebel commissioners was received at 5 p. m. on the 22d instant. At 6 p. m. I dispatched it under charge of an officer in a tug for Fort Warren. It was handed to Colonel Dimick, as per the inclosed copies of my letters on the subject. The San Jacinto arrived twenty-four hours subsequently at Fort Warren thus giving ample time for the fulfillment of your telegram.

I am, respectfully, your obedient servant,

W. L. HUDSON,
Commandant.

[Inclosure.]

NAVY-YARD, *Boston, November 22, 1861.*

Col. JUSTIN DIMICK,
Commanding Fort Warren, Boston, Mass.

SIR: I have the honor to inclose you a letter to Captain Wilkes containing a telegram just received from the honorable Secretary of the Navy. In order to carry out the views of the Secretary I have to request you will cause the letter to be handed Captain Wilkes before he shall permit a passenger or prisoner to land at the fort under your command. Be pleased to peruse the letter before sealing.

I am, respectfully, your obedient servant,

W. L. HUDSON,
Commandant.

[Sub-inclosure.]

NAVY-YARD, *Boston, November 22, 1861.*

Capt. CHARLES WILKES, *Commanding Steamer San Jacinto.*

SIR: I inclose for your action copy of telegram just received from the Navy Department. Be pleased to carry out the wishes of the Department to the fullest extent in your power:

NAVY DEPARTMENT, *Washington, November 22, 1861.*

Capt. WILLIAM L. HUDSON, *Navy-Yard:*

Direct Captain Wilkes immediately on his arrival to have the effects of the rebel commissioners on board the San Jacinto thoroughly examined, and whatever papers may be found to send them by special messenger to the Department. Answer per telegraph.

GIDEON WELLES,
Secretary of the Navy.

I have informed the Department of the receipt of its telegram.

I am, respectfully, your obedient servant,

W. L. HUDSON,
Commandant.

DEPARTMENT OF STATE, *Washington, November 27, 1861.*

Hon. GIDEON WELLES, *Secretary of the Navy.*

SIR: I have the honor to transmit herewith for your information a copy of dispatch* received from the U. S. consul-general at Havana respecting the visit of the San Jacinto to that place and the favorable impression made upon the authorities of the island by the gallant bearing of Captain Wilkes and the other officers attached to the vessel.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

—

CONFIDENTIAL.] DEPARTMENT OF STATE,
Washington, November 27, 1861.

CHARLES FRANCIS ADAMS, Esq., &c.

SIR: Your very confidential letter of the 4th instant† was duly received. * * *

I forbear from speaking of the capture of Messrs. Mason and Slidell. The act was done by Commander Wilkes without instructions and even without the knowledge of the Government.

Lord Lyons has judiciously refrained from all communication with me on the subject and I thought it equally wise to reserve ourselves until we hear what the British Government may have to say on the subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

—

ADMIRALTY, [*London,*] *November 27, 1861.*

[MR. HAMMOND.]

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith for the information of Earl Russell a copy of a letter dated the 9th instant from Commander Williams, the agent for mails on board the contract steamer Trent, detailing the circumstances under which Messrs. Mason and Slidell, commissioners from the so-styled Confederate States of America to this country and France, and their secretaries were forcibly taken out of the Trent by an armed party of officers and men from the U. S. ship of war San Jacinto on the 8th instant in the Bahama Channel.

I am, &c.,

W. G. ROMAINE,
Secretary to the Admiralty.

[Inclosure.]

TRENT, *At Sea, November 9, 1861.*

Captain PATEY.

SIR: There devolves on me the painful duty of reporting to you a wanton act of aggression on this ship by the U. S. war screw-steamer San Jacinto, carrying a broadside of seven guns and a shell pivot gun of heavy caliber on the fore-castle, which took place on the 8th instant in the Bahama Channel abreast of the Paredon Light-House. The Trent left Havana at 8 a. m. on the 7th instant with Her Majesty's mails for England, having on board a large freight of specie as well as numerous passengers, amongst whom were Messrs. Mason and Slidell, the former accredited with a special mission from the Confederate States

* Omitted. † Not found.

to the Government of Great Britain and the latter to the French Government, with their respective secretaries, Messrs. Macfarland and Eustis.

Shortly after noon on the 8th a steamer having the appearance of a man-of-war but not showing colors was observed ahead hove to. We immediately hoisted our ensign at the peak but it was not responded to until on nearing her at 1.15 p. m. she fired a round shot from her pivot gun across our bows and showed American colors. Our engines were immediately slowed and we were still approaching her when she discharged a shell from her pivot gun immediately across our bows, exploding half a cable's length ahead of us. We then stopped when an officer with an armed guard of marines boarded us and demanded a list of passengers, which demand being refused the officer said that he had orders to arrest Messrs. Mason, Slidell, Macfarland and Eustis and that he had sure information of their being passengers in the Trent.

Declining to satisfy him whether such persons were on board or not, Mr. Slidell stepped forward and announced that the four persons he had then named were standing before him under British protection and that if they were taken on board the San Jacinto they must be taken *vi et armis*, the commander of the Trent and myself at the same time protesting against this illegal act, this act of piracy carried out by brute force, as we had no means of resisting the aggression the San Jacinto being at the time on our port beam about 200 yards off, her ship's company at quarters, ports open and tompions out. Sufficient time being given for such necessaries as they might require being sent to them these gentlemen were forcibly taken out of the ship and then a further demand was made that the commander of the Trent should proceed on board the San Jacinto, but as he expressed his determination not to go unless forcibly compelled likewise this latter demand was not carried into execution.

At 3.40 we parted company and proceeded on our way to Saint Thomas, on our arrival at which place I shall deliver to the consul duplicates of this letter to Lord Lyons, Sir Alexander Milne, Commodore Dunlop and the consul-general at Havana.

I have, &c.,

RICHARD WILLIAMS,

Commander, Royal Navy, and Admiralty Agent in Charge of Mails.

LANCASTER, OHIO, *November 28, 1861.*

The PRESIDENT.

SIR: I do not think it wise policy for the United States to insist on extending the rights of belligerents over neutral vessels on the high seas, consequently we ought not to vouch as authority previous aggressive acts of England at a time when she was a swaggering bully on the ocean and insist on them as supported by international law, for if we do our mouths will be closed when England as a belligerent hereafter (and such she will be ten years to our one) shall stretch the law against us to the same point.

If she remonstrates and makes reclamation the proper mode in my judgment is to let her lay down the law—agree to any proposition she may lay down favorable to neutral vessels, their cargoes and passengers. Say to her: "You have not habitually conformed to these rules and may possibly trespass them hereafter. The law must be the same to us both now and in all future time. We will make a treaty with

you declaring and settling as international law the principle which you now propose and when settled by treaty we will let it embrace this case and fully conform to it."

The proposition that she must lay down will be that a neutral vessel cleared at one neutral port and bound to another is not liable to search and seizure under charge of carrying contraband of war; or in more general terms that under these circumstances the neutral vessel is entitled to the same immunity as neutral soil. I think this position a sound one. It is at all events for the permanent interest of the United States that it should be settled as the law of nations if it can be definitively so settled.

But England will not agree to it. If the proposition be made to so settle it by treaty she will equivocate, diplomatize and finally waive her claim.

I am, very respectfully, yours,

T. EWING.

[Indorsement.]

DECEMBER 3, 1861.

[Hon. WILLIAM H. SEWARD.]

GOVERNOR: The President directs me to send you Mr. Ewing's second* dissertation on neutral rights.

JOHN HAY.

LEGATION OF THE UNITED STATES,
London, November 29, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: It has appeared to me not without its social use to accept from time to time such invitations as are customarily extended to the minister at this season of the year by persons of influence to visit them at their houses in the country. I was absent for three days this week at the residence of a member of Parliament in Yorkshire on one of these occasions when the news came to London of the seizure of Messrs. Mason and Slidell on board of the steamer Trent in the West Indies by the commander of the U. S. steamer San Jacinto. A telegram was sent up to me on Wednesday evening and I returned to this place the next day.

In the meantime it is not to be denied that the popular feeling has been very strongly excited by this intelligence. Advantage was taken of it in Liverpool by the friends of the insurgents to summon a hasty meeting and precipitate the public indignation upon the ministry in order to drive them into some decided measure. It may be regarded as rather a fortunate event that circumstances had in some degree prepared them for the possibility of such a result. Whatever may have been the source from which Lord Palmerston drew the inferences of the mission of the James Adger which he explained to me† it is now clear to my mind that he erred rather in the selecting of the agency than in the nature of the work proposed to be done. So much was he convinced of the soundness of his opinion that it now appears from the newspapers an armed steamer had been actually sent out before he saw me to be on the watch to prevent such a catastrophe in this neighborhood. It is also made certain that the law officers of the Crown had

*No other letter from Ewing on this subject found.
†See Adams to Seward, November 15, p. 1078.

been already consulted on the merits of the case. Hence the readiness with which the leading newspapers immediately came forward to elucidate to the people the doctrine applicable to the question.

It is not to be disguised that the medicine is not the less bitter because it is an old one of their own concoction. The pride of the British nation is deeply touched. The consequences foreseen by Lord Palmerston are not unlikely to follow and all opportunity for further usefulness in my present capacity threatens to be soon at an end. I may perhaps be permitted to add that I regret this prospect. A delay of a few months or even of a few weeks might have brought our affairs to a positive termination without materially affecting the good understanding here which has been in such rapid process of dissolution. As it is, what with the case of the Harvey Birch to irritate us on the one side and that of the steamer Trent to provoke them on the other, the season for the influence of pacific counsels is gradually but certainly passing away.

On my arrival in town on Thursday I found a note from Lord Russell asking me to call and see him at an hour of the day which had already elapsed. But my secretary, Mr. Moran, who had been apprised of the moment when I should return, called in person at the foreign office and explained to one of the under secretaries the reason of the delay. The conference was then postponed until Friday at a quarter to 2 o'clock, when it took place. The substance of it I will now proceed to submit to your consideration.

His lordship remarked that it was altogether too early to enter into any discussion of the subject upon which he had desired to see me, the seizure of Messrs. Mason, Slidell and others on board of a British vessel. His object now was only to inquire in advance of a meeting of the ministers at 2 o'clock whether I had any information from my Government touching the matter or was possessed of any light which it might be useful for him to possess. I replied that I knew no more of the affair than what had been stated in the newspapers. I was not prepared to say a word about it because I was possessed neither of the true state of the facts nor of the views which my Government had taken of them. I did not even know how far the naval officer had acted under authority.

His lordship then alluded to my conference with Lord Palmerston the other day and to his report of what I had said to him about the mission of the James Adger in order to know if it could have been correct. Lord Palmerston had understood me as saying that the captain's instructions which I told him I had seen not only directed him to intercept the Nashville with Messrs. Slidell and Mason on board but prohibited him from stopping any British ship. I replied that his lordship had not understood me quite correctly. He had begun the conversation by taking for granted that the intention of the captain of the Adger had been to take these persons out of a British ship. I had asked him what reason he had for imputing such a motive to him. His lordship had assigned his belief to come from a coincidence in the movements of the respective ships. I then observed that if that was all I could say that I had seen the captain's instructions, which directed him to intercept the Nashville if he could and in case of inability to do so to return at once to New York keeping his eye on such British ships as might be going to the United States with contraband of war. Lord Palmerston's recollection and mine differed mainly in this last particular. Lord Russell then remarked that this statement was exactly that which he had recollected my making to him. Nothing had been said in the instructions about other British ships.

The conference then ended having lasted about ten minutes. His lordship's manner was a little more grave than usual but in all other respects much the same as ever.

It is now stated that the Queen's proclamation* is to be issued prohibiting the further exportation of contraband of war. This is understood to be mainly caused by the purchases lately made of great quantities of saltpeter for the use of the Government of the United States. I only regret that it had not been issued long ago and thus put an end to the annoyance and irritation consequent upon the great exertions of the insurgent emissaries to fit out vessels against us in the ports of this country.

I ought to add that in going into the ante room previous to the conference I met there Baron Brunnow, the Russian minister, who seized the occasion to express his great regret at the misunderstanding which is taking place and his earnest offer of any services on the part of himself or his Government that might have the effect to restore friendly relations between the two countries.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

—

LEGATION OF THE UNITED STATES,
London, November 29, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: * * * In the meantime the excitement caused by the late news of the seizure of Messrs. Mason and Slidell is so great as to swallow up every other topic for the moment. It may then be the part of prudence to let the old topic† lie in abeyance until the heats stirred by the new one shall subside.

* * * * * * *

It is plain from the turn which has been taken in the newspapers of this morning that the law officers of the Crown have modified their original position so far as to deny the right of the United States Government to take out persons when they do not take papers and things. In other words Great Britain would have been less offended if the United States had insulted her a great deal more.

There is little reason to doubt that the same steamer which bears this will carry out a demand for an apology and the restoration of the men.

I confess that the turn things have taken has given me great anxiety for the fate of my unhappy country. But I shall wait with resignation the instructions which will probably close my mission.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

—

EIGHTEENTH AVENUE ROAD, REGENT'S PARK,
London, November 29, 1861.

Hon. W. H. SEWARD, *Washington.*

MY DEAR MR. SEWARD: Your letter, written as it must have been amid the all but overwhelming amount of public business that must

* For extracts from this proclamation see inclosure of Thayer to Seward, December 20, p. 1139.

† The capture and destruction of American merchant vessels by Confederate privateers fitted out in English ports.

have devolved upon you, has given me very high gratification as a proof of your regard and friendship. I would be happy indeed if I could accept the kind invitation to myself and wife which your letter conveys, and I hope the day will come when I shall be able to see you again in your own land and enjoy the hospitality which I have received before and which you offer to me again.

Little did I think when we last met in London that the disruption of your glorious Union was either possible or near at hand, though I knew that in any danger or difficulty that might arise your voice would be heard on the rightful side and that no exertions of yours would be spared to do a true man's duty.

I would not have run the risk of boring you with politics in reply to a letter of friendship, but the excitement in London and throughout England is so great in reference to the unfortunate seizure of Messrs. Slidell and Mason that I cannot refrain from telling you what I see and hear for your information and that of the President. There never was within memory such a burst of feeling as has been created by the news of the boarding of the La Plata [Trent]. The people are frantic with rage, and were the country polled I fear that 999 men out of 1,000 would declare for immediate war. Lord Palmerston cannot resist the impulse if he would. If he submits to the insult to the flag his ministry is doomed—it would not last a fortnight. But he is decided to demand reparation, and Lord Derby has made no secret for the past two or three months of his opinion that England ought immediately to recognize the Southern Confederation.

The whole feeling of the people has undergone a change. Sympathy was but coldly expressed for the South. Now it is warm and universal. I deeply deplore and lament what has happened, and could I believe that your Government could or would undo it and disavow the act of the captain of the San Jacinto I should rejoice and consider it a blessing to my own country as well as to the United States. The scene in the Reform Club when the men arrived was more exciting than anything I ever witnessed, and staid and sober men (as Englishmen generally are) became violent, demonstrative and outrageous. Englishmen would rather fight with any power in the world than with America, but I do assure you their blood is up and they mean mischief in this business.

A peaceful member of our Parliament declared to me that if this insult were not atoned for he saw no use for a flag; that he would recommend the British colors to be torn into shreds and sent to Washington for the use of the Presidential water-closets, and that he would rather become a U. S. citizen than continue any longer to be thought an Englishman. The whole people express the same feeling though not quite so forcibly or idiomatically as this gentleman. I mix a great deal with people of all classes of society and have the means of feeling the public pulse as thoroughly as any man in London and I give you openly the result of my observations.

The Southern men in London, of whom I know several, are delighted and think it the best thing that could have happened for their cause. They already see the South recognized by England and France in unison and cannot conceal their exultation.

I am afraid you will think this but a rambling and incoherent letter, but it is because I so admire and esteem you that I write what comes uppermost, perhaps not without being touched with the contagious excitement of everybody about me, excitement which you know is dif-

ficult to be free from when the world is crazy around you. I trust, however, that it will blow over and that the United States and England will be friends now and forever.

With the sincerest and most hearty wishes for your welfare and health, and for the restoration of peace to your suffering country, believe me, my dear Mr. Seward, ever your devoted friend,

CHARLES MACKAY.

WASHINGTON, *November 29, 1861.*
(Received December 12.)

[Earl RUSSELL, *London.*]

MY LORD: The discussion of the questions of international law raised by the capture of Messrs. Mason and Slidell on board the Trent continues to be actively carried on in the newspapers of this country. With previous dispatches I have transmitted to your lordship abundance of articles in favor of the legality of the capture. I have the honor to inclose herewith two* in which the contrary opinion is maintained. That from The Albion has attracted a great deal of attention. It quotes the stipulation of the postal convention of 1848 by which immunities are secured to postal steamers even in case of war between Great Britain and the United States and argues by analogy that such steamers are still more entitled to respect by the United States under present circumstances.

I have had no communication with the United States Government concerning the capture.

I am informed that a letter from one of the prisoners which has been received here states that they are considerately treated in Fort Warren.

I have, &c.,

LYONS.

DEPARTMENT OF STATE, *Washington, November 30, 1861.*

CHARLES FRANCIS ADAMS, Esq., &c.

SIR: Your confidential note of the 15th of November, not marked as a dispatch, has been submitted to the President and I hasten to reply to it in time for the Wednesday's mail.

No minister ever spoke or acted more wisely in a crisis which excited deep public solicitude than you did on the occasion of the lord mayor's dinner. We are impressed very favorably by Lord Palmerston's conversation with you. You spoke the simple fact when you told him that the life of this insurrection is sustained by its hopes of recognition in Great Britain and in France. It would perish in ninety days if those hopes should cease. I have never for a moment believed that such a recognition could take place without producing immediately a war between the United States and all the recognizing powers. I have not supposed it possible that the British Government could fail to see this; and at the same time I have sincerely believed the British Government must in its inmost heart be as averse to such a war as I know this Government is.

I am sure that this Government has carefully avoided giving any cause of offense or irritation to Great Britain, but it has seemed to me that the British Government has been inattentive to the currents that seemed to be bringing the two countries into collision. * * *

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* Not found.

I infer from Lord Palmerston's remark that the British Government is now awake to the importance of averting possible conflict and disposed to confer and act with earnestness to that end. If so we are disposed to meet them in the same spirit as a nation chiefly of British lineage, sentiments and sympathies—a civilized and humane nation—a Christian people.

Since that conversation was held Captain Wilkes in the steamer San Jacinto has boarded a British colonial steamer and taken from her deck two insurgents who were proceeding to Europe on an errand of treason against their own country. This is a new incident unknown to and unforeseen at least in its circumstances by Lord Palmerston. It is to be met and disposed of by the two Governments if possible in the spirit to which I have adverted. Lord Lyons has prudently refrained from opening the subject to me, as I presume waiting instructions from home. We have done nothing on the subject to anticipate the discussion and we have not furnished you with any explanations. We adhere to that course now because we think it more prudent that the ground taken by the British Government should be first made known to us here and that the discussion if there must be one shall be had here. It is proper, however, that you should know one fact in the case without indicating that we attach much importance to it, namely, that in the capture of Messrs. Mason and Slidell on board a British vessel Captain Wilkes having acted without any instructions from the Government the subject is therefore free from the embarrassment which might have resulted if the act had been specially directed by us.

I trust that the British Government will consider the subject in a friendly temper and it may expect the best disposition on the part of this Government.

Although this is a confidential note I shall not object to your reading it to Earl Russell and Lord Palmerston if you deem it expedient.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

NAVY DEPARTMENT, *Washington, November 30, 1861.*

[Capt. CHARLES WILKES.]

SIR: I congratulate you on your safe arrival, and especially do I congratulate you on the great public service you have rendered in the capture of the rebel emissaries. Messrs. Mason and Slidell have been conspicuous in the conspiracy to dissolve the Union and it is well known that when seized by you they were on a mission hostile to the Government and the country. Your conduct in seizing these public enemies was marked by intelligence, ability, decision and firmness and has the emphatic approval of this Department.

It is not necessary that I should in this communication, which is intended to be one of congratulation to yourself, officers and crew, express an opinion on the course pursued in omitting to capture the vessel which had these public enemies on board further than to say that the forbearance exercised in this instance must not be permitted to constitute a precedent hereafter for the infractions of neutral obligations.

I am, &c.,

GIDEON WELLES.

FORT WARREN, *Boston Harbor, November 30, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington.*

SIR: Mr. J. M. Mason wishes to send two bills of exchange on the Royal Bank, Liverpool, to England. One is for £1,600 and the other for £300, in all £1,900 sterling. I informed him I would retain his letter until I heard from you. The bills were given to the officer in charge of the prisoners' funds on Mr. Mason's arrival.

I am, sir, with the highest respect, your obedient servant,

J. DIMICK,

Colonel First Artillery, Commanding.

FOREIGN OFFICE, [*London,*] *November 30, 1861.*

Lord LYONS, K. C. B., &c., *Washington.*

MY LORD: Intelligence of a very grave nature has reached Her Majesty's Government.

This intelligence was conveyed officially to the knowledge of the admiralty by Commander Williams, agent for mails on board the contract steamer Trent.

It appears from the letter of Commander Williams, dated "Royal Mail Contract Packet Trent, at sea, November 9," that the Trent left Havana on the 7th instant, with Her Majesty's mails for England, having on board numerous passengers. Commander Williams states that shortly after noon on the 8th a steamer having the appearance of a man-of-war but not showing colors was observed ahead. On nearing her at 1.15 p. m. she fired a round shot from her pivot gun across the bows of the Trent and showed American colors. While the Trent was approaching her slowly the American vessel discharged a shell across the bows of the Trent exploding half a cable's length ahead of her. The Trent then stopped and an officer with a large armed guard of marines boarded her. The officer demanded a list of the passengers; and compliance with this demand being refused the officer said he had orders to arrest Messrs. Mason, Slidell, Macfarland and Eustis, and that he had sure information of their being passengers in the Trent. While some parley was going on upon this matter Mr. Slidell stepped forward and told the American officer that the four persons he had named were then standing before him. The commander of the Trent and Commander Williams protested against the act of takingby force out of the Trent these four passengers then under the protection of the British flag. But the San Jacinto was at that time only 200 yards from the Trent, her ship's company at quarters, her ports open and tompions out. Resistance was therefore out of the question and the four gentlemen before named were forcibly taken out of the ship. A further demand was made that the commander of the Trent should proceed on board the San Jacinto but he said he would not go unless forcibly compelled likewise and this demand was not insisted upon.

It thus appears that certain individuals have been forcibly taken from on board a British vessel, the ship of a neutral power, while such vessel was pursuing a lawful and innocent voyage—an act of violence which was an affront to the British flag and a violation of international law.

Her Majesty's Government bearing in mind the friendly relations which have long subsisted between Great Britain and the United States are willing to believe that the U. S. naval officer who committed the aggression was not acting in compliance with any authority from his Government, or that if he conceived himself to be so authorized he

greatly misunderstood the instructions which he had received; for the Government of the United States must be fully aware that the British Government could not allow such an affront to the national honor to pass without full reparation, and Her Majesty's Government are unwilling to believe that it could be the deliberate intention of the Government of the United States unnecessarily to force into discussion between the two Governments a question of so grave a character and with regard to which the whole British nation would be sure to entertain such unanimity of feeling.

Her Majesty's Government therefore trust that when this matter shall have been brought under the consideration of the Government of the United States that Government will of its own accord offer to the British Government such redress as alone could satisfy the British nation, namely, the liberation of the four gentlemen and their delivery to your lordship in order that they may again be placed under British protection and a suitable apology for the aggression which has been committed. Should these terms not be offered by Mr. Seward you will propose them to him.

You are at liberty to read this dispatch to the Secretary of State and if he shall desire it you will give him a copy of it.

I am, &c.,

RUSSELL.

FOREIGN OFFICE, [*London,*] *November 30, 1861.*

[Lord LYONS, &c., *Washington.*]

MY LORD: In my previous dispatch of this date I have instructed you by command of Her Majesty to make certain demands of the Government of the United States.

Should Mr. Seward ask for delay in order that this grave and painful matter should be deliberately considered you will consent to a delay not exceeding seven days. If at the end of that time no answer is given, or if any other answer is given except that of a compliance with the demands of Her Majesty's Government your lordship is instructed to leave Washington with all the members of your legation, bringing with you the archives of the legation and to repair immediately to London. If, however, you should be of the opinion that the requirements of Her Majesty's Government are substantially complied with you may report the facts to Her Majesty's Government for their consideration and remain at your post until you receive further orders.

You will communicate with Vice-Admiral Sir A. Milne immediately upon receiving the answer of the American Government and you will send him a copy of that answer together with such observations as you may think fit to make. You will also give all the information in your power to the governors of Canada, Nova Scotia, New Brunswick, Jamaica, Bermuda and such other of Her Majesty's possessions as may be within your reach.

* * * * * * *

I am, &c.,

RUSSELL.

FOREIGN OFFICE, [*London,*] *November 30, 1861.*

[Lord LYONS, &c., *Washington.*]

MY LORD: Mr. Adams called upon me yesterday at the foreign office by my desire. I asked him whether he had any information or

instructions which could throw light on the transactions which had occurred on board the Trent. I said the cabinet was about to meet and I should be glad to receive any information which might assist their deliberations on this painful subject. Mr. Adams said he had no instructions or information which could throw light on what had occurred nor did he know whether the captures which had taken place on board the Trent had the sanction of his Government or not. I said in that case there would be no good and there might be some harm in discussing with him the merits of the question itself, but I wished him to repeat to me what he had told me some days ago in regard to the instructions to the commander of the James Adger. Mr. Adams then said that he had seen the instructions to the commander of the James Adger; that they directed him to look out for the Nashville, a Confederate vessel which it was supposed would convey Messrs. Mason and Slidell to England. He was directed if that supposition should not turn out to be the fact to return to the United States, but to keep an eye on any merchant vessel proceeding from this country with contraband of war. There was nothing in the instructions directing the commander to interfere with any foreign ship bringing Messrs. Mason and Slidell to Europe. Mr. Adams then took his leave.

I am, &c.,

RUSSELL.

FOREIGN OFFICE, [*London,*] *November 30, 1861.*

THE LORDS COMMISSIONERS OF THE ADMIRALTY.

MY LORDS: I have received the Queen's commands to transmit to your lordships the instructions* which are to be sent to-day to Lord Lyons. The Queen directs that copies of these instructions should be sent to Vice-Admiral Sir A. Milne. Vice-Admiral Sir A. Milne should be directed to communicate fully with Lord Lyons and to take such measures as circumstances may seem to require.

The vice-admiral will refrain from any act of hostility against the sea or land forces of the United States except in self-defense. But as the act of wanton violence and outrage which has been committed makes it not unlikely that other sudden acts of aggression may be attempted, Vice-Admiral Sir A. Milne will take care not to place his ships in positions where they may be surprised or commanded by batteries on land of a superior force. He should not detach more than one line-of-battle ship and two frigates on the expedition to Vera Cruz, and he should dispose of the rest of his force in the manner in which it may prove most serviceable in case of hostilities. He will look to the safety of Her Majesty's possessions in North America and the West Indies, and he will in all respects execute all such commands as he may receive from your lordships to guide him in the performance of his arduous duties. Your lordships will no doubt be of opinion that Admiral Milne ought not himself to go to Vera Cruz and in that case an officer acquainted with the Mexican coast may be the most fitting person to act with Sir Charles Wyke in the discharge of duties on that coast.

I am, &c.,

RUSSELL.

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* The three preceding letters of November 30 from Russell to Lyons.

Extract from a private letter.

FOREIGN OFFICE, [*London,*] *December 1, 1861.*

[Lord LYONS, &c.]

MY LORD: * * * The dispatches which were agreed to at the cabinet yesterday and which I have signed this morning impose upon you a disagreeable task. My wish would be that at your first interview with Mr. Seward you should not take my dispatch with you but should prepare him for it and ask him to settle with the President and Cabinet what course they would propose. The next time you should bring my dispatch and read it to him fully. If he asks what will be the consequence of his refusing compliance I think you should say that you wish to leave him and the President quite free to take their own course and that you desire to abstain from anything like menace.

I am, &c.,

RUSSELL.

Resolution adopted by the House of Representatives December 2, 1861.

Resolved, That the President of the United States be requested to present to Capt. Charles Wilkes a gold medal with suitable emblems and devices in testimony of the high sense entertained by Congress of his good conduct in promptly arresting the rebel ambassadors James M. Mason and John Slidell.

Preamble and resolution adopted by the House of Representatives December 2, 1861.

Whereas Col. Michael Corcoran who was taken prisoner on the battle-field of Manassas has after suffering other indignities been confined by the rebel authorities in the cell of a convicted felon: Therefore,

Resolved, That the President of the United States be requested to similarly confine James M. Mason, late of Virginia, now in custody at Fort Warren until Colonel Corcoran shall be treated as all the prisoners of war taken by the United States on the battle-field have been treated.

Extract from report of the Secretary of the Navy.

NAVY DEPARTMENT, *December 2, 1861.*

The PRESIDENT:

* * * * * * *

Capt. Charles Wilkes, in command of the San Jacinto, while searching in the West Indies for the Sumter received information that James M. Mason and John Slidell, disloyal citizens and leading conspirators, were with their suite to embark from Havana in the English steamer Trent on their way to Europe to promote the cause of the insurgents. Cruising in the Bahama Channel he intercepted the Trent on the 8th of November and took from her these dangerous men whom he brought to the United States. His vessel having been ordered to refit for service at Charlestown the prisoners were retained on board and conveyed to Fort Warren where they were committed to the custody of Colonel Dimick, in command of that fortress.

The prompt and decisive action of Captain Wilkes on this occasion merited and received the emphatic approval of the Department, and if

a too generous forbearance was exhibited by him in not capturing the vessel which had these rebel emissaries on board it may in view of the special circumstances and of its patriotic motives be excused, but it must by no means be permitted to constitute a precedent hereafter for the treatment of any case of similar infraction of neutral obligations by foreign vessels engaged in commerce or the carrying trade.

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GIDEON WELLES,
Secretary of the Navy.

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FORT WARREN, *Boston Harbor, December 2, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: I have the honor to report to you that Mr. Slidell asked this morning to forward a letter to his wife containing an order on a European house transferring his funds to her control. I declined without first receiving your instructions on the subject.

Mr. Eustis wished to know if he could correspond with his wife in Paris without mentioning business matters.

I am, sir, very respectfully, your obedient servant,

J. DIMICK,
Colonel First Artillery, Commanding Post.

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ADMIRALTY, [*London,*] *December 2, 1861.*

[Mr. HAMMOND.]

SIR: With reference to my letter of the 27th ultimo inclosing a copy of one dated the 9th of November from Commander Williams relative to the forcible removal of Messrs. Mason and Slidell and their secretaries from the Trent contract steamer by an armed party of officers and men from the San Jacinto, U. S. ship of war, I am commanded by my lords commissioners of admiralty to send you herewith for the information of Earl Russell a copy of a memorandum made by Commander Williams at the admiralty on the 27th ultimo and containing further information on the above-mentioned subject. My lords did not send a copy of this memorandum at the time it was written as Commander Williams on that day made a verbal statement at the foreign office; but it is now transmitted as it may be useful hereafter as showing the actual force used on the occasion and the strong protest made against it by Commander Williams.

I am, &c.,

W. G. ROMAINE,
Secretary to the Admiralty.

[Inclosure.]

Memorandum made by Commander Williams.

On Mr. Slidell's announcing that the four persons inquired for were then standing before Lieutenant Fairfax under British protection and that if taken on board the San Jacinto they must be taken *vi et armis*, I addressed that officer in the following terms:

In this ship I am the representative of Her Britannic Majesty's Government and in the name of that Government I protest against this illegal act—this violation of international law—this act of piracy which you would not dare to attempt on a ship capable of resisting such aggression.

It was then that Lieutenant Fairfax waved his hand toward the San Jacinto and additional force was sent. The marines were drawn up at the entry port, bayonets fixed; and on Miss Slidell uttering an hysterical scream on her being separated from her father—that is on his breaking the window of his cabin and thrusting his body through to escape from the distressing scene of forcible separation from his family—they rushed into the passage at the charge. There were upward of sixty armed men in all, and the aforesaid gentlemen were then taken out of the ship, an armed guard on either side of each seizing them by the collar of the coat.

Every inducement was held out so far as importunate persuasion would go to prevail on Mrs. Slidell and Mrs. Eustis with the son and three daughters of the former to accompany their husbands, but as they did not wish their wives to be subjected to imprisonment (Lieutenant Fairfax having replied to Mrs. Slidell's inquiry as to their disposal if they did accompany them that they would be sent to Washington) they remained on board the Trent and came to England in the La Plata.

The ships getting somewhat farther apart than when this affair commenced a boat came from the San Jacinto to request us to approach nearer, to which I replied that they had the same power as ourselves and if they wished to be nearer to us they had their own remedy.

—

Preamble and resolution adopted by the House of Representatives December 3, 1861.

Whereas Col. Alfred M. Wood, of the Fourteenth Regiment New York State Militia, who was wounded and taken prisoner at the battle of Bull Run, has now by rebel authorities been ordered to confinement in a felon's prison, and by the same order is to be treated as a prisoner convicted of infamous crimes: Therefore,

Resolved, That the President of the United States be respectfully requested to order John Slidell to the same character of prison and to the same treatment until Colonel Wood shall be treated as the United States have treated all prisoners taken in battle.

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CONFIDENTIAL.] LEGATION OF THE UNITED STATES,
London, December 3, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: The Persia has not brought to me any dispatches touching this unfortunate difficulty between the two countries. In the meantime the feeling is running very high on this side and little confidence is entertained of the possibility of preserving peaceful relations. I confess after examining the American journals and the current of opinion in the absence of all knowledge of the views of the Government I am making my arrangements for the termination of my stay at this post, preparatory to the reception of the instructions which I expect with the return of Lord Lyons.

That a very strong argument as against the British Government can be made in justification of the act of seizure does not admit of a doubt. The whole spirit of their policy on the ocean for centuries has been dictatorial and especially toward the United States in their earlier days. At the same time it is not to be denied that the position taken by

the United States from first to last has been one of resistance to their policy and of maintenance of the privileges of neutrals to be free from search. I should be very sorry to see our own country varying from what seems to me so honorable a record under the temptation of a little ephemeral success, entailing as it does so many of the most serious consequences to the prosperity of two great nations.

I have been particularly struck with the language used by Mr. Madison on this subject in his instructions given to Mr. Monroe to treat with the Government of Great Britain on the subjects then in dispute between the countries dated 5th of January, 1804. It is scarcely possible for words to be stronger in deprecation of such acts as the one that has just been committed. It would appear that he went so far as to propose a degree of immunity to neutral vessels which was objected to on the part of the British Government on the ground of "the facility it would give to the escape of traitors and the desertion of others whose services in time of war may be particularly important to an enemy." Under these circumstances it would not seem advisable for us to insist upon assuming their position unless we are ready also to assume their old arrogant claim of the dominion of the seas. Our neutral rights are as valuable to us as ever they were, whilst time has reflected nothing but credit on our steady defense of them against superior power.

It has occurred to me then that at this moment it might be well to consider the expediency of renewing in some form at Washington the proposal made at the time alluded to by Mr. Madison which constitutes the first article of his project. Whatever may be the answer that will be given to the message sent out through Lord Lyons, the nature of which I do not undertake to prejudge, the offer of such a proposition may be of use as a basis of reconciliation whether before or after the commencement of hostilities. And it will serve to break the force of the public opinion of Europe which will certainly be against us, and if I may be permitted to say so, not without justice, should we choose to place ourselves in the position which has always heretofore earned for England the ill will of all the other maritime nations of the globe, not excluding ourselves.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

[Translation.]

ADMINISTRATION OF FOREIGN AFFAIRS,
POLITICAL DEPARTMENT,
Paris, December 3, 1861.

HENRI MERCIER, *Minister of the Emperor at Washington.*

SIR: The arrest of Messrs. Mason and Slidell on board the English packet Trent by an American cruiser has produced in France if not the same emotion as in England at least extreme astonishment and sensation. Public sentiment was at once engrossed with the lawfulness and the consequence of such an act and the impression which has resulted from this has not been for an instant doubtful.

The fact has appeared so much out of accordance with the ordinary rules of international law that it has chosen to throw the responsibility for it exclusively on the commander of the San Jacinto. It is not yet given to us to know whether this supposition is well founded; and the Government of the Emperor has therefore also had to examine the question raised by the taking away of the two passengers from the

Trent. The desire to contribute to prevent a conflict perhaps imminent between two powers for which it is animated by sentiments equally friendly and the duty to uphold, for the purpose of placing the rights of its own flag under shelter from any attack, certain principles essential to the security of neutrals have after mature reflection convinced it that it could not under the circumstances remain entirely silent.

If to our deep regret the Cabinet at Washington were disposed to approve the conduct of the commander of the San Jacinto it would be either by considering Messrs. Mason and Slidell as enemies or as seeing in them nothing but rebels. In the one as in the other case there would be a forgetfulness, extremely annoying, of principles upon which we have always found the United States in agreement with us.

By what title in effect would the American cruiser in the first case have arrested Messrs. Mason and Slidell? The United States have admitted with us in the treaties concluded between the two countries that the freedom of the flag extends itself over the persons found on board should they be enemies of one of the two parties, unless the question is of military people actually in the service of the enemy. Messrs. Mason and Slidell were therefore by virtue of this principle which we have never found any difficulty in causing to be inserted in our treaties of friendship and commerce perfectly at liberty under the neutral flag of England. Doubtless it will not be pretended that they could be considered as contraband of war. That which constitutes contraband of war is not yet it is true exactly settled; the limitations are not absolutely the same for all the powers; but in what relates to persons the special stipulations which are found in the treaties concerning military people define plainly the character of those who only can be seized upon by belligerents; but there is no need to demonstrate that Messrs. Mason and Slidell could not be assimilated to persons in that category. There remains therefore to invoke in explanation of their capture only the pretext that they were the bearers of official dispatches from the enemy; but this is the moment to recall a circumstance which governs all this affair and which renders the conduct of the American cruiser unjustifiable.

The Trent was not destined to a point belonging to one of the belligerents. She was carrying to a neutral country her cargo and her passengers, and moreover it was in a neutral port that they were taken. If it were admissible that under such conditions the neutral flag does not completely cover the persons and merchandise it carries its immunity would be nothing more than an idle word; at any moment the commerce and the navigation of third powers would have to suffer from their innocent and even their indirect relations with the one or the other of the belligerents. These last would no longer find themselves as having only the right to exact from the neutral entire impartiality and to interdict all intermeddling on his part in acts of hostility. They would impose on his freedom of commerce and navigation restrictions which modern international law has refused to admit as legitimate; and we should in a word fall back upon vexatious practices against which in other epochs no power has more earnestly protested than the United States.

If the Cabinet of Washington would only look on the two persons arrested as rebels whom it is always lawful to seize, the question, to place it on other ground, could not be solved, however, in a sense in favor of the commander of the San Jacinto. There would be in such case misapprehension of the principle which makes a vessel a portion of the territory of the nation whose flag it bears and violation of that immunity

which prohibits a foreign sovereign by consequence from the exercise of his jurisdiction. It certainly is not necessary to recall to mind with what energy under every circumstance the Government of the United States has maintained this immunity and the right of asylum which is the consequence of it.

Not wishing to enter upon a more deep discussion of the questions raised by the capture of Messrs. Mason and Slidell, I have said enough I think to settle the point that the Cabinet of Washington could not without striking a blow at the principles which all neutral nations are alike interested in holding in respect nor without taking the attitude of contradiction of its own course up to this time give its approbation to the proceedings of the commander of the San Jacinto. In this state of things it evidently should not according to our views hesitate about the determination to be taken.

Lord Lyons is already instructed to present the demand for satisfaction which the English cabinet is under the necessity of reducing to form and which consists in the immediate release of the persons taken from on board the Trent, and in sending explanations which may take from this act its offensive character toward the British flag. The Federal Government will be inspired by a just and exalted feeling in deferring to these requests. One would search in vain to what end, for what interest it would hazard to provoke by a different attitude a rupture with Great Britain.

For ourselves we should see in that fact a deplorable complication in every respect of the difficulties with which the Cabinet of Washington has already to struggle and a precedent of a nature seriously to disquiet all the powers which continue outside of the existing contest. We believe that we give evidence of loyal friendship for the Cabinet of Washington by not permitting it to remain in ignorance in this condition of things of our manner of regarding it. I request you therefore, sir, to seize the first occasion of opening yourself frankly to Mr. Seward and if he asks it send him a copy of this dispatch.

Receive, sir, the assurance of my high consideration.

THOUVENEL.

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WASHINGTON, *December 3, 1861.* (Received 16th.)

[Earl RUSSELL, *London.*]

MY LORD: * * * The second session of the Thirty-seventh Congress of the United States began yesterday at noon. The business done in the Senate was of a merely formal character. In the House of Representatives several motions were made for the confiscation or emancipation of slaves whose masters are not loyal to the United States.

Resolutions requesting the President to confine Mr. Mason and Mr. Slidell in felons' cells* and treat them as prisoners convicted of infamous crimes were unanimously adopted with applause. Your lordship is aware that in retaliation for the treatment to which the crews of the captured Confederate privateers have been subjected President Davis has treated in the same manner an equal number of the prisoners of war who are in his hands.

A resolution was adopted tendering the thanks of Congress to Captain Wilkes for his brave, adroit and patriotic conduct in arresting

* See pp. 1113, 1115, for these resolutions

and detaining Messrs. Mason and Slidell. The authentic account of the proceedings will not be published in time for me to transmit a copy to your lordship to-day.

I have, &c.,

LYONS.

DEPARTMENT OF STATE, *Washington, December 5, 1861.*

Col. JUSTIN DIMICK, *Fort Warren, Boston.*

COLONEL: I have received your letters of the 30th ultimo and 2d instant relative to certain drafts of Messrs. Mason and Slidell on Europe.

In reply I have to inform you that as those gentlemen are confined on suspicion of treason against the Government of the United States it is deemed inexpedient to sanction any trasfer of credits which they may have in Europe.

Mr. Eustis may be allowed to forward any letters previously submitted to your examination and which you may not disapprove.

I am, colonel, your obedient servant,

WILLIAM H. SEWARD.

LEGATION OF THE UNITED STATES,
London, December 6, 1861.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

SIR: The current of popular feeling is still running with resistless force throughout this Kingdom. The conflict of opinion heretofore existing with powers nearly equal in favor of and against the Government of the United States is now merged in an almost universal demand for satisfaction for the insult and injury thought to be endured by the action of Captain Wilkes.

The members of the Government as a whole are believed not to be desirous of pressing matters to a violent issue but they are powerless in the face of the opinion they have invited from the law officers of the Crown. In quick succession have been issued two proclamations forbidding the export of saltpeter and gunpowder and of arms and munitions of war. At the same time orders have been given to fit out at once a large number of war ships upon which great quantities of arms are placed, and officers and men are warned to hold themselves in readiness to embark on or after Christmas, being the time when the response to the dispatches sent out by the Europa on Monday last is expected to arrive. There can be not a shadow of a doubt that the passions of the country are up and that a collision is inevitable if the Government of the United States should before the news reaches the other side have assumed the position of Captain Wilkes in a manner to preclude the possibility of explanation.

Under such circumstances my situation is becoming very rapidly not merely one of little or no public use but also of some personal embarrassment. Even should this storm blow over without damage so completely has mutual confidence been destroyed by it that there is little prospect of a restoration of those relations upon which alone the intercommunication of governments can be made to yield beneficial results. Ministers and people now fully believe it is the intention of the Government to drive them into hostilities. The arrogance of past Administrations, with which the present has no sympathy, is yet made to rest on the latter as if that too were animated by the same spirit.

Much of this state of opinion has its source in persons imbued with a settled malignity to America, but it ought in justice to be added that it is also entertained in qualified form by many of its best friends. Of the causes of this misinterpretation it would be of little moment now to inquire. Of the effect I have been fully sensible ever since the first day of my arrival. It has most unfortunately undermined that confidence in the good intentions of an Administration which I firmly believe to have been the most in harmony with the policy of Great Britain of any that has been in power for many years until instead of being friendly it is regarded as among the most hostile. So far as it has been within my power I have combatted this impression in every form where I could meet it but the result has been rather to give me credit for good intentions than to inspire conviction of the Government's sincerity.

The end of it is that it seems really a matter of indifference whether I remain or not at this post. My present expectation is that by the middle of January at furthest diplomatic relations will have been sundered between the two countries without any act of mine. I am therefore endeavoring to complete all the ordinary business of the legation in advance of the moment when the proper instructions will arrive in regard to the final disposition of its affairs as well as to the course I am myself to pursue.

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I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

[LEGATION OF THE UNITED STATES,]
Paris, December 6, 1861.

His Excellency WILLIAM H. SEWARD,
Secretary of State, &c.

SIR: I felt it a duty to call on M. Thouvenel to-day in reference to the views and position of France as respects our unfortunate difficulty with England. I had understood that the French Government had expressed its views to Lord Cowley and thought therefore that it would have no objections to doing the same to me.

M. Thouvenel said at once that the taking of Messrs. Slidell and Mason off a British ship was the affair of England, not theirs, but he had no hesitation in saying that it was the opinion of the French Government that the act was a clear breach of international law; that the French Government could not permit the application of such a principle to their ships. He added that all the foreign maritime powers with which he had conferred agreed that the act was a violation of public law. He said furthermore that he had at once communicated these views to M. Mercier.

In view of what had been the past conduct of the British and French Governments in our affairs and their joint action in the affairs of other nations, I thought it best to ask bluntly whether in the event of a war with England we were to expect France to go beyond the expression of her opinion; whether she would or would not be a neutral power, he said of course it was not their affair; they would be spectators only, though not indifferent spectators; the moral force of their opinions would be against us.

I told him that had I known he had communicated his views through M. Mercier I should not have troubled him with this interview.

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With much respect, I have the honor to be, your obedient servant,
WM. L. DAYTON.

FOREIGN OFFICE, [*London,*] *December 6, 1861.*

[Lord LYONS, &c., *Washington.*]

MY LORD: Count Flahault read to me to-day a dispatch addressed to him by M. Thouvenel covering one from M. Thouvenel to M. Mercier.* In this letter M. Thouvenel reviews with great ability the question of the captures on board the Trent.

He begins by saying that the transaction appeared to be so much at variance with the ordinary rules of international law that the impression on the public opinion in France was that the commander of the San Jacinto could alone be responsible for it. If, however, the Cabinet of Washington should be disposed to approve the conduct of that officer it could do so only on one or other of the grounds of Mr. Mason and Mr. Slidell being enemies or being rebels; and in either case it would depart greatly from those principles on which hitherto France and the United States have been agreed. As regards the former case, that, namely, of the two gentlemen being considered enemies, the United States in their treaties with France had recognized that the freedom of the flag extended to all persons except military or naval officers actually in the service of the enemy found under it; and according to this principle Mr. Mason and Mr. Slidell were free under the neutral flag of England. Neither could those gentlemen be deemed contraband of war; for although no general rule as to the contraband was universally admitted the character of persons liable to be considered as contraband was at all events clearly defined, and Mr. Mason and Mr. Slidell did not bear that character.

Then again as regards the allegation that they were bearers of dispatches of the enemy the conduct of the U. S. cruiser was wholly unjustifiable. The Trent was not destined for a port of either of the belligerents; she was on her voyage to a neutral country with cargo and passengers which she had embarked in a neutral country; and if it were assumed that under such circumstances the neutral flag did not protect passengers and cargo the immunity of that flag would be an idle word, and restrictions wholly inadmissible according to the principles of modern times would thereby be imposed on the freedom of commerce and navigation. As regards the latter case, that, namely, of Mr. Mason and Mr. Slidell being considered rebels, M. Thouvenel observes that neither in this case was the conduct of the commander of the San Jacinto justifiable for he will have disregarded the received principle that a vessel forms part of the territory of the State whose flag it bears and is therefore exempt from foreign jurisdiction.

Under these circumstances M. Thouvenel considers it impossible that the Cabinet of Washington should approve the conduct of the commander of the San Jacinto, and accordingly in his opinion it cannot hesitate as to the decision which it should adopt. It should acquiesce in the demands which Lord Lyons was instructed to make for the immediate liberation of the two gentlemen and for such explanation as may efface the offense done to the British flag. It is impossible to conceive what object or interest it could have in provoking by a different course a rupture with Great Britain. Such a rupture France would consider not only as lamentable with reference to the difficulties with which the Cabinet of Washington has already to contend but also as establishing a precedent calculated seriously to disquiet all powers who are standing aloof from the conflict now going on; and M. Thouvenel considers that

* See Thouvenel to Mercier, December 3, p. 1116.

he is now furnishing a fresh proof of the friendship of France for the United States by not allowing the Cabinet of Washington to remain in ignorance of her sentiments on the present crisis.

Your lordship will perceive from this summary which I am enabled to give you of the instructions addressed by M. Thouvenel to M. Mercier that the French minister is directed to give the moral support of his Government to the representations and requirements which you are instructed to make.

I am, &c.,

RUSSELL.

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WASHINGTON, *December 9, 1861.* (Received 23d.)

[Earl RUSSELL, *London.*]

MY LORD: I have the honor to inclose a copy of a letter from the Secretary of the Navy to Captain Wilkes dated the 30th of November,* which has been published in the newspapers. It is in substance the same as the paragraph on the subject of the seizure of Messrs. Mason and Slidell which occurs in the report from the same Secretary sent to Congress with the President's message. It expresses emphatic approval of the proceeding, but says that the forbearance shown in not capturing the vessel must not be permitted to constitute a precedent.

I have, &c.,

LYONS.

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U. S. LEGATION, *Stockholm, December 10, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: I have the honor to inform you that American affairs absorb all other questions and are the chief subject of discussion both in diplomatic and commercial circles. The arrest of the Southern commissioners created great excitement in this quiet city. Count Manderstrom, minister of foreign affairs, kindly sent me the telegram as received by him with a note expressing strong doubts of its truth. The information we have received has come through an English medium.

All are waiting to hear what action will be taken by the Cabinet at Washington. The arrest is generally condemned as a violation of the law of nations and considered a *casus belli* unless disavowed. The strong and decided articles in the French press denouncing the act of Captain Wilkes as illegal have influenced public opinion to a great extent.

The account of the flattering reception of Count Piper by the President and Secretary of State has been received with great satisfaction by this Government. The address of welcome by the President was published by the entire press in Sweden and Norway.

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I remain, your obedient servant,

J. S. HALDEMAN.

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LEGATION OF THE UNITED STATES,
London, December 11, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: * * * I presume the question involved in the case of the Trent will have been settled before this reaches you; but if it is not it may be

* Omitted here. See Welles to Wilkes, November 30, 1861, p. 1109.

as well to look up a case which has been mentioned to me here but which I have not the facilities to examine on this side of the water. It is that of Mr. Edward Wyer, bearer of dispatches to Mr. Adams at Saint Petersburg, believed to be in 1812, who was taken out of a Swedish vessel not far out of Boston by a British frigate. This fact could be easily verified by reference to the Boston newspapers of the period.

As not a single word has yet been communicated to me officially or otherwise respecting the views of the Government in regard to this most unfortunate affair I am placed in a predicament almost as awkward as if I had not been commissioned here at all. Indeed I perceive in some of the French newspapers that advantage has been taken of the fact to intimate that my conciliatory policy does not represent the true sentiments of the Government. Of course this absurd story makes no impression on me, but as everything that creates prejudice against the Government is greedily caught up here the effect is to impair the usefulness of any action I may take as its representative. I would therefore respectfully suggest the expediency of keeping me as early and as fully informed of the course of things, so far as it concerns the relations of the two Governments, at Washington as Lord Lyons does the Government here. The importance of this may be seen in the case of Mr. Bunch, when both Lord Palmerston and Earl Russell had a complete advantage over me in the knowledge of what had actually been done at home.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

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LEGATION OF THE UNITED STATES,
Paris, December 11, 1861.

His Excellency WILLIAM H. SEWARD,
Secretary of State, &c.

SIR: I inclosed you by the dispatch bag yesterday a copy of The Constitutionnel* containing an article (marked) of a very obnoxious character. The article as you will observe if you have had time to look it over advocates the policy of France making common cause with England against us. It looks likewise to the early recognition by France and Great Britain of the South as an independent power. The Constitutionnel is understood here to have a semi-official character.

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I have the honor to be, with much respect, your obedient servant,

WILLIAM L. DAYTON.

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LEGATION OF THE UNITED STATES,
London, December 12, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: The difficulty growing out of the case of the Trent continues the uppermost subject in all minds. Although many of the leading presses indulge in loud boasts of the extreme facility with which the matter will be disposed of by arms, the great fall in the price of stocks and the rise in the rates of insurance are significant indications of the uneasiness of public opinion that lies beneath. The deprecation of war is quite general among the religious classes and especially the Dissenters. The

* Not found.

subject was adverted to more or less broadly in many of the pulpits in this city last Sunday and a general meeting of members of all denominations has been called for this day at Exeter Hall to give expression to the feeling.

In the meantime all the preparations for warfare are going on at the different depots and magazines with great energy. The impression is very fixed that it is the policy both of the Administration and of the people of the United States to make unreasonable demands of this country in order to test the extent of its forbearance. As a consequence it is considered absolutely necessary by a vigorous demonstration to inspire a conviction among us that it will not be trifled with. I very much regret that this prejudice exists even among our best friends, for it leads to misconstruction of every act even the most trifling which is susceptible of a doubt, but such is the undeniable fact.

The answer from the United States to the messenger sent on the 2d instant is expected on or about the 1st of next month and much speculation is indulged in as to the policy that will be adopted in case it should be unfavorable. Some think it will be a declaration of war. The better opinion is that it will be a recognition of the Confederates and a refusal further to abide by the blockade as ineffective. This would without doubt be the most decisive course to bring around what an influential party in Great Britain have always looked to as the great end to be attained, a permanent disruption of the Union. It would also throw upon the United States the necessity of taking the initiative in a declaration of war.

The period is now so near when the result will be known to the world that I deem it superfluous to speculate on probabilities any further. I am making my own arrangements upon the expectation that my mission will in any event come to an end in a few weeks should no special instructions be received in regard to my future action. I have not yet determined whether to return home at once or to retire to the Continent for a few weeks until the opening of a more favorable season for the voyage with my family. I should feel it a duty to obey the wishes of the President in this respect if any particular course should be pointed out as the most likely to be for the public service. If on the other hand nothing should be said I shall infer that the matter is left to my judgment.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

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WASHINGTON, *December 13, 1861.* (Received 26th.)

[Earl RUSSELL, *London.*]

MY LORD: * * * It is asserted in the report from Captain Wilkes that Mr. Mason and Mr. Slidell "had been presented to the captain-general of Cuba by Her Britannic Majesty's consul-general." The same assertion had appeared previously in most of the American newspapers.

Having received yesterday a dispatch from Mr. Crawford, the consul-general, directly contradicting it I thought it desirable to inform the Government of the United States officially that it was erroneous. I accordingly addressed a note to Mr. Seward of which and of the dispatch from Mr. Crawford upon which it was founded I do myself the honor to inclose copies.

I have also the honor to inclose a copy of a note which I have just received from Mr. Seward in which he thanks me for contradicting the

assertion concerning Mr. Crawford and states that my promptness in doing so is a new and gratifying proof of my desire for the preservation of harmonious relations between the British and American Governments.

I have, &c.,

LYONS.

[Inclosure No. 1.]

WASHINGTON, *December 12, 1861.*

Hon. WILLIAM H. SEWARD, &c.

SIR: A letter has been published in the newspapers which purports to have been addressed on the 16th of November last by Captain Wilkes, of the U. S. steamer San Jacinto, to the Secretary of the Navy. It contains the following statement: "They (Mr. Mason and Mr. Slidell) have been presented to the captain-general of Cuba by Her Britannic Majesty's consul-general." The writer of the letter appears to have been misinformed. I am able to contradict the statement on the authority of Mr. Crawford, the consul-general, himself. In a dispatch which I have received from him to-day he declares officially with references to assertions to the same effect made in American newspapers that he neither presented nor accompanied Mr. Mason and Mr. Slidell to the captain-general.

I have, &c.,

LYONS.

[Sub-Inclosure.]

HAVANA, *December 2, 1861.*

[Lord LYONS, *Washington.*]

MY LORD: I have seen in the American papers a statement which as published by a press so infamous as that of the United States has become I consider wholly unworthy of my notice, but under present circumstances, as much importance appears to attach to the false information that has been given respecting me in connection with Messrs. Slidell and Mason, I think it necessary to state to your lordship that I neither presented nor accompanied those gentlemen to the captain-general in uniform or otherwise.

Mr. Slidell is an acquaintance of mine since 1825, and Mr. Mason's brother was my very intimate friend when he was secretary to the U. S. legation in Mexico under Mr. Poinsett long ago. I certainly did myself the pleasure of calling on those gentlemen as strangers and showed them such civilities as were in my power, but I never thought of rendering them any official services. I presume they were fully aware that had they needed any such assistance I could not have given it and none was ever applied for.

I have, &c.,

JOS. T. CRAWFORD.

[Inclosure No. 2.]

DEPARTMENT OF STATE, *Washington, December 13, 1861.*

Right Hon. Lord LYONS, &c.

MY LORD: I thank your lordship for your note of the 12th instant contradicting on the authority of Mr. Crawford, Her Britannic Majesty's consul-general at Havana, the report that that gentleman had presented Messrs. Mason and Slidell to his excellency the captain-general of Cuba. This prompt proceeding on your part to remove what might have been a subject of discontent on the part of this Government with

your own is a new and gratifying proof of your lordship's desire for the preservation of harmonious relations between the Government of Her Britannic Majesty and that of the United States.

I avail myself of this occasion to say that although I have received from our consulate at Havana some complaints founded on reports of conduct on the part of Mr. Crawford unjust toward the United States I have refrained from entertaining them in the absence of some authentic and reliable evidence.

I have, &c.,

W. H. SEWARD.

LEGATION OF THE UNITED STATES,
Berlin, December 14, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: * * * The principal topic of discussion at this time among the diplomats and others is the pending difficulty between the United States and Great Britain growing out of the seizure of Mason and Slidell and what will be its result.

I have had conversation upon that subject with a majority of the representatives of other governments residing at this capital and have found no one who does not appreciate the serious consequences to the commerce and business of the world that would occur in case of a war between the United States and England and who does not deprecate such a result, some of them on account of the present condition of the United States and others from a selfish motive connected with the mercantile and commercial interests of their respective countries.

The newspapers are filled with rumors and speculations as to the action of England, among them one as follows: That England has made two propositions to the parties to the Paris conference about American matters—first, that the blockade should be declared ineffectual and therefore raised; and second, that those powers should acknowledge the independence of the Confederate States; and it was further asserted that all the powers had assented to the first proposition, Russia with a declaration that it was not to be construed into a disposition to war with the United States.

I had an interview by appointment yesterday with Count Bernstorff, minister of foreign affairs. * * * He expressed regret at the threatened difficulties with England and hoped war might be avoided. I then said to him, "Why don't your Government keep the peace?" To which he replied by asking if the Government of the United States would not object to their interference. I told him that the friendly relations that had always existed between the Governments of the United States and Prussia would authorize any friendly act of that kind; that I had no advice or instruction from my Government upon the subject and that I was only expressing my own feelings.

I stated further that unless England had some ulterior object for war and only made the Trent affair a pretext there was no necessity for the hasty action that was threatened; that the honor of England was safe while she was listening to the voices of the powers that were represented at the treaty of Paris. He said that he did not think there was any ulterior motive, and when I expressed to him my views of the legality of the act when considered in the light of the British construction of international law he replied that there was sufficient ground for argument upon either side to cause the parties to hesitate before becoming involved in a war for that cause.

My conversation with him was very satisfactory and there is no doubt of the friendly feelings of the Prussian Government toward the Government of the United States and its desire that the rebellion should be subdued.

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I have the honor to be, your obedient servant,

N. B. JUDD.

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DEPARTMENT OF STATE, *Washington, December 16, 1861.*

CHARLES FRANCIS ADAMS, Esq., &c.

SIR: In connection with the case of Messrs. Mason and Slidell the Department has recently been engaged in examining that of M. Fauchet, a minister from France during Washington's Administration, who while on his way to embark at Newport, R. I., on his return home probably escaped seizure by the commander of the British ship Africa near that port in consequence of the packet Peggy, in which he was proceeding from New York to Newport, being compelled by stress of weather to put into Stonington, Conn. Here M. Fauchet received intimation of the intention of the commander of the Africa which induced him to proceed to Newport by land and across the ferries. When the weather moderated the Peggy continued on her course and when she approached the Africa she was boarded from that vessel, the trunks of the passengers were searched and disappointment shown at the absence of M. Fauchet.

This act having been committed within the maritime jurisdiction of the United States and the British vice-consul at Newport having been implicated in it his exequatur was formally revoked by President Washington and explanations demanded of the British Government, first through their minister here and then through Mr. John Quincy Adams, acting chargé d'affaires at London. The correspondence which took place here on our records and files seems to be complete, with the exception of a note from Mr. Bond, acting British chargé d'affaires, to Mr. Pickering of the 17th of August, 1795. As it is desirable to obtain a copy of that note application has been made for one to the British legation here, but the answer is that they have no record or draft of it. A copy was undoubtedly sent to the foreign office at the time. I will consequently thank you to endeavor to obtain one there for the use of this Department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

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NO. 3 RIVER TERRACE, *Hoboken, N. J., December 16, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: As the representative under the Constitution of the President of the United States in conducting our foreign relations I address you on a question of the greatest import to our country growing out of the recent news from England as regards the arrest of the rebel ambassadors.

That we had a perfect right under the law of nations to seize the British mail steamer Trent carrying the hostile ambassadors and dispatches and bring her in as a prize for condemnation by our courts I have never doubted. That the right to capture the vessel involved the subordinate privilege of seizing the rebel ministers seems to me an inevitable sequence

although it would have been more regular to have brought in the Trent as a prize for judicial condemnation. This mere formal question the cabinet of England have seized on as a pretext for involving us in a war with them in the midst of the present rebellion.

They wish to force the export to them of our cotton; they wish permanently to divide our Union; they wish to annihilate our commercial and maritime supremacy and suppress the example of the success of our free institutions, so fatal to the permanency of the monarchy and aristocracy of England. In the midst of the present gigantic rebellion they have like dastards seized upon this as their opportunity for our destruction.

The question is what should we do under existing circumstances? I assume it as a fact that all who during the present crisis would precipitate us unnecessarily into a war with England are at heart allies of the Southern rebellion and traitors. With such a war with England at this period the Union by possibility may be dissolved and the separate Confederate Government of the South established. This is exactly what the rebels desire, and they are no doubt exulting now in the hope that we will be speedily involved in a war with England. They hope thus to be recognized as a nation by foreign powers, to establish free trade with them, whilst driving our own vessels and manufactures from their ports, and finally they expect to supply Europe with cotton whilst withholding it from American factories and subjecting us substantially to the dictation of the South and of their English allies. They contemplate our ruin and humiliation. Indeed the severance and downfall of this Union would not only consummate our disgrace and destruction but would seal for centuries the fate of liberty throughout the world.

These being the possible consequences of a war at present with England the question is can it be honorably avoided? If nothing will satisfy England but an apology and the delivery to her of the rebel ministers the war cannot be avoided, and we must meet it as best we may with the whole power of the nation. But if such a contest at this time can be avoided with honor our duty to the Union, to our country, to the cause of liberty and mankind demands that we should not precipitate the conflict.

The papers say that France has offered her mediation. If so, and it is confined to the single question of our right to seize and hold the rebel ministers unconnected with any interference between us and the Southern rebellion, it ought to be accepted although I would greatly prefer Russia as a mediator. If no such mediation has been offered and the demands of England are not insulting to our national honor we might suggest the submission of the single question of international law involved in this case to Russia and France—with a right in case of difference of opinion to select an umpire—or to either of these nations. Of course we ought to prefer Russia as the constant and uniform friend of this country. But France was our great and potent ally against England in the war of the Revolution, and she has never been our enemy. I think France is more jealous of England than of the United States, and that the memory of Cressy, Agincourt and Waterloo and of the battles of centuries on the ocean and land between France and England is still fraught with bitter recollections and inextinguishable popular hatred. The alliance of France and England against Russia was a necessity, and even in that contest France sought every opportunity to humiliate her ally, to tarnish her prestige and exalt her own military glory.

I speak not only from history but from my personal experience in Europe when I say that the people of France are not the cordial friends

of the people of England, and that in this respect Louis Napoleon represents the people of France. I do not fear for the decision of the Emperor Napoleon on this question of international law. But suppose the legal question should be decided by France against us. Such a decision would be fraught with consequences of no permanent injury to our country.

In the wars of Europe, which are the great wars of the world, we have been heretofore and must most probably hereafter be neutrals only, and whatever decision enlarges the rights and privileges of neutrals must necessarily be permanently advantageous to our country. There is no humiliation in submitting this question of international law to the arbitrament of Russia and France or either of those powers. It is just such a question as properly can be submitted to such an umpirage, and especially in this case where by our own act by failing to bring in the vessel as a prize we have ourselves intercepted and prevented a judicial decision.

This Southern rebellion must be crushed or our country may be forever ruined; and those who unnecessarily wheel England into an alliance with the Southern rebellion are disunionists and traitors. In vain may they seize the present moment to escape the terrible responsibility by raising the war cry against England. If as the consequence the Southern Confederacy aided by the English alliance should establish their Government on the ruins of the Union and of our country, the statesmen who for want of firmness and courage shall have subjected us to such a calamity will meet the execrations of the American people and of the friends of liberty throughout the world and will join the wretched caravan of infamy of which Buchanan is at present the only leader. Having doomed our country to destruction they will meet whilst living the curses of a ruined people and history and posterity will doom them to eternal disgrace.

I am quite sure that the President and yourself and every member of the Cabinet are stimulated by the sole desire to suppress this rebellion and restore the Union, and therefore I cannot doubt that you will manfully and courageously resist any possible temporary popular clamor and redeem the country from the terrible dangers with which we are now environed. Rest assured that when a few weeks or months have passed away and reason, not even now dethroned, shall have fully resumed her empire the popular clamor will be infinitely more intense and universal against those who would destroy the Union by involving us at this time unnecessarily in war with England.

If we should propose that France or Russia should decide this question of international law England will not dare to reject the umpirage; for to do so would be most seriously to offend those countries, to subject herself to the reprobation of the whole civilized world, to overthrow her cabinet and perhaps her Government. Settle thus this question and the last hope of the Southern rebellion is extinguished, and we can then adopt such policy as regards all the forfeited property and rights of rebels (including slaves) as will be best calculated to bring the war to a speedy and successful conclusion.

You may read this letter to the President and Cabinet or publish it when you think proper, although I think its immediate publication would be unwise. The fact that the fate of our country may now be trembling in the balance must constitute my excuse for occupying now any portion of your valuable time.

With great regard, your obedient servant,

R. J. WALKER.

DETROIT, *December 18, 1861.*

WILLIAM H. SEWARD, *Secretary of State:*

Why not consider the English construction of the law of nations as a proposition for our acceptance and accept it, and thus terminate the Mason and Slidell controversy by discharging them?

I do not know precisely their construction but it undoubtedly increases the immunity of neutrals and diminishes the powers of belligerents, and whatever does that is of more advantage to us than to England because war is an exceptional state with us and a common one with her. We preserve our honor and promote our interests by this procedure. The power to arrest rebel agents on board neutrals is of very little practical importance to us.

For the views of this Government as to the dangers of belligerent pretensions see a letter from Department of State to Mr. Mason, minister at France, dated June 27, 1859.

LEWIS CASS.

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NEW YORK, *December 18, 1861.*

Hon. W. H. SEWARD, *Secretary of State:*

General Jackson endeared himself to the American people by being determined and fearless upon all great national questions, but he had not in his day 3,000,000 men ready to take the field as this Government has at the time you are Secretary of State. I really hope you will accomomdate England to her heart's content. My impression is this Government has not power enough to surrender Slidell and Mason. I hope you will not consider this treason enough to send me to Fort Warren.

Yours, &c.

RICHARD SCHELL.

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NEW YORK, *December 18, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: As every authentic proof of the state of public opinion in Great Britain may have some weight and be of some service to you in managing the delicate and momentous negotiations now pending with the English Government I beg to send a copy of a letter recently received from my nephew, Mr. James Lorimer Graham, jr., a gentleman of character and intelligence who has access to a wide circle of the best people in Scotland. Of the accuracy of his observations and the truth of his statements you may be fully assured.

Allow me to hope that this sudden fever of apprehension may be soon followed by peace and confidence and the Government left once more to the great task of crushing this unnatural rebellion.

I am, dear sir, with high regard, your obedient servant,

JAMES LORIMER GRAHAM.

[Inclosure.]

EDINBURGH, *November 29, 1861.*

JAMES LORIMER GRAHAM, Esq., *108 Broadway, New York.*

MY DEAR UNCLE: Yours of the 10th and 12th of November have been duly received together with the copy of the paper announcing your patriotic subscription to the national loan.

Since my last there has been considerable excitement here in regard to the burning of the Harvey Birch by a Confederate steamer, and the matter afforded materials for a warm discussion. But the excitement consequent upon the insult to the British flag by the U. S. frigate San Jacinto has entirely monopolized the public mind. I have never seen so intense a feeling of indignation exhibited in my life. It pervades all classes and may make itself heard above the wiser theories of the cabinet officers. The press have generally discussed the matter with some show of calmness. The Morning Post of London (the organ of Palmerston) goes over the ground with dignified moderation and closes its article as follows:

The insult therefore in any case was most gratuitous, and if as we think unwarranted by the code of nations it will not only be deeply felt but deeply resented.

I inclose some extracts from the London journals and also a leader from The Morning Courant of Edinburgh.* I wish you to read these articles carefully or get Robert to read them to you, for I need not disguise the fact that I am seriously apprehensive of the result of the present complication. It is said that Great Britain will send out the Warrior and demand the return of Mason and Slidell to the British flag from under which they were taken, and if they are not restored war will be declared. Now I hope the American people will not allow themselves to be deluded with the idea that Great Britain dares not go to war. I know that that feeling finds daily expression in New York but notice the leader of the Courant:

Formerly a war with America meant deprivation of cotton; now it means immediate access to a supply of cotton. Formerly Britain could hardly muster a squadron; she could now send one across the Atlantic which in a few weeks would sweep the sea-board of the States as clean as a model housewife's floor.

All this is no doubt very true, and when we reflect that she could land forces in Canada and in the Southern States as well as she could blockade our ports, I think it is suitable that we should think twice before we throw down the gauntlet. I hope myself that the excitement which is now heard throughout the land will subside. I say heard—Doctor Simpson who was in this morning said, "Have you heard the British lion? He is roaring from the Highlands to the Land's End." The doctor thinks we will have war; I think not, although I am satisfied that with a good excuse for it in the eyes of the world the British people are quite prepared to take up arms against us. * * *

JAMES LORIMER GRAHAM, JR.

DETROIT, *December 19, 1861.*

Hon. W. H. SEWARD, *Secretary of State.*

DEAR SIR: Our telegraphic information yesterday led to the conclusion that the British demands arising out of the Mason and Slidell affair would reach you last evening and I therefore took the liberty of communicating with you by telegraph† some suggestions that had occurred to me, presuming they would reach you this morning during the Cabinet deliberations. You must find in my anxiety to avoid a war with England my reason for the liberty I have taken upon this occasion and I trust also an excuse for it.

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*Newspaper extracts not found.

† See p. 1130 for Cass to Seward, December 18.

It seems to me that such a war, independent of any other consequences, would go far to prevent the restoration of the rebel States to the authority of the Constitution, a restoration so anxiously desired by every true citizen. My object in troubling you is to explain the motive of my telegraphic communication. I thought the suggestions were worth consideration, offering as they appeared to me to do an honorable means of terminating all difficulty with England as to the capture of Slidell and Mason.

Though I think it was justifiable upon grounds laid down and acted upon by England, yet I considered it a most useless and unfortunate affair—an affair which from its evident importance should never have been undertaken by Captain Wilkes without express orders from his Government, and his interference is the more inexcusable as he states in his report that in his search into the authorities upon the law of nations he could find no such case decided and was brought to consider the rebel commissioners as the "embodiment of dispatches"—I think is his phrase—in order to justify the arrest; a strange reason to be officially given for such a procedure. And what has amazed me more than anything else in this whole affair are the laudations bestowed upon Captain Wilkes for his courage in taking three or four unarmed men out of an unarmed vessel. No doubt the indignation justly felt against Slidell and Mason for their treasonable conduct has produced a decided effect upon the public mind in the views that have been expressed.

As to any injury which these rebel agents could do us in Europe it is all nonsense. The question of recognition will be decided by the governments there on views of their own interests and not from any representations which such men or any men indeed could make. They would have been perfectly harmless in Europe, but have been exalted into importance by this unlucky accident. So far as depends upon the political communication of the rebel States with Europe they can send just as many agents there as they please.

But the principle of capture is of very little political importance to us as is manifest on the slightest consideration.

Wishing you all success in the difficult circumstances in which the country is placed, I am, dear sir, truly, yours,

LEWIS CASS.

OFFICE OF THE SUPT. METROPOLITAN POLICE,
New York, December 19, 1861. (Received 20th.)

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have just this moment received a letter from a friend residing at Halifax, Nova Scotia, dated 11th or 15th instant, and which was written in the warehouse at the dock while the steamer was lying there on her way to Boston. He says:

> I happened to be within hearing of the commander-in-chief (here) when he received his dispatches telegraphed to him from London to Queenstown. He told his officers that Lord Lyons was instructed to demand of President Lincoln the release of Mason and Slidell and to deliver them within six weeks on board a British ship in Boston Harbor in the presence of thirty British and thirty U. S. Navy officers.

If this is true you of course knew it before to-day, but I think it proper to communicate it even if the commander-in-chief alluded to was giving vent to his wishes instead of his instructions. My authority is entirely reliable.

* * * * * * *

Allow me for the first time to say one word in the way of counsel Our discreet friends here expect the Government to hold on to Mason and Slidell or to refer the question to the French Emperor. If the British Government decline that reference it will not fail to offend France, and whatever decision France makes in such a case will be international law hereafter. Excuse me for making bold to say this much.

Very truly, yours,

JOHN A. KENNEDY,
Superintendent.

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FOREIGN OFFICE, [*London,*] *December 19, 1861.*

Lord LYONS, K. C. B., &c., [*Washington.*]

MY LORD: Mr. Adams came to me to-day at the foreign office at 3 o'clock. He said he came to ask two questions which concerned himself personally. I interrupted him to ask whether what he was going to say was by order of his Government or from his own sense of what he ought to do. Mr. Adams answered that the proceeding was entirely his own but that he had with him a dispatch from Mr. Seward* which he was authorized to read to me if he should think fit to do so. It appeared he said from that dispatch that the Government of Washington had not authorized the capture of the two insurgents, Mason and Slidell, and that the United States Government stood quite uncommitted at the time of sending the dispatch. I said that if the dispatch did not enter into any controversy with regard to the case of Messrs. Mason and Slidell I should be glad to hear it read. Mr. Adams then proceeded to read the dispatch.

It commenced by referring with approbation to a speech made by Mr. Adams at the Mansion House, and proceeded to notice with gratification the sentiments which had been expressed by Lord Palmerston in a conversation he had held with Mr. Adams in reference to the James Adger. Mr. Seward then proceeds to declare that the American Government value highly the friendship of Great Britain, and lament that certain causes of difference have arisen, owing as Mr. Seward imagines to the want of attention on the part of the British Government to the performance of the duties incumbent on a friendly power during the struggle in which the United States are engaged. Mr. Seward gives as instances the case of communication to the Confederate authorities by Mr. Bunch; the admission of the Sumter, privateer, to purchase coal and provisions at Trinidad in contradistinction as he said to the conduct that [*sic*] every European State, and the arrival in the Southern States of vessels laden with arms and ammunition from England.

Mr. Seward then proceeds to the case of the Trent, from which ship the two insurgents had been taken. He affirms that no instructions were given to Captain Wilkes which authorized him to act in the manner he had done. Neither had the United States Government committed itself with regard to any decision upon the character of that act. The Government would wait for any representation the British Government might make before coming to any positive decision. He desires that if Mr. Adams shall think it desirable this dispatch shall be read to me and also to Lord Palmerston.

In answer to Mr. Adams I touched upon most of the points treated of in the dispatch. I did not think it necessary, however, to recur to the case of Mr. Bunch. With regard to the Confederate privateer I

* Seward to Adams, November 30, p. 1108.

said that I could not see that our conduct had been different from that of France and Holland or of Spain. The Sumter had been refused coal from the Government stores at Trinidad, but had been allowed to get coal and provisions from private merchants. The same thing had taken place at Martinique and at Curaçoa. I did not find that the rule of twenty-four hours had been observed in practice, but there would be little difficulty in coming to an agreement on this point.

In regard to the export of arms and ammunition to the Confederate States I had lately read the opinion of the attorney-general and believed it was in entire conformity with the provision of the foreign enlistment act: warlike equipment of the vessel was prohibited; the loading of a vessel with arms and ammunition was not prohibited. But in point of fact a much greater amount of arms and ammunition had been sent to the Federal States where there was no obstacle to the export or the import than to the ports of the Confederate States which were blockaded. Mr. Adams admitted this to be the fact, and said he had refrained from pressing a more rigorous compliance with the foreign enlistment act for this reason.

I then stated to Mr. Adams the substance of the two dispatches I had written to Lord Lyons on the subject of the Trent. I told him that in a private letter I had directed Lord Lyons to talk the matter over with Mr. Seward two days before reading to him the dispatch.

Mr. Adams asked whether the direction to Lord Lyons to leave Washington in seven days was in the dispatch to be read. I said it was not, and that in case Mr. Seward should ask what would be the consequence of a refusal on his part to comply with our conditions Lord Lyons was to decline to answer that question in order not to have the appearance of a threat.

I said that I thought the explanation that the Government had not authorized the seizure would stand in the place of an apology. But the essential condition was that Mr. Mason and Mr. Slidell should be given up to Lord Lyons.

Mr. Adams said that if the matter was stated to Mr. Seward in the manner I had explained he hoped for an amicable termination of the difference; he thought that if the Government of the United States insisted on maintaining the act of Captain Wilkes the United States would be abandoning their doctrine and adopting ours.

Mr. Adams asked me further questions which he said I might decline to answer; it was whether if Lord Lyons came away a declaration of war would be the immediate consequence. I told him nothing was decided on that point; we should wait for the reply from America and then decide upon our course.

I stated to Mr. Adams the substance of M. Thouvenel's dispatch to M. Mercier as I had heard it from M. de Flahault. Mr. Adams said that the French Government had always been very consistent in their maintenance of the rights of neutrals. He added that he could not pay our Government the same compliment. I said I would dispense with compliments if this matter could be amicably arranged.

We parted on very friendly terms.

I am, &c., RUSSELL.

WASHINGTON, *December 19, 1861.*
(Received January 1, 1862.)

[Earl RUSSELL, *London.*]

MY LORD: The messenger Seymour delivered to me at 11.30 last night your lordship's dispatch of the 30th ultimo specifying the reparation

required by Her Majesty's Government for the seizure of Mr. Mason and Mr. Slidell and their secretaries on board the royal mail steamer Trent.

I waited on Mr. Seward this afternoon at the State Department and acquainted him in general terms with the tenor of that dispatch. I stated in particular—as nearly as possible in your lordship's words—that the only redress which could satisfy Her Majesty's Government and Her Majesty's people would be the immediate delivery of the prisoners to me in order that they might again be placed under British protection, and moreover a suitable apology for the aggression which had been committed. I added that Her Majesty's Government hoped that the Government of the United States would of its own accord offer this reparation; that it was in order to facilitate such an arrangement that I had come to him without any written demand or even any written paper at all in my hand; that if there was a prospect of attaining this object I was willing to be guided by him as to the conduct on my part which would render its attainment most easy.

Mr. Seward received my communication seriously and with dignity but without any manifestations of dissatisfaction. Some further conversation ensued in consequence of questions put by him with a view to ascertain the exact character of the dispatch. At the conclusion he asked me to give him to-morrow to consider the question and to communicate with the President. On the day after he should he said be ready to express an opinion with respect to the communication I had made. In the meantime he begged me to be assured that he was very sensible of the friendly and conciliatory manner in which I had made it.

I have, &c.

LYONS.

NEW YORK, *December 19, 1861.*

Dr. J. S. DASHIELL, *Washington.*

MY DEAR SIR: I wish I had time, as I have not, to write you a letter. But in lieu thereof I send you the accompanying slip cut from The London Times of the 30th of November. Being in the form of a communication it will be apt to escape the attention of Mr. Seward should he see the paper at all. I think he will be glad to see it and I therefore send it to you to be given to him or not as you may think best. The writing at the head of the article gives it an importance in my eyes which it would not possess otherwise, the memorandum being made by the gentleman who sends me the paper, who with me is very high authority for every opinion he expresses. He is connected with the English press and knows everybody and everything.

Yours, faithfully,

D. H ADLEY.

[Inclosure.]

This is important as to substance and authorship.

TEMPLE, *November 29,* [*1861*].

EDITOR OF THE TIMES.

SIR: When so momentous a question as that of a war between England and the Northern States of America is in the balance I think you will be disposed to give publicity indifferently to every view in which the matter can possibly present itself. I venture therefore to request permission to offer a few observations on the critical question of the extent of the reparation which the English Government are entitled to demand at the hands of the Washington Cabinet.

That the American cruiser was guilty of an irregularity and in point of form of an illegal act in carrying off the Southern commissioners without a judicial sentence on the Trent must now be admitted even by those who are disposed to take the least inflammatory view of the subject. The practice of allowing the belligerent cruiser to constitute himself a judge in the matter is clearly so improper and inconvenient that it is impossible to permit such an act to pass into a precedent unquestioned.

On the other hand it does seem to me that the extent of the reparation we should demand depends in a great measure on the question whether the injury we have sustained was one of form only or of substance. Now whether the injury was one of form or of substance depends on the second question, whether if the American cruiser had acted in a regular manner, *i. e.*, had carried the Trent into an American port in order to bring her before a prize court, there were not material on which to found a judicial condemnation? If the case is not so clearly in our favor that a decision in the American court condemning the vessel would have been liable to be questioned by us as manifestly contrary to the law of nations then the irregularity of the American captain in allowing the Trent to proceed to Southampton clearly redounded to the advantage of the British owners and the British passengers. Could we in such a case find a ground of international quarrel in an error of procedure which in effect told in our own favor?

Now were there not material from which the American prize court might and most probably would have arrived at such a condemnation? On a doubtful point, which at the least it must be admitted to be, the American decision would probably have been in their own favor. The prize court is judge not only of law but of the facts from which inferences are to be drawn. It might have fairly taken the confessions of Mr. Slidell and his friends that they were Southern commissioners coupled with the occupation in which it is notorious that the other Southern commissioners now in Europe are engaged as a sufficient proof of the hostile character of their mission. If the court had come to such a decision could the English Government have disputed their judgment as one in gross violation of law and justice? If not it would have been binding on us and the Trent would have been condemned as a lawful prize.

A distinction has been drawn between the dispatch and the messenger who carries the dispatch which seems to me wholly unsustainable. If a belligerent has power to seize the dispatch he must have the power to detain the messenger. For the messenger, who probably knows the message by heart, is neither more nor less than a living dispatch. Now I do not put forward these considerations as suggesting that we have sustained no injury at the hands of the Americans nor for the purpose of questioning our right to demand reparation. But I confess that it strikes me very strongly that the quality of the injury materially affects the nature of the amends which we are entitled to require if the Trent would probably have been legally condemned in case a regular course had been pursued by the captain of the San Jacinto, in form it is true she sustained an injury but in substance it is certain she had a fortunate escape.

The conclusion therefore at which I arrive is this: what we are entitled beyond all question to demand is an apology for the illegal and irregular proceeding on the part of the San Jacinto, which cannot be sustained on any possible view of the law of nations, and an undertaking from the American Government that the offense shall not be

repeated. But unless it is perfectly demonstrable that if the captain of the San Jacinto had carried the Trent into New York she could not legally have been condemned I cannot think that we are entitled to push our demand to the extreme point of requiring the restitution of the commissioners. Such a demand would almost certainly be repelled.

And England before she can appeal to the arbitrament of arms must have a quarrel good not only in form but in substance.

JUSTITIA.

LEGATION OF THE UNITED STATES,
London, December 20, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: I have the honor to transmit copies of the official notes that have passed between Lord Russell and myself on the event of decease of His Royal Highness the Prince Consort.

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The public mind is in a feverish state, vaguely anticipating complications both in America and Europe which may ultimately involve calamity and disaster. Above all it is felt rather than uttered that there is no really wise head now in England to guide in case of a storm.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

BOSTON, *December 20, 1861.*

Hon. WILLIAM H. SEWARD:

The suggestions contained in the inclosed articles, one of which is by Hon. George T. Curtis and the other by Hon. Charles B. Goodrich, both prominent members of the Boston bar, may be of some little value.

[Inclosure No. 1.]

WEST ROXBURY, *December 18, 1861.*

EDITOR OF THE BOSTON JOURNAL:

Being a constant reader of your paper my attention was attracted yesterday by the following statement in your editorial columns:

> It is curious to observe that nearly all of our jurists who have written upon the Mason and Slidell case passed over as entirely indefensible the position which the British Government is said to have finally assumed, viz, that the Trent ought to have been searched and carried in for judicial condemnation.

It may be of little importance, but will you permit me to state that before the English view was or could be known here Mr. G. S. Hilliard printed a communication in The Boston Courier and the writer of this letter printed another in which the omission to bring the Trent in for adjudication was pointed out as a great irregularity likely to lead to serious consequences. I ask your indulgence then while I endeavor to show to my fellow-citizens that this is not a mere matter of form but that it is a matter of very serious and important substance.

Every maritime nation has as part of its judicial system what is called a prize court, the special function of which is to adjudicate on the lawfulness of all seizures made at sea by the cruisers of that nation when it is at war These courts are not only bound to administer the law of nations in cases involving the conflicting rights of different nations, but

their adjudications in cases of capture are binding upon all parties interested unless they are tainted with fraud or gross mistake. Being thus interposed between the nation making a seizure and the nation aggrieved by that seizure, and proceeding always upon solemn truth and argument of the matter in controversy, their functions are essential to the preservation of peace. Accordingly it has always been a law of the world since maritime warfare has been governed by settled principles that every cruiser making a seizure whether of things belonging to an enemy or a neutral and whether on board of an enemy or a neutral vessel shall bring that vessel in and subject the lawfulness of the seizure to adjudication in a prize court. There is one excuse only that can be set up in justification of a failure to make an effort to bring in the vessel and that occurs when the captors have not sufficient force to put a proper prize crew on board the prize, for they have no authority to compel the crew of the prize to navigate for themselves.

In the case of the Trent this rule has not been complied with. By the act of our own officer we are without the means of showing the lawfulness of the seizure in the only mode known to the law of nations. If we had any cause for intercepting and seizing Mr. Mason and Mr. Slidell on board of a neutral vessel going from a neutral port to a neutral port it must have been because they were either enemies, ambassadors or fugitive traitors. Suppose they were both; the lawfulness of seizing them from a neutral vessel is the matter in dispute and we can justify it only because the public law gives us a right to do it. But we cannot take the benefit of one part of that law which we say gives us the right to make the capture and reject the other part which prescribes the mode of making the capture and the mode of establishing its lawfulness when made.

When therefore England says that she cannot consent to have the proper function of a prize court set aside by the seizure of a person or thing from one of her vessels, followed by no adjudication, she says a thing of the utmost importance to every maritime nation in the world. This is her real case, her whole case; and it is one which will place all Europe on her side if she presents it in the attitude properly belonging to it. If she says to the President, "I cannot discuss with you the lawfulness of this seizure for you cannot adjudicate it; and as there is now no possibility of a judicial determination, restitution of the men can alone repair the wrong of which I complain," what answer shall we make or compel the President to make? Not I trust to give Lord Lyons his passports, but rather to see if there is a reason sufficient in the eye of the law for having placed ourselves in a position where we cannot give to England what she has a clear right to demand—the judgment of the judicial tribunal on the lawfulness of the seizure.

So far as the case is at present understood there is but one valid reason suggested for not having brought in the Trent. If it can be shown that Captain Wilkes was unable to bring her in for want of a sufficient prize crew England may well be asked to admit that excuse. But the tenderness of Captain Wilkes toward the remaining passengers or toward Her Majesty's mails although fairly enough to be urged as grounds of consideration by the English Government seems to me not to be a legal excuse for the absence of a regular adjudication of the lawfulness of the seizure.

Our countrymen have not so little intelligence or so much false pride as not to be able or willing to see that a principle important to the peace of the world is involved in this case. Let me repeat that the

right to have an adjudication of the lawfulness of every capture is indispensable to the safety and honor of all nations. Without it peace cannot be long maintained with neutral powers. Let us not then try to compel our Government to do the impossible. It is clear that they cannot determine between themselves and England the lawfulness of this capture. If we can show a valid excuse for the absence of an adjudication or can now make a voluntary tribunal by accepting or proposing an arbitrator our interest and honor and good name will all be saved.

G. T. C.

[Inclosure No. 2.]

EDITOR OF THE BOSTON COURIER:

There is no room to doubt that the San Jacinto had a right to search the Trent. The refusal of its master to exhibit its passenger list was improper and would have been of considerable weight to say the least upon the question of condemnation if the Trent had been brought into port for condemnation. The English theory now is that Mason and Slidell were American citizens traveling for private purposes in no way connected with any hostile enterprise adverse to the United States; that the search of the ship failed to disclose any cause of seizure and therefore the commander of the San Jacinto had no authority to take Mason and Slidell from an English vessel.

Assume this to be a correct statement, which cannot be conceded, the course of Commander Wilkes is not without precedent. The Romeo, Cowan master, on the 29th of October, 1806, was before the admiralty court of Great Britain as a case of prize (6 Robinson's Reports, 351). In the course of the hearing a letter applicable to the Romeo was produced and received in evidence which was not found on board the Romeo.

This letter was taken out of an American vessel, the Mary, by Lieutenant Rigby of His Majesty's gun-boat Urgent who had stopped the Mary and had examined her papers and finding a letter which purported to disclose the real state of a transaction which had been fraudulently concealed had sent the paper in question to the King's proctor officially without detaining the ship in which it was found. This case shows that a captor may introduce proof not found on board a vessel seized and carried in as a prize.

It also shows that an armed ship of Great Britain took from an American ship a paper and did not carry the ship so arrested into port for adjudication.

C. B. G.

PHILADELPHIA, *December 20, 1861.*

Hon. W. H. SEWARD.

MY DEAR SIR: I suppose the terms of the Queen's proclamation made at the beginning of the Russian war could scarcely have failed to attract your attention in its bearing upon the question which now agitates the country, yet as it is possible that with your attention drawn to other views this one may not have been adverted to I take the liberty of inclosing the following allusions to it from a Nova Scotia paper.

I have the honor to be, with high respect, your obedient servant,

M. RUSSELL THAYER.

[Inclosure No. 1.—Extract from The Halifax (Nova Scotia) Sun, November 25.]

The public mind is seemingly much perplexed about the legality of the apprehension of Mason and Slidell, the ambassadors and bearers of dispatches on board the royal mail steamer Trent when attempting to escape to Europe. When we refer to the law of nations as laid down by the greatest of British international writers we find that the action of the United States Government in this apprehension has at least the sanction of ancient and modern law on this important point. Lord Stowell, one of the ablest of British jurists, says:

The carrying of the dispatches of the enemy is also a condemnation even if carried by neutrals. The ambassador of the enemy may be stopped on his passage, but when he arrives in the neutral country he becomes a sort of middleman, and is entitled to certain privileges.

Lord Stowell further declared and the doctrine was acted upon by the whole judges in the subsequent case, that of the Atlanta, that "the neutral ship carrying the dispatches was liable to be forfeited," and decided accordingly. And Sir William Scott in one of his celebrated judgments in a case of this kind says:

It appears to me on principle that the fact of a vessel carrying the ambassadors or dispatches of a belligerent power whether knowingly or not affords equal ground of forfeiture, if such vessel is seized by the opposing power.

That the foregoing is the true state of the law at the present time may be gathered from the fact that in Her Majesty's proclamation dated the 15th of April, 1854, during the Russian war the following highly important clause appears:

To preserve the commerce of neutrals from all obstruction Her Majesty is willing for the present to waive a part of the belligerent rights appertaining to her by the law of nations. But it is impossible for Her Majesty to forego the exercise of her right of seizing articles contraband of war and specially preventing neutrals from bearing the enemy's messengers or dispatches.

Under these circumstances it is evident that the apprehension of Mason and Slidell has the sanction of the laws of nations.

[Inclosure No. 2.—From The Halifax (Nova Scotia) Sun.]

THE MASON AND SLIDELL DISPATCHES.

Queen Victoria having issued her declaration of war against Russia on the 28th of March, 1854, she made proclamation on the 15th of April that "desirous of rendering the war as little onerous as possible to the powers with whom she remains at peace," she was—

Willing to waive a part of her belligerent rights. It is impossible for Her Majesty to forego the exercise of her right of seizing articles contraband of war and of preventing neutrals from bearing the enemy's dispatches, and she must maintain the right of a belligerent to prevent neutrals from breaking any effective blockade which may be established with an adequate force against the enemy's forts, harbors or coasts.

In her proclamation of May 13, 1861, it is announced:

And whereas hostilities have unhappily commenced between the Government of the United States of America and certain States styling themselves the Confederate States of America; and whereas we being at peace with the Government of the United States have declared our royal determination to maintain a strict and impartial neutrality in the contest between the said contending parties; and we do hereby strictly charge and command all our loving subjects to observe a strict neutrality in and during the aforesaid hostilities and to abstain from violating or contravening either the laws and statutes of the realm in this behalf, or the law of nations in relation thereto, as they will answer to the contrary at their peril.

This proclamation then recites at length a portion of the statute 59th of George III, wherein the offender is to be punished with fine and imprisonment or either at the discretion of the court, and continues:

And we do hereby further warn all our loving subjects and persons entitled to our protection that if any of them shall presume in contempt of this our royal proclamation and of our high displeasure to do any act in derogation of their duty as subjects of a neutral sovereign in the said contest, or in violation or in contravention of the law of nations in that behalf—as for example and more especially [here specifying offenses in the aforesaid statute], or by breaking or endeavoring to break any blockade lawfully and actually established by or on behalf of either of the contending parties; or by carrying officers, soldiers, dispatches, arms, military stores or materials or any article or articles considered and deemed to be contraband of war according to the law or modern usage of nations, for the use or service of either of the said contending parties, all persons so offending will incur and be liable to the several penalties and penal consequences by the said statute or by the law of nations in that behalf imposed or denounced. And we do hereby declare that all our subjects and persons entitled to our protection who may misconduct themselves in the premises will do so at their peril and of their own wrong, and that they will in no wise obtain any protection from us against any liabilities or penal consequences but will on the contrary incur our high displeasure by such misconduct.

Given at our court at the White Lodge, Richmond Park, &c.

The London Times commenting on this proclamation remarks:

Heretofore the proclamation has only reminded the subjects of the Queen of the penalties which the law of this country denounces against an infraction of neutrality, and points out the penalties with which such offenses may be visited by the law of the land or by the law of nations. But in the last paragraph the proclamation seems to go beyond this and to make an announcement of the policy which will be adopted in cases which are provided for neither by the law of the land nor by the law of nations, but which arise out of the peculiar conditions of the present unhappy conflict. It will be observed that in this place the word "such" is omitted. The liabilities and penal consequences are not confined to those under the act or under the law of nations but are left wide and indefinite, as if on purpose to embrace the very case we are supposing.

The captain of the steamer Trent, a British subject, does not hesitate to bear the dispatches of the rebels in the face of all this warning. His act is the more flagrant from his carrying the mails of his Government on a regular ocean mail line to and from England. How can the English Government screen him from public prosecution? Not only the captain but "all hands" have violated the spirit if not the letter of the law and both letter and spirit of the proclamation. And why should not the United States by the law of nations ask of Great Britain this example to be made of offended justice and right?

A. P.

PHILADELPHIA, *December 22, 1861.*

Secretary CAMERON:

Steamship Edinburgh left Liverpool Wednesday; Queenstown afternoon of Thursday, 12th instant; passed Cape Race Saturday. General Scott previous to embarking in Arago had long interview with Prince Napoleon. Reported that the general carries to America expression of French Emperor's desire to bring about peaceable solution of question between English and American Governments. The Australasian was to sail night of 12th with troops and munitions for Saint Lawrence. Niagara sails Saturday; 300 artillerists to Halifax. No abatement in England of warlike preparations.

W. W. FULTON.

NEW YORK, *December 22, 1861.*

E. S. SANFORD, *President American Telegraph Company:*

The steamship Arago from Havre, via Southampton on the 11th instant, passed Cape Race at 6 o'clock Saturday evening en route to New York. Her dates are three days later than those per the America. General Scott is passenger by the Arago. His health much improved.

The London Times' Paris correspondent says that the official opinion of the British minister on the outrage perpetrated by the San Jacinto on the Trent is most precise and positive, namely, first, that the violence committed by the captain of the San Jacinto is indefensible; second, that by regarding the commissioners, Messrs. Mason and Slidell, as contraband Mr. Lincoln and his Cabinet contradict themselves for they refused to admit they were aware of their presence.

The various military stations in Ireland had been ordered to complete their strength of sixty-nine regiments of the line. The British Government is negotiating for steamers to transport troops to Canada. The London Times of the 10th instant says advices by the Niagara encourages hope of a disavowal by the Cabinet at Washington of the San Jacinto outrage and a surrender of the southern commissioners.

ROBERTS.

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WASHINGTON, *December 23, 1861.*
(Received January 7, 1862.)

[Earl RUSSELL, *London.*]

MY LORD: In conformity with the understanding to which I came with Mr. Seward on the 19th instant I waited upon him the day before yesterday for the purpose of reading to him your lordship's dispatch of the 30th ultimo on the subject of the seizure of Mr. Mason and Mr. Slidell and their secretaries on board the Trent.

On my presenting myself Mr. Seward said that he had occupied himself as unremittingly as the great amount of business he had to transact allowed in studying the question. He would confess that he had not yet completely mastered it. He would not make me a formal request to postpone the communication of your lordship's dispatch, but he would say that it would be a great convenience to him personally and a great advantage in all respects if I would consent to do so. The next day was Sunday; could I not defer the communication till Monday. I answered that I would as he wished it put off reading the dispatch to him until Monday, provided he would fix an early hour for receiving me on that day. I should I said be obliged to send off my messenger with dispatches for your lordship on Monday afternoon. It was impossible that I could allow another packet to sail without reporting to your lordship that I had executed your orders. Mr. Seward promised to receive me as early as 10 o'clock on Monday morning.

I accordingly went to him soon after that hour this (Monday) morning, read the dispatch to him and at his request left with him a copy of it. He said that he would immediately lay it before the President and that I should without delay receive a communication with regard to it.

I have, &c.,

LYONS.

CONFIDENTIAL.] DEPARTMENT OF STATE,
Washington, December 27, 1861.

CHARLES FRANCIS ADAMS, Esq.

SIR: You will receive herewith a copy of the correspondence* with Lord Lyons on the subject of the Trent. The great difficulty in all human enterprises consists in pursuing just and worthy objects persistently when the interests and passions of men avail themselves of accidents to embarrass our movements and divert us from our course.

Nothing could have happened so well calculated to electrify the loyal portion of the American people as the capture and confinement of the four persons who were taken from the Trent on their way to Europe to betray their country into the control of ambitious foreign States. But this is no time to be diverted from the cares of the Union into controversies with other powers even if just causes for them could be found. When the affair happened there was no time for the public mind to weigh against the apparent advantages of the capture the probable incompetency of the captured persons as individuals to do any considerable injury to our country abroad, much less to measure the dangers of collision between us and foreign powers resulting from an exchange of our own traditional positions in regard to neutral rights for the British one—one which we had so long and so consistently repudiated. The Government as you will already have learned has not yielded to any such excitement, but has held itself ready to meet and decide the question upon its merits and with reference only to the public welfare in its broadest and most enduring relations.

The President has adopted his decision with the unanimous assent of his Cabinet. We trust and believe that a change or at least a pause will come upon the mind of Europe when it is seen as it now must be that the United States have maintained calmness, composure and dignity during all the season which the British people have been so intensely excited, and that in this as in every other case they have vindicated not only their consistency but their principles and policy while measuring out to Great Britain the justice which they have always claimed at her hands. The Union is indeed the paramount interest of the day but the national prestige and character will not be unnecessarily compromised in our efforts to maintain it.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, December 27, 1861.*

M. HENRI MERCIER, &c.

SIR: I have submitted to the President the copy you were so good as to give me of the dispatch addressed to you on the 3d of December instant† concerning the recent proceedings of Captain Wilkes in arresting certain persons on board of the British contract mail steamer Trent.

Before receiving the paper, however, the President had decided upon the disposition to be made of the subject which has caused so much anxiety in Europe. That disposition of the subject as I think renders unnecessary any discussion of it in reply to the comments of M. Thouvenel. I am permitted, however, to say that M. Thouvenel has not been in error in supposing first that the Government of the United

* See Seward to Lyons, December 26, p. 1145, Inclosure No. 1.
† For Thouvenel to Mercier, see p. 1116.

States has not acted in any spirit of disregard of the rights or of the sensibilities of the British nation, and that he is equally just in assuming that the United States would consistently vindicate by their practice on this occasion the character they have so long maintained as an advocate of the most liberal principles concerning the rights of neutral States in maritime war.

When the French Government shall come to see at large the views of this Government and those of the Government of Great Britain on the subject now in question and to compare them with the views expressed by M. Thouvenel on the part of France it will probably perceive that while it must be admitted that those three powers are equally impressed with the same desire for the establishment of principles favorable to neutral rights there is at the same time not such an entire agreement concerning the application of those principles as is desirable to secure that important object.

The Government of the United States will be happy if the occasion which has elicited this correspondence can be improved so as to secure a more definite agreement upon the whole subject by all maritime powers.

You will assure M. Thouvenel that this Government appreciates as well the frankness of his explanations as the spirit of friendship and good will toward the United States in which they are expressed.

It is a sincere pleasure for the United States to exchange assurances of a friendship which had its origin in associations the most sacred in the history of both countries.

I avail myself of this opportunity to renew to you, sir, the assurance of my high consideration.

WILLIAM H. SEWARD.

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WASHINGTON, *December 27, 1861.*
(Received January 9, 1862.)

[Earl RUSSELL, *London.*]

MY LORD: * * * The day before yesterday M. Mercier received the dispatch from M. Thouvenel which was read to your lordship by Count Flahault on the 6th instant. He immediately carried it to the State Department and on being informed that Mr. Seward was at a Cabinet council requested the Assistant Secretary to send it into the council room without delay.

M. Mercier has throughout displayed great alacrity and good will and (if I may be allowed to express an opinion on that point also) excellent judgment in giving the moral support of France to the demands of Her Majesty's Government.

* * * * * * *

I have, &c.,

LYONS.

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WASHINGTON, *December 27, 1861.*
(Received January 9, 1862.)

[Earl RUSSELL, *London.*]

MY LORD: I have the honor to inclose a copy of a note which I have this morning received from Mr. Seward in answer to your lordship's dispatch of the 30th of last month relative to the removal of Mr. Mason, Mr Slidell, Mr. Macfarland and Mr. Eustis from the British mail-

packet Trent. The note contains a very long and very elaborate dissertation on the questions of international law involved in the case.

I have not time before the departure of the messenger to weigh the arguments or to estimate precisely the force of the expressions used. But as Mr. Seward admits that reparation is due to Great Britain and consents to deliver the four prisoners to me I consider that the demands of Her Majesty's Government are so far substantially complied with that it is my duty in obedience to your lordship's commands to report the facts to Her Majesty's Government for their consideration and to remain at my post until I receive further orders.

I have the honor to inclose a copy of the answer which I have made to Mr. Seward's note. I have confined myself to stating that I will forward a copy of it to Her Majesty's Government, and that I will confer with Mr. Seward personally on the arrangements to be made for the delivery of the prisoners to me.

I have, &c.,

LYONS.

[Inclosure No. 1.]

DEPARTMENT OF STATE, *Washington, December 26, 1861.*

Right Hon. Lord LYONS, &c.

MY LORD: Earl Russell's dispatch of November 30, a copy of which you have left with me at my request, is of the following effect, namely:

That a letter of Commander Williams dated "Royal Mail Contract Packet-boat Trent, at sea, November 9" states that that vessel left Havana on the 7th of November with Her Majesty's mails for England having on board numerous passengers. Shortly after noon on the 8th of November the U. S. war steamer San Jacinto, Captain Wilkes, not showing colors was observed ahead. That steamer on being neared by the Trent at 1.15 p. m. fired a round shot from a pivot gun across her bows and showed American colors. While the Trent was approaching slowly toward the San Jacinto she discharged a shell across the Trent's bows which exploded at half a cable's length before her. The Trent then stopped and an officer with a large armed guard of marines boarded her. The officer said he had orders to arrest Messrs. Mason, Slidell, Macfarland and Eustis and had sure information that they were passengers on the Trent. While some parley was going on upon this matter Mr. Slidell stepped forward and said to the American officer that the four persons he had named were standing before him. The commander of the Trent and Commander Williams protested against the act of taking those four passengers out of the Trent they then being under the protection of the British flag. But the San Jacinto was at this time only 200 yards distant, her ship's company at quarters, her ports open and tompions out and so resistance was out of the question. The four persons before named were then forcibly taken out of the ship. A further demand was made that the commander of the Trent should proceed on board the San Jacinto but he said he would not go unless forcibly compelled likewise and this demand was not insisted upon.

Upon this statement Earl Russell remarks that it thus appears that certain individuals have been forcibly taken from on board a British vessel, the ship of a neutral power, while that vessel was pursuing a lawful and innocent voyage—an act of violence which was an affront to the British flag and a violation of international law.

Earl Russell next says that Her Majesty's Government bearing in mind the friendly relations which have long subsisted between Great

Britain and the United States are willing to believe that the naval officer who committed this aggression was not acting in compliance with any authority from his Government or that if he conceived himself to be so authorized he greatly misunderstood the instructions which he had received.

Earl Russell argues that the United States must be fully aware that the British Government could not allow such an affront to the national honor to pass without full reparation and they are willing to believe that it could not be the deliberate intention of the United States unnecessarily to force into discussion between the two Governments a question of so grave a character and with regard to which the whole British nation would be sure to entertain such unanimity of feeling.

Earl Russell resting upon the statement and the argument which I have thus recited closes with saying that her Majesty's Government trust that when this matter shall have been brought under the consideration of the Government of the United States it will of its own accord offer to the British Government such redress as alone could satisfy the British nation, namely, the liberation of the four prisoners taken from the Trent and their delivery to your lordship in order that they may again be placed under British protection and a suitable apology for the aggression which has been committed. Earl Russell finally instructs you to propose those terms to me if I should not first offer them on the part of the Government.

This dispatch has been submitted to the President.

The British Government has rightly conjectured what it is now my duty to state that Captain Wilkes in conceiving and executing the proceeding in question acted upon his own suggestions of duty without any direction or instruction or even foreknowledge of it on the part of this Government. No directions had been given to him or any other naval officer to arrest the four persons named or any of them on the Trent or on any other British vessel or on any other neutral vessel at the place where it occurred or elsewhere. The British Government will justly infer from these facts that the United States not only have had no purpose but even no thought of forcing into discussion the question which has arisen or any other which could affect in any way the sensibilities of the British nation.

It is true that a round shot was fired by the San Jacinto from her pivot gun when the Trent was distantly approaching. But as the facts have been reported to this Government the shot was nevertheless intentionally fired in a direction so obviously divergent from the course of the Trent as to be quite as harmless as a blank shot while it should be regarded as a signal.

So also we learn that the Trent was not approaching the San Jacinto slowly when the shell was fired across her bows, but on the contrary the Trent was or seemed to be moving under a full head of steam as if with a purpose to pass the San Jacinto.

We are informed also that the boarding officer (Lieutenant Fairfax) did not board the Trent with a large armed guard, but he left his marines in his boat when he entered the Trent. He stated his instructions from Captain Wilkes to search for the four persons named in a respectful and courteous though decided manner, and he asked the captain of the Trent to show his passenger list which was refused. The lieutenant as we are informed did not employ absolute force in transferring the passengers, but he used just so much as was necessary to satisfy the parties concerned that refusal or resistance would be unavailing.

So also we are informed that the captain of the Trent was not at any time or in any way required to go on board the San Jacinto.

These modifications of the case as presented by Commander Williams are based upon our official reports.

I have now to remind your lordship of some facts which doubtlessly were omitted by Earl Russell with the very proper and becoming motive ofallowing them to be brought into the case on the part of the United States in the way most satisfactory to this Government. These facts are that at the time the transaction occurred an insurrection was existing in the United States which this Government was engaged in suppressing by the employment of land and naval forces; that in regard to this domestic strife the United States considered Great Britain as a friendly power, while she had assumed for herself the attitude of a neutral; and that Spain was considered in the same light and had assumed the same attitude as Great Britain.

It has been settled by correspondence that the United States and Great Britain mutually recognized as applicable to this local strife these two articles of the declaration made by the Congress of Paris in 1856, namely, that the neutral or friendly flag should cover enemy's goods not contraband of war, and that neutral goods not contraband of war are not liable to capture under an enemy's flag. These exceptions of contraband from favor were a negative acceptance by the parties of the rule hitherto everywhere recognized as a part of the law of nations that whatever is contraband is liable to capture and confiscation in all cases.

James M. Mason and J. E. Macfarland are citizens of the United States and residents of Virginia; John Slidell and George Eustis are citizens of the United States and residents of Louisiana. It was well known at Havana when these parties embarked in the Trent that James M. Mason was proceeding to England in the affected character of a minister plenipotentiary to the Court of Saint James under a pretended commission from Jefferson Davis, who had assumed to be president of the insurrectionary party in the United States, and J. E. Macfarland was going with him in a like unreal character of secretary of legation to the pretended mission. John Slidell in similar circumstances was going to Paris as a pretended minister to the Emperor of the French and George Eustis was the chosen secretary of legation for that simulated mission. The fact that these persons had assumed such characters has been since avowed by the same Jefferson Davis in a pretended message* to an unlawful and insurrectionary congress. It was as we think rightly presumed that these ministers bore pretended credentials and instructions and such papers are in the law known as dispatches. We are informed by our consul at Paris that these dispatches having escaped the search of the Trent were actually conveyed and delivered to emissaries of the insurrection in England. Although it is not essential yet it is proper to state as I do also upon information and belief that the owner and agent and all the officers of the Trent including Commander Williams had knowledge of the assumed characters and purposes of the persons before named when they embarked on that vessel.

Your lordship will now perceive that the case before us instead of presenting a merely flagrant act of violence on the part of Captain Wilkes, as might well be inferred from the incomplete statement of it that went up to the British Government, was undertaken as a simple

* See p. 1229 for this message.

legal and customary belligerent proceeding by Captain Wilkes to arrest and capture a neutral vessel engaged in carrying contraband of war for the use and benefit of the insurgents.

The question before us is whether this proceeding was authorized by and conducted according to the law of nations. It involves the following inquiries:

First. Were the persons named and their supposed dispatches contraband of war?

Second. Might Captain Wilkes lawfully stop and search the Trent for these contraband persons and dispatches?

Third. Did he exercise that right in a proper and lawful manner?

Fourth. Having found the contraband persons on board and in presumed possession of the contraband dispatches had he a right to capture the persons?

Fifth. Did he exercise that right of capture in the manner allowed and recognized by the law of nations?

If all these inquiries shall be resolved in the affirmative the British Government will have no claim for reparation.

I address myself to the first inquiry, namely, were the four persons mentioned and their supposed dispatches contraband?

Maritime law so generally deals as its professors say *in rem*, that is, with property and so seldom with persons that it seems a straining of the word "contraband" to apply it to them. But persons as well as property may become contraband since the word means broadly "contrary to proclamation, prohibited, illegal, unlawful."

All writers and judges pronounce naval or military persons in the service of the enemy contraband. Vattel says war allows us to cut off from an enemy all his resources and to hinder him from sending ministers to solicit assistance. And Sir William Scott says you may stop the ambassador of your enemy on his passage. Dispatches are not less clearly contraband and the bearers or couriers who undertake to carry them fall under the same condemnation.

A subtlety might be raised whether pretended ministers of a usurping power not recognized as legal by either the belligerent or the neutral could be held to be contraband. But it would disappear on being subjected to what is the true test in all cases, namely, the spirit of the law. Sir William Scott speaking of civil magistrates who are arrested and detained as contraband says:

> It appears to me on principle to be but reasonable that when it is of sufficient importance to the enemy that such persons shall be sent out on the public service at the public expense it should afford equal ground of forfeiture against the vessel that may be let out for a purpose so intimately connected with the hostile operations.

I trust that I have shown that the four persons who were taken from the Trent by Captain Wilkes and their dispatches were contraband of war.

The second inquiry is whether Captain Wilkes had a right by the law of nations to detain and search the Trent.

The Trent though she carried mails was a contract or merchant vessel—a common carrier for hire. Maritime law knows only three classes of vessels—vessels of war, revenue vessels and merchant vessels. The Trent falls within the latter class. Whatever disputes have existed concerning a right of visitation or search in time of peace none it is supposed has existed in modern times about the right of a belligerent in time of war to capture contraband in neutral and even friendly merchant vessels, and of the right of visitation and search in order to determine whether they are neutral and are documented as such according to the law of nations.

I assume in the present case—what as I read British authorities is regarded by Great Britain herself as true maritime law—that the circumstance that the Trent was proceeding from a neutral port to another neutral port does not modify the right of the belligerent captor.

The third question is whether Captain Wilkes exercised the right of search in a lawful and proper manner.

If any doubt hung over this point, as the case was presented in the statement of it adopted by the British Government, I think it must have already passed away before the modifications of that statement which I have already submitted.

I proceed to the fourth inquiry, namely, having found the suspected contraband on board the Trent, had Captain Wilkes a right to capture the same?

Such a capture is the chief if not the only recognized object of the permitted visitation and search. The principle of the law is that the belligerent exposed to danger may prevent the contraband persons or things from applying themselves or being applied to the hostile uses or purposes designed. The law is so very liberal in this respect that when contraband is found on board a neutral vessel not only is the contraband forfeited, but the vessel which is the vehicle of its passage or transportation being tainted also becomes contraband and is subject to capture and confiscation.

Only the fifth question remains, namely, did Captain Wilkes exercise the right of capturing the contraband in conformity with the law of nations?

It is just here that the difficulties of the case begin. What is the manner which the law of nations prescribes for disposing of the contraband when you have found and seized it on board of the neutral vessel? The answer would easily be found if the question were what you shall do with the contraband vessel. You must take or send her into a convenient port and subject her to a judicial prosecution there in admiralty, which will try and decide the questions of belligerency, neutrality, contraband and capture. So again you would promptly find the same answer if the question were what is the manner of proceeding prescribed by the law of nations in regard to the contraband, if it be property or things of material or pecuniary value.

But the question here concerns the mode of procedure in regard not to the vessel that was carrying the contraband nor yet to contraband things which worked the forfeiture of the vessel but to contraband persons.

The books of law are dumb. Yet the question is as important as it is difficult. First, the belligerent captor has a right to prevent the contraband officer, soldier, sailor, minister, messenger or courier from proceeding in his unlawful voyage and reaching the destined scene of his injurious service. But on the other hand the person captured may be innocent—that is he may not be contraband. He therefore had a right to a fair trial of the accusation against him. The neutral State that has taken him under its flag is bound to protect him if he is not contraband and is therefore entitled to be satisfied upon that important question. The faith of that State is pledged to his safety if innocent, as its justice is pledged to his surrender if he is really contraband. Here are conflicting claims involving personal liberty, life, honor and duty. Here are conflicting national claims involving welfare, safety, honor and empire. They require a tribunal and a trial. The captors and the captured are equals; the neutral and the belligerent state are equals.

While the law authorities were found silent it was suggested at an early day by this Government that you should take the captured persons into a convenient port and institute judicial proceedings there to try the controversy. But only courts of admiralty have jurisdiction in maritime cases and these courts have formulas to try only claims to contraband chattels but none to try claims concerning contraband persons. The courts can entertain no proceedings and render no judgment in favor of or against the alleged contraband men.

It was replied all this was true, but you can reach in those courts a decision which will have the moral weight of a judicial one by a circuitous proceeding. Convey the suspected men together with the suspected vessel into port and try there the question whether the vessel is contraband. You can prove it to be so by proving the suspected men to be contraband and the court must then determine the vessel to be contraband. If the men are not contraband the vessel will escape condemnation. Still there is no judgment for or against the captured persons. But it was assumed that there would result from the determination of the court concerning the vessel a legal certainty concerning the character of the men. This course of proceeding seemed open to many objections. It elevates the incidental inferior private interest into the proper place of the main paramount public one and possibly it may make the fortunes, the safety or the existence of a nation depend on the accidents of a merely personal and pecuniary litigation. Moreover when the judgment of the prize court upon the lawfulness of the capture of the vessel is rendered it really concludes nothing and binds neither the belligerent State nor the neutral upon the great question of the disposition to be made of the captured contraband persons. That question is still to be really determined if at all by diplomatic arrangement or by war.

One may well express his surprise when told that the law of nations has furnished no more reasonable, practicable and perfect mode than this of determining questions of such grave import between sovereign powers. The regret we may feel on the occasion is nevertheless modified by the reflection that the difficulty is not altogether anomalous. Similar and equal deficiencies are found in every system of municipal law, especially in the system which exists in the greater portions of Great Britain and the United States. The title to personal property can hardly ever be resolved by a court without resorting to the fiction that the claimant has lost and the possessor has found it, and the title to real estate is disputed by real litigants under the names of imaginary persons. It must be confessed, however, that while all aggrieved nations demand and all impartial nations concede the need of some form of judicial process in determining the character of contraband persons no other form than the illogical and circuitous one thus described exists, nor has any other yet been suggested. Practically therefore the choice is between that judicial remedy or no judicial remedy whatever.

If there be no judicial remedy the result is that the question must be determined by the captor himself on the deck of the prize vessel. Very grave objections arise against such a course. The captor is armed and the neutral is unarmed. The captor is interested, prejudiced and perhaps violent; the neutral if truly neutral is disinterested, subdued and helpless. The tribunal is irresponsible while its judgment is carried into instant execution. The captured party is compelled to submit though bound by no legal, moral or treaty obligation to acquiesce. Reparation is distant and problematical and depends at last on the justice, magnanimity or weakness of the State in whose

behalf and by whose authority the capture was made. Out of these disputes reprisals and wars necessarily arise, and these are so frequent and destructive that it may well be doubted whether this form of remedy is not a greater social evil than all that could follow if the belligerent right of search were universally renounced and abolished forever.

But carry the case one step further. What if the State that has made the capture unreasonably refuse to hear the complaint of the neutral or to redress it? In that case the very act of capture would be an act of war—of war begun without notice and possibly entirely without provocation.

I think that all unprejudiced minds will agree that imperfect as the existing judicial remedy may be supposed to be it would be as a general practice better to follow it than to adopt the summary one of leaving the decision with the captor and relying upon diplomatic debates to review his decision. Practically it is a question of choice between law with its imperfections and delays and war with its evils and desolations. Nor is it ever to be forgotten that neutrality honestly and justly preserved is always the harbinger of peace and therefore is the common interest of nations, which is only saying that it is the interest of humanity itself.

At the same time it is not denied that it may sometimes happen that the judicial remedy will become impossible as by the shipwreck of the prize vessel or other circumstances which excuse the captor from sending or taking her into port for confiscation. In such a case the right of the captor to the custody of the captured persons and to dispose of them if they are really contraband so as to defeat their unlawful purposes cannot reasonably be denied. What rule shall be applied in such a case? Clearly the captor ought to be required to show that the failure of the judicial remedy results from circumstances beyond his control and without his fault. Otherwise he would be allowed to derive advantage from a wrongful act of his own.

In the present case Captain Wilkes, after capturing contraband persons and making prize of the Trent in what seems to be a perfectly lawful manner, instead of sending her into port released her from the capture and permitted her to proceed with her whole cargo upon her voyage. He thus effectually prevented the judicial examination which might otherwise have occurred.

If now the capture of the contraband persons and the capture of the contraband vessel are to be regarded not as two separate or distinct transactions under the law of nations but as one transaction—one capture only—then it follows that the capture in this case was left unfinished or was abandoned. Whether the United States have a right to retain the chief public benefits of it, namely, the custody of the captured persons on proving them to be contraband, will depend upon the preliminary question whether the leaving of the transaction unfinished was necessary or whether it was unnecessary and therefore voluntary. If it was necessary Great Britain as we suppose must of course waive the defect and the consequent failure of the judicial remedy. On the other hand it is not seen how the United States can insist upon her waiver of that judicial remedy if the defect of the capture resulted from an act of Captain Wilkes which would be a fault on their own side.

Captain Wilkes has presented to this Government his reasons for releasing the Trent:

> I forbore to seize her [says he] in consequence of my being so reduced in officers and crew and the derangement it would cause innocent persons, there being a large number of passengers who would have been put to great loss and inconvenience as

well as disappointment from the interruption it would have caused them in not being able to join the steamer from Saint Thomas to Europe. I therefore concluded to sacrifice the interest of my officers and crew in the prize and suffer her to proceed after the detention necessary to effect the transfer of those commissioners, considering I had obtained the important end I had in view, and which affected the interest of our country and interrupted the action of that of the Confederates.

I shall consider first how these reasons ought to affect the action of this Government; and secondly how they ought to be expected to affect the action of Great Britain.

The reasons are satisfactory to this Government so far as Captain Wilkes is concerned. It could not desire that the San Jacinto, her officers and crew should be exposed to danger and loss by weakening their number to detach a prize crew to go on board the Trent. Still less could it disavow the humane motive of preventing inconveniences, losses and perhaps disasters to the several hundred innocent passengers found on board the prize vessel. Nor could this Government perceive any ground for questioning the fact that these reasons though apparently incongruous did operate in the mind of Captain Wilkes and determine him to release the Trent. Human actions generally proceed upon mingled and sometimes conflicting motives. He measured the sacrifices which this decision would cost. It manifestly did not occur to him, however, that beyond the sacrifice of the private interests (as he calls them) of his officers and crew there might also possibly be a sacrifice even of the chief and public object of his capture, namely, the right of his Government to the custody and disposition of the captured persons. The Government cannot censure him for this oversight. It confesses that the whole subject came unforeseen upon the Government as doubtless it did upon him. Its present convictions upon the point in question are the result of deliberate examination and deduction now made and not of any impressions previously formed.

Nevertheless the question now is not whether Captain Wilkes is justified to his Government in what he did, but what is the present view of the Government as to the effect of what he has done? Assuming now for argument's sake only that the release of the Trent if voluntary involved a waiver of the claim of the Government to hold the captured persons, the United States in that case could have no hesitation in saying that the act which has thus already been approved by the Government must be allowed to draw its legal consequence after it. It is of the very nature of a gift or a charity that the giver cannot after the exercise of his benevolence is past recall or modify its benefits.

We are thus brought directly to the question whether we are entitled to regard the release of the Trent as involuntary or whether we are obliged to consider that it was voluntary. Clearly the release would have been involuntary had it been made solely upon the first ground assigned for it by Captain Wilkes, namely, the want of a sufficient force to send the prize vessel into port for adjudication. It is not the duty of a captor to hazard his own vessel in order to secure a judicial examination to the captured party. No large prize crew, however, is legally necessary for it is the duty of the captured party to acquiesce and go willingly before the tribunal to whose jurisdiction it appeals. If the captured party indicate purposes to employ means of resistance which the captor cannot with probable safety to himself overcome he may properly leave the vessel to go forward and neither she nor the State she represents can ever afterward justly object that the captor deprived her of the judicial remedy to which she was entitled.

But the second reason assigned by Captain Wilkes for releasing the Trent differs from the first. At best therefore it must be held that

Captain Wilkes as he explains himself acted from combined sentiments of prudence and generosity, and so that the release of the prize vessel was not strictly necessary or involuntary. Secondly, how ought we to expect these explanations from Captain Wilkes of his reasons for leaving the capture incomplete to affect the action of the British Government?

The observation upon this point which first occurs is that Captain Wilkes' explanations were not made to the authorities of the captured vessel. If made known to them they might have approved and taken the release upon the condition of waiving a judicial investigation of the whole transaction or they might have refused to accept the release upon that condition.

But the case is one not with them but with the British Government. If we claim that Great Britain ought not to insist that a judicial trial has been lost because we voluntarily released the offending vessel out of consideration for her innocent passengers I do not see how she is to be bound to acquiesce in the decision which was thus made by us without necessity on our part and without knowledge of conditions or consent on her own. The question between Great Britain and ourselves thus stated would be a question not of right and of law but of favor to be conceded by her to us in return for favors shown by us to her, of the value of which favors on both sides we ourselves shall be the judge. Of course the United States could have no thought of raising such a question in any case.

I trust that I have shown to the satisfaction of the British Government by a very simple and natural statement of the facts and analysis of the law applicable to them that this Government had neither meditated nor practiced nor approved any deliberate wrong in the transaction to which they have called its attention; and on the contrary that what has happened has been simply an inadvertency, consisting in a departure by the naval officer free from any wrongful motive from a rule uncertainly established and probably by the several parties concerned either imperfectly understood or entirely unknown. For this error the British Government has a right to expect the same reparation that we as an independent State should expect from Great Britain or from any other friendly nation in a similar case.

I have not been unaware that in examining this question I have fallen into an argument for what seems to be the British side of it against my own country. But I am relieved from all embarrassment on that subject. I had hardly fallen into that line of argument when I discovered that I was really defending and maintaining not an exclusively British interest but an old, honored and cherished American cause, not upon British authorities but upon principles that constitute a large portion of the distinctive policy by which the United States have developed the resources of a continent, and thus becoming a considerable maritime power have won the respect and confidence of many nations. These principles were laid down for us in 1804 by James Madison when Secretary of State in the Administration of Thomas Jefferson in instructions given to James Monroe, our minister to England. Although the case before him concerned a description of persons different from those who are incidentally the subject of the present discussion the ground he assumed then was the same I now occupy, and the arguments by which he sustained himself upon it have been an inspiration to me in preparing this reply.

Whenever [he says] property found in a neutral vessel is supposed to be liable on any ground to capture and condemnation the rule in all cases is that the question

shall not be decided by the captor but be carried before a legal tribunal where a regular trial may be had, and where the captor himself is liable for damages for an abuse of his power. Can it be reasonable then or just that a belligerent commander who is thus restricted and thus responsible in a case of mere property of trivial amount should be permitted without recurring to any tribunal whatever to examine the crew of a neutral vessel, to decide the important question of their respective allegiances and to carry that decision into execution by forcing every individual he may choose into a service abhorrent to his feelings, cutting him off from his most tender connections, exposing his mind and his person to the most humiliating discipline and his life itself to the greatest danger? Reason, justice and humanity unite in protesting against so extravagant a proceeding.

If I decide this case in favor of my own Government I must disavow its most cherished principles and reverse and forever abandon its essential policy. The country cannot afford the sacrifice. If I maintain those principles and adhere to that policy I must surrender the case itself. It will be seen therefore that this Government could not deny the justice of the claim presented to us in this respect upon its merits. We are asked to do to the British nation just what we have always insisted all nations ought to do to us.

The claim of the British Government is not made in a discourteous manner. This Government since its first organization has never used more guarded language in a similar case.

In coming to my conclusion I have not forgotten that if the safety of this Union required the detention of the captured persons it would be the right and duty of this Government to detain them. But the effectual check and waning proportions of the existing insurrection as well as the comparative unimportance of the captured persons themselves when dispassionately weighed happily forbid me from resorting to that defense.

Nor am I unaware that American citizens are not in any case to be unnecessarily surrendered for any purpose into the keeping of a foreign State. Only the captured persons, however, or others who are interested in them could justly raise a question on that ground.

Nor have I tempted at all by suggestions that cases might be found in history where Great Britain refused to yield to other nations and even to ourselves claims like that which is now before us. Those cases occurred when Great Britain as well as the United States was the home of generations which with all their peculiar interests and passions have passed away. She could in no other way so effectually disavow any such injury as we think she does by assuming now as her own the ground upon which we then stood. It would tell little for our own claims to the character of a just and magnanimous people if we should so far consent to be guided by the law of retaliation as to lift up buried injuries from their graves against what national consistency and the national conscience compel us to regard as a claim intrinsically right.

Putting behind me all suggestions of this kind I prefer to express my satisfaction that by the adjustment of the present case upon principles confessedly American and yet as I trust mutually satisfactory to both of the nations concerned a question is finally and rightly settled between them which heretofore exhausting not only all forms of peaceful discussion but also the arbitrament of war itself for more than half a century alienated the two countries from each other and perplexed with fears and apprehensions all other nations.

The four persons in question are now held in military custody at Fort Warren, in the State of Massachusetts. They will be cheerfully liberated. Your lordship will please indicate a time and place for receiving them.

I avail myself of this occasion to offer to your lordship a renewed assurance of my very high consideration.

WILLIAM H. SEWARD.

[Inclosure No. 2.]

WASHINGTON, *December 27, 1861.*

Hon. WILLIAM H. SEWARD, &c.

SIR: I have this morning received the note which you did me the honor to address to me yesterday in answer to Earl Russell's dispatch of the 30th of November last relative to the removal of Mr. Mason, Mr. Slidell, Mr. Macfarland and Mr. Eustis from the British mail packet Trent.

I will without any loss of time forward to Her Majesty's Government a copy of the important communication which you have made to me.

I will also without delay do myself the honor to confer with you personally on the arrangements to be made for delivering the four gentlemen to me in order that they may be again placed under the protection of the British flag.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

LYONS.

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WASHINGTON, *December 27, 1861.*
(Received January 9, 1862.)

[Earl RUSSELL, *London.*]

MY LORD: * * * Before transmitting to me the note of which a copy is inclosed in my immediately preceding dispatch of to-day's date Mr. Seward sent for me to come to the State Department and said with some emotion that he thought it was due to the great kindness and consideration which I had manifested throughout in dealing with the affair of the Trent that he should tell me with his own lips that he had been able to effect a satisfactory settlement of it. He had, however, now been authorized to address to me a note which would be satisfactory to Her Majesty's Government.

In answer to inquiries from me Mr. Seward said that of course he understood Her Majesty's Government [willing] to leave it open to the Government of Washington to present the case in the form which would be most acceptable to the American people, but that the note was intended to be and was a compliance with the terms proposed by Her Majesty's Government. He would add that the friendly spirit and the discretion which I had manifested in the whole matter from the day on which the intelligence of the seizure reached Washington up to the present moment had more than anything else contributed to the satisfactory settlement of the question.

I asked Mr. Seward what arrangements he would wish me to make for receiving the prisoners. He begged me to speak to him on the subject to-morrow for he was at the moment overwhelmed with business and particularly with the labor of preparing dispatches for the European mail.

I have, &c.,

LYONS.

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ADMIRALTY, [*London,*] *December 27, 1861.*
(Received 28th.)

[Mr. HAMMOND.]

SIR: I am commanded by my lords commissioners of the admiralty to transmit herewith for the information of Earl Russell a copy of the

protest made by the master of the royal mail steamer Trent before Her Majesty's consul at Saint Thomas on the 14th ultimo against the proceedings of the captain of the U. S. ship of war San Jacinto in forcibly removing Messrs. Mason and Slidell, the commissioners from the so-called Confederate States, with their secretaries from on board the Trent.

I am, &c.,

C. PAGET,
Secretary to the Admiralty.

[Inclosure.]

PROTEST.

HER BRITANNIC MAJESTY'S CONSULATE,
Saint Thomas, West Indies.

Be it known that on this 14th of November, 1861, before me, Robert Boyd Lamb, esq., Her Britannic Majesty's consul in the Island of Saint Thomas, personally appeared James Moir, master of the steamship Trent, of London, of the burden of 1,856 tons or thereabouts, and entered a protest declaring as follows:

That he sailed in the said steamship Trent from Havana under contract with Her Britannic Majesty's Government as a mail packet bound for Saint Thomas with Her Majesty's mails under charge of Commander Richard Williams, of Her Majesty's navy, sixty-odd passengers, $1,500,000 in specie and a valuable cargo, on the 7th instant, at 8 a. m.; that nothing particular occurred till the succeeding day, 8th instant, at about meridian, when the ship was in the narrow part of the Bahama Channel approaching the Paredon Grande Light-House, the coast of Cuba distant about 4 miles, a steamer having the appearance of a man-of-war but not showing any colors was observed ahead hove to; that the British ensign was immediately hoisted on board the Trent with the Royal Mail Company's distinguishing flag at the main, and on approaching the vessel ahead, which still showed no colors, at 1.05 p. m. she fired a round shot across the Trent's bows and then hoisted American colors, when the Trent's engines were immediately slowed, and while she was approaching the American vessel a shell was discharged from the latter's pivot gun across the Trent's bows which burst half a cable's length ahead of her. The Trent's engines were then stopped, when she was hailed by an officer from the American vessel and ordered to heave to.

A boat from her then came on board with armed boat's crew and an armed guard of marines accompanied by an officer in uniform of the U. S. Navy, who stated that the ship was the U. S. war steamer the San Jacinto, commanded by Captain Wilkes, and demanded a list of the passengers on board, which demand the master of the Trent refused to comply with, on which refusal a further force was sent for from the San Jacinto and two more boats with armed marines and armed boat's crews came on board the Trent; that the same officer then stated that he had orders whatever might be the consequence to arrest Messrs. Slidell, Mason, Macfarland and Eustis whom he knew were on board the ship. He was then asked by the master of the Trent what would be his course in case of a refusal to give up these parties, to which he replied that his orders were to take the ship in case of necessity. He was then informed by the master of the Trent that the passengers would not be given up unless such force was used as could not be resisted, on which Mr. Slidell stepped forward and informed the officer of the San Jacinto

that the parties he demanded were before him under the protection of the British flag, and claiming same they would not consent to be taken out of the ship except by force of arms. They were then seized by order of the U. S. officers and after being allowed a short time to collect some necessaries and separate themselves from their families they were forcibly dragged out of the ship by the armed force, notwithstanding the strong and repeated protest by master of the Trent and Commander Williams against an act of hostility and violence committed on a vessel carrying the British flag by a ship of war of a nation on terms of peace and amity with Her Britannic Majesty's Government, to which protest the officer of the San Jacinto replied that he was obeying his orders to effect the arrest at all hazards.

That from the time the first boat was sent to the Trent the San Jacinto lay on the port beam about 200 yards off with her ports open, her guns (seven broadside iron-pivot) run out, tompions out and crew at quarters; that the American officer before leaving the Trent made a further demand that the commander of the Trent should proceed on board the San Jacinto, to which the reply was made that he would not leave the ship unless taken out by force of arms. Against all of which illegal, hostile and piratical acts as before detailed the said James Moir, on his own behalf as a British subject commanding a British ship engaged in the postal service of Her Majesty and on behalf of all others whom it may concern, did declare to protest as by these presents he doth solemnly protest against all and every person and persons, officers and governments directly or indirectly concerned in said illegal and hostile acts, holding them liable for all losses, damages and consequences of the same. And I, the said consul, at the request of the said James Moir, master of the said ship Trent, do hereby solemnly protest against the same, manner and form aforesaid.

This done, &c., at the port of Saint Thomas.

JAMES MOIR,
Master of H. M. S. Trent.

DEPARTMENT OF STATE, *Washington, December 28, 1861.*

CHARLES FRANCIS ADAMS, Esq.

SIR: Your dispatches of December 3 and December 6 have been received. They relate generally to the affair of the Trent and the condition of the public mind on that subject. I send you ten copies of the correspondence which has taken place between Lord Lyons and myself on the subject, which I trust will satisfy the Government of Great Britain that the United States are as incapable of doing a wrong or offering an affront to the British nation as they are careful of their own rights and honor.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, December 28, 1861.*

Col. JUSTIN DIMICK, *Fort Warren, Boston.*

SIR: You will please deliver into the custody of Mr. E. D. Webster, a special agent of this Department, James M. Mason, John Slidell, J. E. Macfarland and George Eustis, prisoners in Fort Warren, in regard to whom he has directions* which he will explain to you.

* These instructions not found.

Have the goodness to give him whatever facilities and assistance he may need in accomplishing the duty with which he is charged.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

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LEGATION OF THE UNITED STATES,
Madrid, December 28, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: * * * The anxiety felt at this capital concerning the grave question pending between the United States and England as the time draws near when the reply of our Government to the demands of England may be expected is quite evident.

I do not hesitate to say that public opinion is decidedly against us in the question of right, and the proceeding of the commander of the San Jacinto with the Trent is considered by Spanish jurisconsults as unsanctioned by the law of nations. It is considered therefore that the United States ought not to hesitate to make reparation for the fault committed by their officer.

Whilst this is so there is at the same time a good deal of satisfaction manifest that the act condemned should have been committed with an English ship and not that of any other nation. The skirts of England are not clean and Spanish statesmen willingly allow that she is the last of all the powers in her right to complain of such treatment.

But though England may have been guilty in times past of acts in regard to neutral ships even more indefensible than that of which she now complains this is not thought to justify the United States in the commission of like faults, and there is no hesitation here upon the point that the interests of all nations would be served by the United States yielding in this matter and allowing the question involved in the affair of the San Jacinto and Trent to be decided against them upon principle.

I give you thus a summary of the opinions of various personages with whom I have conversed freely and which may be taken as those of the most enlightened and most competent of this country. Yesterday I had an informal interview with the minister of state at his department in which the conversation turned upon the declaration made to me in June last by Mr. Calderon to the effect that he would not see nor receive any commissioners or other negotiators from the so-called Confederate States as reported by me in dispatch No. 4, of June 13, published in The London Times of December 19.

Mr. Calderon renewed to me yesterday the same declaration, saying that the policy of Spain in regard to our civil contest was fixed by the royal decree of June 17, which appeared a few days subsequent to the interview referred to, and that Her Majesty's Government had no intention to depart from its provisions in any respect. Mr. Calderon said himself that to hold conferences with or receive the agents of the so-called Confederate States in any official capacity would be tantamount to recognizing the separate existence of those States as a body politic, and this the Government of Spain had no intention to do, but holds to the line of conduct and policy embodied in the royal decree of June 17.

As to the question between the United States and England, growing out of the affairs of the San Jacinto, Mr. Calderon said in substance in reply to my observations that we were wrong and that England

could not help making her energetic reclamation against that proceeding; that the subject of the attitude of Spain in the case of war between the two powers had not been treated in the council of ministers as there had been no formal instance on my part in regard to the matter; but he quite agreed with me that the interests of Spain indicated a complete neutrality and there was no motive why Spain should take any part in the contest on either side.

His manner was frank and kind and his language such as to completely reassure me in my conviction that his country has no idea of being itself drawn into the dispute in any event. I did not myself think proper to give to this rather informal conversation any more important character nor attempt to press the minister to any distinct declaration of an official nature at the present moment. When we know the reply of the President to the pretensions of the English cabinet I shall endeavor to shape my course here in accordance with what our interests will then seem to demand, hoping to receive your instructions as to any positive step which it may be proper to take.

Meantime everything confirms the opinion * * * that a complete neutrality of Spain in any and all circumstances of the threatening conflict with England can be maintained.

I have the honor to be, with the highest respect, sir, your obedient servant,

HORATIO J. PERRY.

WASHINGTON, *December 30, 1861.*

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

I transmit to Congress a correspondence* which has taken place between the Secretary of State and authorities of Great Britain and France on the subject of the recent removal of certain citizens of the United States from the British mail steamer Trent by order of Captain Wilkes, in command of the U. S. war steamer San Jacinto.

ABRAHAM LINCOLN.

DEPARTMENT OF STATE, *Washington, December 30, 1861.*

CHARLES FRANCIS ADAMS, Esq.

SIR: Your dispatch bearing date of December 6 was duly received. It treats chiefly of the Trent affair, and of the case of the British consul at Charleston. Those subjects having been for the present at least disposed of by this Government I need only now thank you for the diligence and sagacity you have practiced in conducting the proceedings concerning them so far as they fell within the province of your mission.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, December 30, 1861.*

CHARLES FRANCIS ADAMS, Esq.

SIR: Your dispatch of December 12 has been received. While the information it furnishes and the suggestions it presents are highly appreciated the disposition of the Trent case which has been made seems to remove the necessity for reply.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

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* Omitted here. The correspondence transmitted is that which appears herein in its chronological order with other matter relating to the same subject.—COMPILER.

WASHINGTON, *December 31, 1861.*
(Received January 15, 1862.)

[Earl RUSSELL, *London.*]

MY LORD: After some consultation with Mr. Seward I have fixed noon to-morrow as the time and Provincetown as the place at which Mr. Mason, Mr. Slidell, Mr. Macfarland and Mr. Eustis are to be restored to the protection of the British flag. I have accordingly requested Commander Hewett, of Her Majesty's ship Rinaldo, to go at once with that ship to Provincetown to receive the four gentlemen. The United States Government will convey them hither from Fort Warren in an American steam vessel. Mr. Seward assures me that this arrangement is acceptable to the Government of the United States and well calculated to secure the gentlemen themselves from inconvenience and annoyance.

I have the honor to transmit to your lordship a copy of the dispatch which I have written to Commander Hewett. Your lordship will perceive that I have requested him to proceed with his passengers in the first instance to Halifax. This will no doubt be in conformity with their own wishes. I consider that as the four gentlemen lost their passage on board the Trent, in consequence of their not obtaining from the British flag the protection which it ought to have afforded them, we are now bound to facilitate the prosecution of their voyage to Europe if they request us to do so. They will no doubt on their arrival at Halifax confer with the lieutenant-governor respecting their future proceedings.

It may perhaps be desirable after all that has occurred that whatever may be the place to which Mr. Mason and Mr. Slidell and their companions may desire to proceed they should pursue their voyage in a Government vessel; for it would be most unfortunate if the whole question should be reopened by any attempt to capture a vessel with these gentlemen on board and bring her in for adjudication before an American prize court. I do not believe that the Government of the United States would countenance such a proceeding, but an officer of the U. S. Navy who had not been recently in communication with his superiors might form a misconception of their wishes and of his own duty and deem it right to capture a private vessel on the same grounds on which Captain Wilkes seized the four passengers on board the Trent.

I have, &c.,

LYONS.

[Inclosure.]

WASHINGTON, *December 30, 1861.*

[Commander HEWETT,
Her Britannic Majesty's Ship Rinaldo.]

SIR: You are no doubt aware that the Government of the United States has declared that it will cheerfully liberate Mr. Mason, Mr. Slidell, Mr. Macfarland and Mr. Eustis, and has requested me to appoint a time and place for receiving those gentlemen. I have agreed with the Secretary of State of the United States that the four gentlemen shall be replaced under the protection of the British flag in the harbor of Provincetown, Cape Cod, as soon as the necessary arrangements can be made. I consider it to be of very great importance that every facility should be afforded by Her Majesty's officers for effecting this without delay.

I therefore deem it to be my duty to request you to proceed as soon as possible in Her Majesty's ship under your command to Provincetown Harbor and there take the four gentlemen on board. They will

be brought from Fort Warren, Boston Harbor, to Provincetown in an American steam vessel. Should they not be already there when you arrive it will be proper that you wait for them. As soon as you have them on board it will be desirable that you proceed with them direct to Halifax. This will no doubt be in conformity with their own wishes.

You are further at liberty to assure them that they will find every disposition on our part to repair as far as is now possible any inconvenience or disadvantage which they have sustained in consequence of their removal from the protection of the British flag. We shall be willing to place them as nearly as possible in the position which they occupied when that removal took place, but we cannot do more than this. We shall be desirous to facilitate their passing from Halifax to any neutral port, but we cannot undertake to convey them to any part of the coast of the States which have seceded from the Republic. The whole of the coasts of those States is under blockade, and Mr. Mason and Mr. Slidell and their companions were excluded from it by the blockade when they were under the British flag on board the Trent.

It is hardly necessary that I should remind you that these gentlemen have no official character. It will be right for you to receive them with all the courtesy and respect as private gentlemen of distinction, but it would be very improper to pay to them any of those honors which are paid to official persons. It is desirable that the transfer of them from the American steam vessel to Her Majesty's ship under your command shall be effected unostentatiously, and that when you have them on board you should go on to Halifax without the smallest delay.

I request you to inform me by telegraph as soon as possible after you receive this dispatch of the hour at which you intend to leave New York and of the hour at which you expect to arrive at Provincetown.

I am, &c.,

LYONS.

WASHINGTON, *December 31, 1861.*
(Received January 15, 1862.)

[Earl RUSSELL, *London.*]

MY LORD: * * * I was myself perfectly willing to dispatch H. M. S. Rinaldo to Boston Harbor to receive Mr. Mason and Mr. Slidell and their companions from Fort Warren. I told Mr. Seward that I desired to consult his wishes as far as possible; that I was as unwilling as he could be that the transfer of the four gentlemen should cause any popular excitement or be made the occasion for anything like a display of exultation on the part of Great Britain. The only points on which I desired to insist were that the transfer should be made by daylight and that the gentlemen should either be received on board a British ship of war in the United States or be conveyed to a British port in an American ship. Provincetown was suggested as the best place by the Assistant Secretary of the Navy. It is I believe a small, quiet town. It is situated near Cape Cod and the harbor is a very good one. It is about forty miles from Boston. It is not on the direct route from Boston to Halifax but it is nearer to Halifax than Boston is. Time did not admit of the Rinaldo's reaching it before to-morrow at noon.

* * * * * * *

I have, &c.,

LYONS.

FORT WARREN, *Boston Harbor, January 1, 1862.*

Hon. W. H. SEWARD, *Secretary of State, Washington.*

SIR: I have the honor to report that I delivered Messrs. Mason, Slidell, Macfarland and Eustis into the custody of Mr. E. D. Webster this morning at half-past 10, and they left in a steam tug at one-quarter before 11 a. m. and proceeded to sea.

I am, sir, very respectfully, your obedient servant,

J. DIMICK,

Colonel First Artillery, Commanding Post.

LEGATION OF THE UNITED STATES,
London, January 2, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: I have to acknowledge the receipt last evening of dispatches from 141 to 146, both inclusive.

Under the continued suspense as to the issue of the difficulty respecting the Trent I know not that there is much necessity for adverting to topics of minor importance. I shall therefore content myself with transmitting copies of the further correspondence* that has taken place between Lord Russell and myself on the subject of the Nashville. I have reason to believe that the supervision of the outfit of that vessel on the part of the Government has been faithful and thorough.

The temper of the people of Great Britain has been undergoing a sensible amelioration during the past week. Great efforts have been made to induce the Government to consent to a proposal of submitting the difference to arbitration in case it should be offered by the United States. The obstacle to it is, however, that almost every Government in Europe has already committed itself. If it were not for this so confident have ministers become in the correctness of their position that I think they would not object to that course could they gracefully retreat from their somewhat precipitate demands. There is growing distrust of the appropriateness of the mode adopted to obtain a remedy. The prevailing idea that they have heretofore submitted too often to indignities and that there is an absolute necessity to adopt summary measures in order to deter the United States from a repetition of them has somewhat faded under the growing conviction that at least in this case nothing of the kind had been intended. At present there is a lull in opinion which the news by the Africa has done much to bring about. Should the later news confirm the impression now received I am very much inclined to doubt whether a declaration of war would ensue even though the men should not be at once surrendered.

Yet should it come to this I cannot give much encouragement in regard to the state in which affairs will be left between the two countries for the future. That there is a party desiring war here can scarcely admit of a doubt. That the Confederate emissaries failing in their hope from this last difficulty will in their utter desperation do all in their power to give that party full activity upon other questions is equally certain. To counteract this policy requires great prudence as well as energy on both sides of the water. In this connection it may be held as one good result of an otherwise unfortunate incident that the friends of peace and of the restoration of order in America have been roused to a sense of the motives which impel this hostility. I am

* Omitted as irrelevant.

constantly in the receipt of letters and communications from people of all classes who express their earnest desire not to have their country enlisted even in the most indirect mode in a war which will sustain the slave-holding system in the Southern States. A conviction of the danger of this will keep them sensibly alive to the movement of parties interested in bringing about that end. But in this policy they must be aided by some corresponding adaptation of opinion among us.

I am in hopes that we may by co-operation be enabled to meet with more force the efforts that will undoubtedly be set in motion before long to procure a withdrawal of the blockade and perhaps a recognition of the insurgents. Should Parliament be assembled in a few days I shall have an opportunity to watch and to expose the operations that will follow. I say this always reserving the contingency wherein I may be required to vacate my position at this court, which at this moment I think less likely than I did.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

—

WASHINGTON, *January 3, 1862.* (Received 16th.)

[Earl RUSSELL, *London.*]

MY LORD: The telegraphic dispatches in the newspapers of this morning announce that Mr. Mason, Mr. Slidell and their two companions sailed from Provincetown on board Her Majesty's ship Rinaldo at 5 o'clock the day before yesterday. I have no other intelligence of their departure, but I do not doubt that the newspaper accounts are correct.

No excitement appears to have been apparent either at Provincetown or at Boston.

I have, &c.,

LYONS.

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FOREIGN OFFICE, [*London,*] *January 4, 1862.*

[Lord LYONS, *Washington.*]

MY LORD: On Thursday last Count Brandenburg called upon me at the Foreign Office and read to me a dispatch of Count Bernstorff on the subject of the Trent affair.

The Prussian Government unequivocally condemn the conduct of Captain Wilkes, and express a hope that the President of the United States will comply with the proposals of Her Majesty's Government. I will send you by the next mail a copy of this dispatch.

At a later hour Baron Brunnow called upon me and read me an extract of a letter from Prince Gortchakoff equally positive in condemnation of Captain Wilkes and equally confident of the justice of our request for reparation.

I am, &c.,

RUSSELL.

—

WASHINGTON, *January 6, 1862.* (Received 20th.)

[Earl RUSSELL, *London.*]

MY LORD: I have the honor to inclose the copy of a dispatch which I received the day before yesterday from Commander Hewett informing

me that he received Mr. Mason and Mr. Slidell on board Her Majesty's ship Rinaldo at Provincetown on the 1st instant and intended to put to sea at once and make the best of his way to Halifax.

I have also the honor to transmit to you a copy of a note which I have received to-day from Mr. Frederick Seward, who is acting as Secretary of State in the absence of his father. It announces to me officially the delivery of the four gentlemen to the commander of the Rinaldo. I add a copy of a note which I have written to Mr. Seward in reply.

I have learned from the newspapers that the Rinaldo actually sailed from Provincetown on the 1st instant. Intelligence of her arrival at Halifax has not, however, yet reached Washington.

I have, &c.,

LYONS.

[Inclosure No. 1.]

RINALDO, *Provincetown Harbor, January 1, 1862.*

[Lord LYONS, *Washington.*]

MY LORD: I have the honor to inform your lordship that I left New York on the 30th ultimo and arrived at Provincetown early this morning, and waited until evening when Messrs. Mason and Slidell and companions came on board from an American tug-boat from Boston.

According to your lordship's instructions I received them without form or ceremony.

Although the barometer is falling considerably I intend putting to sea at once and making the best of my way to Halifax.

I have, &c.,

W. HEWETT.

P. S.—The gentlemen remarked that their only wish was to proceed to Europe.

W. H.

[Inclosure No. 2.]

WASHINGTON, *January 6, 1862.*

[Lord LYONS.]

MY LORD: I have the honor to inform you that at 4 p. m. on Wednesday last, the 1st instant, Messrs. Mason, Slidell, Eustis and Macfarland, citizens of the United States, who were taken from the British mail steamer Trent by order of Captain Wilkes, of the U. S. war steamer San Jacinto, were delivered to the custody of the commander of the British war steamer Rinaldo at Provincetown in the State of Massachusetts.

I avail, &c.,

F. W. SEWARD.

[Inclosure No. 3.]

WASHINGTON, *January 6, 1862.*

[F. W. SEWARD.]

SIR: I hasten to acknowledge the receipt of the note dated to-day in which you have done me the honor to announce to me that Messrs. Mason, Slidell, Eustis and Macfarland were delivered to the commander of Her Majesty's ship Rinaldo at Provincetown, in the State of Massachusetts, on the 1st instant.

I have on my part the honor to inform you that the commander of Her Majesty's ship the Rinaldo, who was deputed by me to receive the

four gentlemen, has reported to me that they were duly delivered to him on board that ship at the time and place above mentioned.

I have, &c.,

LYONS.

U. S. LEGATION, *The Hague, January 9, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: * * * The telegraph of to-day announces the settlement of the Trent affair in the interest of peace. I can hardly express to you the feeling of relief afforded to Europe by this news.

It may seem to some a paradox but it is nevertheless true that the act of surrendering Mason and Slidell will vastly elevate and improve the position of the United States Government at every court in Europe. It paves the way for a genuine sympathy in its efforts to subdue the rebellion.

It has been only the friends of the United States abroad who for more than a month of gloomy forebodings have steadily and alone maintained that our Government had the strength and the virtue to treat a momentous crisis in the national life with wisdom and self-denial. Everywhere it has been believed and avowed by ruling classes that at such a crisis a headlong democracy was sure to drive the Government into the broad road to national ruin. That it should act upon the counsels of discretion in such a delicate and critical emergency is a surprise that will extort their involuntary respect and admiration.

Whether England is right or wrong in her late demands the universal conviction among wise men of all shades of political opinion so far as my experience goes has been that the only true course open to our Government under existing circumstances was to yield to them. It was and is believed that the decision of the question of their justice could be safely left to the future, and that whatever that decision might be under no circumstances could we be the loser.

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

LEGATION OF THE UNITED STATES,
Brussels, January 9, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: * * * A dispatch from the English Government to its representative here, Lord Howard De Walden, states that Messrs. Mason and Slidell have been given up.

Should this prove to be the case the effect will be highly favorable to us in continental Europe. The eagerness with which the different powers have hastened to put us in the wrong and England in the right—the desire evinced that we should not defend English law, but yield—shows if not a lively interest in the preservation of the Union as a counterpoise at least a lively jealousy at the increase of British influence, the augmentation of whose power they wish to thwart.

I observe that in all their notes they make a point of avoiding an expression of opinion on the legal question because they know the seizure was in conformity with the principle of law as declared and practiced by Great Britain and submitted to by all others, though the principle has always been opposed or reluctantly yielded by the continental powers and ourselves.

They now unanimously reassert the true doctrine, which as said before puts England in the right and us in the wrong in this case, and I cannot doubt that the result will be valuable as forcing England to abandon definitely her old position touching belligerent rights; and the evidence of jealousy and feeling of other powers as ready to profit of her exigencies as she is to take advantage of ours is also not without value.

I have the honor to be, sir, very respectfully, your obedient servant,

H. S. SANFORD.

WASHINGTON, *January 10, 1862.*

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

I transmit to Congress a translation of an instruction to the minister of His Majesty the Emperor of Austria accredited to this Government, and a copy of a note to that minister from the Secretary of State relative to the questions involved in the taking from the British steamer Trent of certain citizens of the United States by order of Captain Wilkes, of the U. S. Navy. This correspondence may be considered as a sequel to that previously communicated to Congress relating to the same subject.

ABRAHAM LINCOLN.

[Inclosure No. 1.—Translation.]

VIENNA, *December 18, 1861.*

Chevalier DE HULSEMANN, *Washington.*

SIR: The difference which has supervened between the Government of the United States and that of Great Britain in consequence of the arrest of Messrs. Mason and Slidell—made by the captain of the American ship of war San Jacinto on board of the English mail packet Trent—has not failed to fix the most serious attention of the Imperial cabinet.

The more importance we attach to the maintenance of friendly relations between the United States and England the more must we regret an incident which has come to add so grave a complication to a situation already bristling with so many difficulties.

Without having the intention to enter here upon an examination into the question of right we nevertheless cannot but acknowledge that according to the notions of international law adopted by all the powers and which the American Government itself has often taken as the rule of its conduct England could not in anywise in the present case refrain from reclamation against the affront given to her flag and from asking proper reparation for it.

It seems to us moreover that the requests reduced to form in this respect by the cabinet of Saint James have in them nothing offensive to the Cabinet of Washington, and that it will be able to do an act of equity and moderation without the least sacrifice of its dignity.

In taking counsel from the rules which guide international relations as well as from considerations of enlightened policy rather than from manifestations produced by an overexcitement of national feeling the Government of the United States we are gratified to hope will bring into its appreciation of the case all the calmness which its importance demands, and will deem proper to take a position which whilst preserving from rupture the relations between two great powers to which Austria is equally bound in friendship will be such as to prevent the grave disturbances which the eventuality of a war could not fail to bring not only upon each one of the contending parties but upon the affairs of the world generally.

You will please, sir, to bring the preceding reflections to Mr. Seward's notice and make report to us of the manner in which the minister shall receive your communication.

Accept, sir, the assurances of my distinguished consideration.

RECHBERG.

[Inclosure No. 2.]

DEPARTMENT OF STATE, *Washington, January 9, 1862.*

Chevalier HULSEMANN, &c.

SIR: I have submitted to the President the note you left with me which was addressed to you on the 18th of December last by Count Rechberg touching the affair of the capture and detention of the British contract steamer Trent by Captain Wilkes, of the San Jacinto.

I send you a copy of the correspondence which has passed on that exciting subject between this Government and the Governments of Great Britain and France, and I have to request that you will transmit these papers to Count Rechberg.

The Imperial Royal Government will learn from them two important facts, namely, first, that the United States are not only incapable for a moment of seeking to disturb the peace of the world but are deliberately just and friendly in their intercourse with all foreign nations; and secondly, that they will not be unfaithful to their traditions and policy as an advocate of the broadest liberality in the application of the principles of international law to the conduct of maritime warfare.

The United States thus faithful to their sentiments and while at the same time careful of their political constitution will sincerely rejoice if the occasion which has given rise to this correspondence shall be improved so as to obtain a revision of the law of nations which will render more definite and certain the rights and obligations of States in time of war.

I shall esteem it a favor, sir, if you will charge yourself with the care of expressing these sentiments to your Government, and will at the same time assure Count Rechberg that the President appreciates very highly the frankness and cordiality which the Government of Austria has practiced on an occasion of such great interest to the welfare of the United States.

I avail myself of the circumstance to offer to you, sir, renewed assurances of my very high consideration.

WILLIAM H. SEWARD.

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DEPARTMENT OF STATE, *Washington, January 10, 1862.*

J. LOTHROP MOTLEY, Esq., &c., *Vienna.*

SIR: Your dispatch of November,* no day named, has been received. The account you give of your reception by Count Rechberg and also of your audience with the Emperor is exceedingly gratifying. The observations made by you on those occasions were in the main very just and apposite and we cannot doubt that they will produce good effects. Events crowd each other and the question raised in a dispatch gives place to a more urgent if not more grave one before the reply can be received.

I have directed a copy of the general diplomatic correspondence of a year, a copy of the correspondence on the Trent affair, and finally a

* Omitted, containing nothing relative to this case.

copy of the correspondence between Count Rechberg, Mr. Hulsemann and myself relating to the same subject to be transmitted to you. These papers will give you all that is understood here of our relations with foreign powers at the present moment, and will enable you perhaps to anticipate the future as well as we can.

Our arms continue to be steadily successful, and when we shall have completed our financial relations I trust that the cause of the Union will become as hopeful as it is just.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

—

LEGATION OF THE UNITED STATES,
London, January 10, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: Though not yet favored with any information from the Department respecting the course of the proceedings between the two Governments in regard to the case of the Trent at Washington I am bound to believe from what I see in the newspapers that the difference has been settled by the release of the captives.

It is with great satisfaction that I gather from the abstract of the correspondence which has been communicated by telegraph that the Government has adhered to the principle for which it has so long contended and in the recognition of which the whole civilized world will now concur. Considering the remarkable unanimity which has been shown in the judgment of the merits of this case throughout Europe the step that has been taken will meet with very general approbation. The satisfaction expressed in this city everywhere, excepting among the small society of the Confederate emissaries and the party which habitually looks to war as an attractive pastime, stands in remarkable contrast with the feelings which animated almost everybody only six weeks ago. Not many, however, have yet opened their eyes to the conviction of the fact that the apparent victory of Great Britain involves in reality the necessary surrender of one of her most odious assumptions of power over the ocean. In this light it is not difficult to comprehend the policy of France which sacrifices no consistency whilst it more surely places a new ligature around the maritime supremacy of its great rival.

A consequence of this result is probably a continuance of the mission with which the Government has honored me for some time longer. But the questions immediately arise how long and under what promise of future usefulness? In order to answer these it is necessary to take a brief survey of the ground we occupy. Parliament is summoned to assemble for the dispatch of business on the 6th of February. I have reason to believe that arrangements predicated upon a particular contingency had been made to bring on an early discussion of the American difficulty with a view to press a direct interference with the blockade and a recognition of the Confederate States. I regret to learn that the first of these measures has found favor in some quarters from which I had hoped better things. The only question to consider is whether the settlement of the case of the Trent will have much effect in altering the presentation of the programme or in preventing its adoption.

It is too early to determine what may be the degree of the reaction in popular opinion but there is no reason to doubt it will be considerable. Besides which the position of the ministry has been so much fortified by

its success as to place its continuance at least for another year almost beyond doubt. It will therefore be in a situation to act with firmness and independence should it be inclined to resist any hasty movements. Whether that inclination does or does not exist is the problem. If I were to judge from the temper shown in certain presses believed to be prompted by the prime minister I should augur a very unfavorable result. On the other hand I think I had a right to infer from the language of Lord Russell in our very latest conference that there was no disposition to embarrass us so long as there was a reasonable prospect of our success. Besides this so marked has been the late development of a disinclination to a war with the United States among the quiet and religious citizens of the middle classes, and particularly when its practical effect would be the establishment of a slave-holding oligarchy with which they have no sympathy whatever, that any policy entered into with an apparent desire to revive that measure for the benefit of the latter would scarcely meet with a second response like the last. From all these considerations I am inclined to conclude that without the occurrence of any new disturbing matter the probabilities are rather in favor of the continuance of diplomatic relations for some time to come.

Yet so doubtful do I regard it that I cannot help wishing for the occurrence of some decisive event in the war which would completely turn the current of opinion in our favor. It is not for me to interfere in any manner with the course of the operations in the field. I am well aware of the difficulties in the way of action and entertain too lively a recollection of the consequences of the disaster at Bull Run to favor precipitation anywhere. At the same time I cannot fail to perceive the force of the argument constantly pressed here in a community which measures military results by the sole standard of success of the apparent inability to command it. I feel that one clear victory at home might perhaps save us a foreign war, and so feeling it can scarcely be wondered at if I look forward to it with more than ordinary anxiety. An advance into the rebellious States would be as productive of sensible results in Parliament here as on the spot itself, whilst a decided triumph would put a more effective stop to Confederate operations in England than all the labors of orators and statesmen and philosophers of both countries combined.

* * * * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

LEGATION OF THE UNITED STATES,
Stockholm, January 10, 1862.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

SIR: I have the honor to inform you that we have received by telegram intelligence of the peaceable settlement of our difficulty with England. The news has been received with great satisfaction. I have been congratulated by several legations. The press of Sweden is free; the American side of the question was taken by one of the most influential papers and discussed with great vigor and ability. * * *

I remain, your obedient servant,

J. S. HALDEMAN.

FOREIGN OFFICE, [*London,*] *January 10, 1862.*

[Lord LYONS, *Washington.*]

MY LORD: In my dispatch to you of the 30th of November after informing you of the circumstances which had occurred in relation to the capture of the four persons taken from on board the Trent I stated to you that it thus appeared that certain individuals had been forcibly taken from on board a British vessel—the ship of a neutral power—while such vessel was pursuing a lawful and innocent voyage; an act of violence which was an affront to the British flag and a violation of international law.

I concluded by directing you in case the reparation which Her Majesty's Government expected to receive should not be offered by Mr. Seward to propose to that minister to make such redress as alone would satisfy the British nation, namely, first, the liberation of the four gentlemen taken from on board the Trent and their delivery to your lordship in order that they might again be placed under British protection; and secondly, a suitable apology for the aggression which had been committed.

I received yesterday your dispatch of the 27th ultimo inclosing a note to you from Mr. Seward which is in substance the answer to my dispatch of the 30th of November. Proceeding at once to the main points in discussion between us Her Majesty's Government have carefully examined how far Mr. Seward's note and the conduct it announces complies substantially with the two proposals I have recited. With regard to the first, viz, the liberation of the prisoners with a view to their being again placed under British protection I find that the note concludes by stating that the prisoners will be cheerfully liberated, and by calling upon your lordship to indicate a time and place for receiving them. No condition of any kind is coupled with the liberation of the prisoners.

With regard to the suitable apology which the British Government had a right to expect I find that the Government of the United States distinctly and unequivocally declares that no directions had been given to Captain Wilkes or to any other naval officer to arrest the four persons named or any of them on the Trent or on any other British vessel, or on any other neutral vessel at the place where it occurred or elsewhere.

I find further that the Secretary of State expressly forbears to justify the particular act of which Her Majesty's Government complained. If the United States Government had alleged that although Captain Wilkes had no previous instruction for that purpose he was right in capturing the persons of the four prisoners and in removing them from the Trent on board his own vessel to be afterward carried into a port of the United States, the Government which had thus sanctioned the proceeding of Captain Wilkes would have become responsible for the original violence and insult of the act.

But Mr. Seward contents himself with stating that what has happened has been simply an inadvertence, consisting in a departure by a naval officer free from any wrongful motive from a rule uncertainly established and probably by the several parties concerned either imperfectly understood or entirely unknown. The Secretary of State goes on to affirm that for this error the British Government has a right to expect the same reparation which the United States as an independent State should expect from Great Britain or from any other friendly nation in a similar case.

Her Majesty's Government having carefully taken into their consideration the liberation of the prisoners, the delivery of them into your hands

and the explanations to which I have just referred have arrived at the conclusion that they constitute the reparation which Her Majesty and the British nation had a right to expect. It gives Her Majesty's Government great satisfaction to be enabled to arrive at a conclusion favorable to the maintenance of the most friendly relations between the two nations.

I need not discuss the modifications in my statement of facts which Mr. Seward says he has derived from the reports of officers of his Government. I cannot conclude however without adverting shortly to the discussions which Mr. Seward has raised upon points not prominently brought into question in my dispatch of the 30th of November. I there objected on the part of Her Majesty's Government to that which Captain Wilkes had done. Mr. Seward in his answer points out what he conceives Captain Wilkes might have done without violating the law of nations.

It is not necessary that I should here discuss in detail the five questions ably argued by the Secretary of State; but it is necessary that I should say that Her Majesty's Government differ from Mr. Seward in some of the conclusions at which he has arrived, and it may lead to a better understanding between the two nations on several points of international law which may during the present contest or at some future time be brought into question that I should state to you for communication to the Secretary of State wherein those differences consist. I hope to do so in a few days.

In the meantime it will be desirable that the commanders of the U. S. cruisers should be instructed not to repeat acts for which the British Government will have to ask redress and which the United States Government cannot undertake to justify.

You will read and give a copy of this dispatch to the Secretary of State.

I am, &c.,

RUSSELL.

FOREIGN OFFICE, [*London,*] *January 10, 1862.*

[Lord NAPIER.]

MY LORD: * * * Her Majesty's Government have every reason to be satisfied with the opinions and the acts of the European powers in regard to the matter of the Trent. The Emperor of the French without delay instructed his minister at Washington to support by argument and by counsel the proposals for reparation made by Her Majesty's Government to the Government at Washington. The Emperor of Austria and the King of Prussia as soon as they were acquainted with the facts threw the moral weight of their judgment into the scale of Great Britain. While Her Majesty's Government have been much gratified by these spontaneous marks of adherence and approval they have no reason to be dissatisfied with the conduct of Russia. Baron Brunnow wrote at once from London to his colleague at Washington condemning in strong terms the conduct of the commander of the San Jacinto and advising due reparation to Her Majesty's Government by the President of the United States. Prince Gortchakoff wrote also to Washington and to London private letters entirely approving the step taken by Baron Brunnow. Other powers have expressed similar sentiments. * * *

I have, &c.,

RUSSELL.

FOREIGN OFFICE, [*London,*] *January 11, 1862.*

[Lord LYONS, *Washington.*]

MY LORD: In transmitting to your lordship my preceding dispatch of yesterday's date I have to state that I read a copy of it this day to Mr. Adams. When I had done Mr. Adams said that he considered it as a dispatch which would be very satisfactory to his Government.

I said that the paragraph in the dispatch was meant as a reference to the case of the Eugenia Smith which seemed to be as similar as possible to that of the Trent. I concluded that in that case the prisoners would be at once liberated, a conclusion in which Mr. Adams seemed to agree, but he declared that he knew nothing of the case except from the newspapers.

I spoke to him of the report that a number of Federal cruisers were coming to the British Channel and I expressed a hope that interruption of British trade would as far as possible be avoided. Mr. Adams explained that according to rumor a complete squadron of Confederate vessels were about to cruise in the British Channel. The Nashville, the Sumter and the Pacific were to form a part of this squadron. He had been informed that both at Liverpool and at Havre many merchant vessels of the United States were detained—afraid to put to sea in the face of the expected squadron. The object of his Government was therefore to protect their own trade and not to harass ours. I said I expected that such would be his answer.

I alluded to the case of the men landed in Southampton and found in the docks being part of the crew of the Tuscarora. He told me that he had warned the captain of the Tuscarora with regard to any use of force on the land of a neutral. I then informed him that the captain of the Tuscarora had received notice in respect to the rule that a belligerent leaving a neutral port should not be pursued by the belligerent vessel of the opposite power till after the expiration of twenty-four hours. (I inclose a correspondence with the Board of Admiralty and Mr. Adams on this subject.*)

I then stated that I thought it might be useful to both Governments if several points in regard to neutrality raised by Mr. Seward's dispatch were to be calmly discussed between us. Some passages in Mr. Seward's dispatch might lead to the inference that almost every packet passing between Dover and Calais might be liable to be taken and carried into New York on the pretext that it carried some emissary of the secessionists. But such I was convinced was not the meaning of Mr. Seward.

I sincerely congratulated him on the termination of this affair, and said that if Mr. Hume was right in saying that the reparation of injustice is the second honor of a nation that honor undoubtedly belonged to the Government of the United States.

I am, &c.,

RUSSELL.

FOREIGN OFFICE, [*London,*] *January 11, 1862.*

[Lord LYONS, *Washington.*]

MY LORD: Your conduct in this important matter of the Trent is entirely approved by Her Majesty. The discretion and the good temper you have shown have contributed greatly to the success of our representations.

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* Omitted as irrelevant.

In order to give your lordship by a public document a proof that you have acted strictly according to the instructions you have received I inclose an extract annexed to this dispatch* of a private letter I addressed to you on the 1st of December last.

I am, &c.,

RUSSELL.

—

LEGATION OF THE UNITED STATES,
Turin, January 13, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: * * * The news of the settlement of the difficulty between the United States and England on the affair of the Trent has been received in Italy with lively satisfaction, and although on the question of the legal right the opinion of lawyers and statesmen was nearly unanimous against the seizure yet I believe that both here and elsewhere in Europe the conduct of the American Government as now understood is thought to have been not only more dignified but at least not less honorable than that of England. The violent and mendacious language of the British press now receives the condemnation it deserves, and I have no doubt that the cause of the Union will be essentially advanced in European estimation by an event which the President and his Cabinet have with such wisdom and skill converted from an apparently unlucky accident into an instrument of good.

The result will serve I think to do something toward dispelling an error almost universal among European statesmen and which I have seldom passed a day on this side of the Atlantic without having occasion to combat—the assumption namely that the American Union is less a Republic than an unbridled democracy, of which the Federal Government is but a blind instrument. The illumination in some of the great cities on the receipt of the intelligence of the capture of the commissioners, the compliments to Captain Wilkes, the various spirited resolutions proposed in the House of Representatives, were cited as evidences of a popular feeling which an Executive elected by the people would be powerless to resist, and nothing short of the actual result of the affair could have convinced Europe that in this as in most other important crises the Government is left free to initiate the national policy.

* * * * * * *

I have the honor to be, sir, with great respect, your obedient servant,

GEORGE P. MARSH.

—

LEGATION OF THE UNITED STATES,
Brussels, January 14, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: The news of the settlement of the Trent affair has given universal satisfaction here. As influencing public opinion it has caused a very considerable reaction in our favor which I doubt not will gather strength.

The surrender by England when they are applied to herself of her own cherished principles of international law—principles which she has ever enforced and practiced upon unwilling Europe—is considered a great gain. I hope she will not prove apostate to her new faith; and

* See Russell to Lyons, "Extract from a private letter," p. 1113.

the eagerness and unanimity with which the great powers have, while avoiding discussion of an act in conformity with her established usages, urged us to yield in favor of neutral rights and thus secure Great Britain in her new position are significant in my view of it of anything rather than sympathy for England or hostility to ourselves.

England can hardly congratulate herself upon this intervention, which indicates not alone a desire to secure a recognition of the more liberal extension of neutral rights, but a jealousy of an attempt to cripple a power recognized as a necessary counterpoise in the world's affairs. The eagerness of the Government which ignoring its own precepts and belying its own practices seeks a pretext to fasten a war and disaster upon us is now exposed, and it is to be hoped will meet fitting retribution at home and abroad.

The sentiment is universal here that she will now failing in this pretext seek one upon the question of the inefficiency of our blockade. I look to Parliament, public opinion and the success which I confidently expect we shall in the next thirty days have tidings of to squelch out this further attempt of a selfish and jealous governing class to destroy our power and check our development. The cry now sought to be raised about the vandalism of shutting up a port with hulks instead of bombarding and destroying it and its inhabitants is in keeping with the whole transaction.

My opinion is our cause is at this day stronger in Europe than at any time before since the Bull Run affair.

I have the honor to be, sir, your obedient servant,

H. S. SANFORD.

U. S. LEGATION, *The Hague, January 15, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: I have the honor to inclose you a few extracts from the French newspapers from which you may gather the general drift of public discussion on the Continent in relation to the settlement of the Trent affair.

The Débats discusses at some length the probable consequence of the settlement of the American difference and arrives at the conclusion that England has lost rather than gained by the Trent incident:

> Messrs. Mason and Slidell will be given up. That is the naked fact which is all to the advantage of the English. But nevertheless what consequences will there not be turning against them? We will not discuss the incident of the Trent in itself since it is now settled; but it constitutes as we said from the first day a very debatable case, and we are not astonished that when discussed at a meeting of lawyers the right of belligerents found as many advocates as that of neutrals. In fact it is the interpretation in favor of neutrals which thanks to England has gained the day. The first naval power in the world—that which ruling without dispute on the seas will always have the most frequent opportunities of profiting by the abuses of the right of search and which for that reason has almost always the most warmly opposed the privileges of neutrals—has just placed an important restriction on the maritime prerogatives of belligerents. We are therefore authorized in saying that it is more particularly her own power and her facilities of action which England by an energetic effort has forever limited. If she has done it knowingly we admire her generosity. She could not have sacrificed wantonly a finer opportunity for creating a decisive precedent in favor of her oldest and most cherished pretensions. The first advantage which England will reap from the extradition of Messrs. Mason and Slidell is a striking self-condemnation.

The Temps expresses itself in these terms:

> Honor to the Government of the United States as well as to public opinion in America! To admit the necessities of a situation and to conform to it with a manly resignation is a proof of wisdom which is not yet very common among nations and

governments. The American Government in releasing the prisoners has doubtless done nothing more than apply the doctrines which it has constantly professed, and at the same time it wards off a great danger. To do so has not the less required great strength of mind, great moderation and great command over itself. We have faith in that strength, in that moderation and in that self-command. If moreover President Lincoln wishes to crown his work and restore to the incident of the Trent its true and general signification he has only to solemnly consider the remonstrances of England as an abandonment of the old maritime policy of England. The satisfaction of the moment is for England; the real triumph is in every way for the United States and for the cause of the freedom of the seas. This precedent is destined to be deeply engraved in the memory of nations. It has been said that England and the English Government hold in reserve other motives and other pretexts for war. That may be possible, but she can now be defied to make use of them as public opinion would forbid it. Already divided before the victory which the Cabinet of Washington has just gained over itself public feeling will become unanimous. If we are not mistaken a great change in favor of the United States is about to take place, not only in England but in every country. This incident was perhaps necessary to make the Old World feel by what bonds the United States were connected with it. The South had considered the capture of its plenipotentiaries as equivalent to a victory; it will not be mistaken in regarding their release as an omen of its defeat.

From The Débats:

The outburst of joy which has taken place in London on the receipt of the news and the testimony of which is brought us by the English journals shows to what a degree England dreaded war after having adopted—perhaps too precipitately—the very system of conduct calculated to render it inevitable. England not only uses the language of satisfied national pride but breathes freely like a man who finds a heavy weight removed from his breast. The Post affects a little coldness and diplomatic haughtiness. "We hope," it says, "that this tardy reparation has been accompanied by the apologies demanded;" but The Times, that echo of public opinion, treats the question of excuses as one of little value, and being content to see the nightmare of a maritime war dispelled is disposed to pass over them.

The Opinion Nationale employs the following language:

The affair is now settled and we may henceforth sleep in peace. John Bull and Brother Jonathan are at last reconciled, and we might perhaps give way to enthusiasm on the subject if the insidious question, Is the reconciliation sincere? did not suddenly present itself to our mind. We should hesitate to answer in the affirmative. The Federal Cabinet has made a concession for which it must have felt great repugnance, but it saw all the danger of plunging into a war with England under present circumstances. It has therefore swallowed the affront, but feels it too keenly to pardon England for inflicting it. The fire smolders; some day or other we shall see the flames burst forth. But is England which has obtained so great a triumph for her self-love satisfied with it after all? The fact is open to doubt. The British cabinet is suspected not without some plausible grounds of wishing to force a war upon the United States, and the language of the principal English journals would almost induce us to suppose that the liberation of Messrs. Mason and Slidell has in reality caused disappointment rather than pleasure.

The following is from The Siecle:

The dispatches which announce the favorable solution of the conflict between England and the United States have produced general satisfaction in Paris. The prospect of war which would necessarily lead to the most serious complications would fill with mourning all those who like us would wish to see all nations proceed regularly and unshackled toward liberty and prosperity. In accepting the consequences of the act of Captain Wilkes the Cabinet of Washington would have uselessly compromised the future of the two hemispheres and the cause of the American Union. To yield under such circumstances is on its part a proof of strength rather than of weakness. It renders homage to the principles which it has itself defended for so many years and yields to the wishes expressed so unanimously by the European Governments.

All had adopted the arguments so clearly developed by M. Thouvenel; all condemned the conduct of the commandant of the San Jacinto as contrary to the law of nations; but what is remarkable is that no power in presenting considerations on an isolated fact called in question the good faith, the intelligence and the patriotism of the Government of the American Republic. It has rallied round it sympathies which were about departing; and Messrs. Mason and Slidell, set at liberty by its orders, may without danger to it resume their voyage to Europe.

The Constitutionnel:

The restitution of Messrs. Mason and Slidell is a victory of right, moderation and good sense. The Débats is afflicted at it and does not believe in the right. In vain has M. Thouvenel, Count de Rechberg and Count de Bernstorff recognized in the capture of the Southern envoys a violation of international law; our contemporary is not of their opinion.

For the moment we have a party on our side strong and influential. But friendly sentiments toward [us], as you are well aware, will not however withstand any great adverse pressure under the circumstances of our existing relations to foreign countries. We have in the present instance done well and are approved. So far so good. But the currents may change to-morrow with or without good reason. The only things we can really rely on are our principles and our power. Our daily acts must be necessarily of a quite secondary importance except as they illustrate one or the other of these forces.

It is only as the consistent defender of the rights of man that we can have any efficient standing at this juncture in Europe. The late event by giving us a party here reopened the question of African slavery in both British and foreign circles. The beginning of this discussion is already manifest. Therein we are having an advantage.

I had the honor to report to you my opinion long ago that the leading Governments would give us a fair allowance of time to show what we could do with the rebellion before interfering in any way whatever. In endeavoring to conjecture what that limit would be I have felt that it would be coincident with the period of the near expiration of the cotton supply. This exhaustion I have supposed and so expressed myself to you would be postponed to about September next, when it will be likely to manifest itself in force.

My inference has been and now is (corroborated by constantly transpiring circumstances) that unless we can get possession of the leading cotton ports by midsummer that we shall have the great maritime and manufacturing powers taking measures to carry their merchantmen into those ports. And if I am not mistaken in my judgment it will be France that will lead in that movement.

* * * * * * *

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

WASHINGTON, *January 17, 1862.*

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

I transmit to Congress a translation of an instruction to the minister of His Majesty the King of Prussia accredited to this Government, and a copy of a note to that minister from the Secretary of State relating to the capture and detention of certain citizens of the United States, passengers on board the British steamer Trent, by order of Captain Wilkes, of the U. S. Navy.

ABRAHAM LINCOLN.

[Inclosure No. 1.]

BERLIN, *December 25, 1861.*

Baron VON GEROLT, &c. [*Washington.*]

MONSIEUR LE BARON: The warlike measures which President Lincoln has taken at sea against the States of the South which separated themselves from the Union could not fail from their beginning to

impress the Royal Government with apprehension that they might give occasion to some injury to the legitimate interests of neutral States.

This apprehension has unfortunately been realized by the subsequent forcible arrest and abduction of Messrs. Mason and Slidell from on board the neutral mail packet Trent by the commander of the North American ship of war San Jacinto.

This occurrence has as you will readily conclude aroused the greatest attention in England as well as throughout Europe, and caused great sensations not only in cabinets but also in public opinion. Although by that act beyond all England has been affected, still at the same time one of the most essential and generally recognized rights of the neutral flag is placed in question by it.

I may forbear entering into discussion of the principle of right under consideration. In Europe public opinion has spoken out with extraordinary unanimity and in the most decided manner in behalf of the aggrieved party. We have ourselves hesitated until now to express to you our views upon the occurrence because through want of exact information we fostered a doubt as to whether the captain of the San Jacinto in his procedure was or was not acting under instructions communicated to him by his Government. We still at this hour incline to admit the latter supposition. Should, however, the first prove to be the correct version of the affair we should find ourselves under the necessity of considering the occurrence of a more serious significance, and to our very great regret regard it not as an isolated fact but much more as a public menace to all existing neutral rights.

The English demands which were addressed to the Cabinet of Washington and upon the acceptance of which the maintenance of peace depends are not exactly known to us, but so far as we are informed we are convinced that no conditions have been made by England by which the dignity of President Lincoln could have reasonably been hurt.

His Majesty the King animated by the most sincere wishes for the welfare of the United States of America has ordered me to advocate energetically with President Lincoln the cause of peace through your mediation, and we would deem ourselves happy if by such means we could contribute to a peaceful solution of a conflict out of which the greatest dangers may spring. It is possible that by this time the President may have decided on and made public his determination. But whatever be its nature, at all events the Royal Government in view of the very intimate relations of genuine friendship which have existed between Prussia and the United States from their foundation desire to minister to a peaceful issue and to place before the Cabinet of Washington with the most unreserved frankness their opinion of the pending affair as well as their inmost wishes respecting it.

I request you to read the preceding dispatch without delay to the Secretary of State and at his request furnish him with a copy of it. In respect to the discharge of this commission I look forward to your report on the subject.

Accept, Monsieur le Baron, the renewed assurances of my most distinguished esteem.

BERNSTORFF.

[Inclosure No. 2.]

DEPARTMENT OF STATE, *Washington, January 14, 1862.*

Baron VON GEROLT, &c.

SIR: I have now the honor of explaining to you the sentiments of the President touching the matter brought to his notice by an instruc-

tion addressed to you by Count Bernstorff under the date of December 25, which paper you read to me at our last interview and of which you have furnished me a copy.

First, I perform a pleasant duty in assuring you that this Government fully and unreservedly accepts the communication thus made by Count Bernstorff as an earnest of the sincere and cordial friendship of His Majesty the King of Prussia toward the United States, and the President is equally satisfied that in making it His Majesty is animated also by a benevolent and noble desire for the preservation of peace among the nations. Counsel given with such motives will never be undervalued by the United States.

Accepting the paper in this spirit it is my duty to submit to you for the information of His Majesty a full copy of the correspondence which has taken place between the British Government and the Government of the United States upon the subject now discussed by Count Bernstorff, namely the capture and detention of certain citizens of this country on board the British mail steamer Trent.

I trust, sir, that these papers will completely satisfy the Government of Prussia that if the general peace of the world is to be broken the fault will not lie in anything that the United States have done to produce such a disaster, or in their omission to do everything which a just and generous power could do to prevent it.

It is very certain, sir, that the rights of belligerents in war generally recognized in international law are as yet very imperfectly defined, while there is scarcely any accord among States concerning the proper peaceful remedies necessary for the redress of injuries committed by or against neutral powers.

The United States at a very early day addressed themselves to the then unappreciated task of securing the incorporation of just, equal and humane principles into the code of maritime war. They have energetically persisted in this great enterprise through all changing events equally when acting as a neutral and when themselves engaged as a belligerent.

Will you allow me the liberty of suggesting for the consideration of your Government the expediency of improving the occasion which has justly excited so many apprehensions to recommend the general policy of this country thus described to the earnest consideration of the European States? It is only in a spirit of the utmost respect and deference that I take leave to remark that the periods when the United States will have occasion to act the part of a belligerent will probably be few and brief; while judging from past experience we cannot yet hope for so constant a preservation of peace among all the nations of the eastern continent.

Believe me, sir, that in so emphatically submitting this great subject to the consideration of Prussia I am moved by a profound conviction that the Government of that State is eminently distinguished by a generous and just ambition to meliorate the condition of mankind.

I pray you, sir, to accept renewed assurances of my very high consideration.

WILLIAM H. SEWARD.

LEGATION OF THE UNITED STATES,
London, January 17, 1862.

HON. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: I have now received copies of all the papers connected with the affair of the Trent.

The result is in the highest degree satisfactory. I need not add my testimony to the general tribute of admiration of the skillful manner in which the various difficulties and complications attending this unfortunate business have been met or avoided. Thus far in spite of all efforts sedulously made to the contrary the effect on the public opinion has been favorable. The publication of the foreign correspondence during the past season as well as of the latest dispatches has materially corrected the old notion of determined hostility on your part to Great Britain which has been used so mischievously for months past. On the whole I think I may say with confidence that matters look better.

Last Saturday I called at the request of Lord Russell at the foreign office, when his lordship read to me the dispatch which he was then on the point of sending off to Lord Lyons. We thereupon exchanged congratulations on the complete restoration of friendly relations between the two countries. Since that time not only the correspondence already published in America has been printed by authority in the London Gazette, but the later papers written on this side including the very last being that which was read to me.

You will doubtless notice with some curiosity the earlier one, being Lord Russell's note* of the substance of the conversation held with me on the 19th ultimo at the time I read to him your confidential dispatch to me of the 30th of November.† The circumstances attending that affair have given rise to so much speculation both here and on the continent, and have led to such sharp controversy in the London newspapers that it may be advisable that the Government should understand them correctly.

Considering the paper as confidential of course I took good care that no knowledge of its substance or of the substance of the conference should be extended beyond the limits of this legation. Yet the fact is certain that on the strength of an impression of the occurrence of some such event the funds rose 1 per cent. on the very next day. So general was the idea that the Morning Post, a paper considered here and not without reason as deriving information from high sources, thought proper to notice the rumor on the 21st of December and deliberately to affirm that though a dispatch had indeed been communicated yet that it had reference to other unimportant matters and in no way related to the difficulty about the Trent. Some days later, however, in a summary of the events relating to that case published in the Observer, a weekly paper published on Sunday morning, supposed also to be now and then supplied with authentic information, I noticed at the conclusion a tolerably correct version of the substance of that dispatch. After the appearance of that I had no hesitation in disclosing to persons with whom I conversed my knowledge of its correctness.

It was then with no little surprise that they perceived last week when intelligence was received from America of the existence of such a paper a formal denial in the Post that any such paper had ever been communicated to the British Government. No longer able to deny the existence of it the next step was to affirm that I must have suppressed it. And not satisfied with that the same press went on to supply a motive for doing so in the fact that certain American parties had about the same time appeared in the market buying up stock, which was the cause of the rise in the funds already alluded to. Of course the insinuation was that I was engaged in a heavy stock-jobbing operation for

*See Russell to Lyons, December 19, p. 1133.
†See Seward to Adams, November 30, p. 1108.

my own benefit and that of my friends. The motive for this concoction of a series of falsehoods which were inevitably to be exposed in a very short space of time seemed difficult to divine. The explanation came almost on the heels of the charge. Lord Russell's note to Lord Lyons of the 19th of December gave his version of the conversation held on that day. The case was clear to all eyes. But to this day the Post has made no retraction of its statement, has not assigned the smallest justification for making them, neither has it disclaimed the authority upon which they are imputed to have been made.

So great has been the effect of these disclosures in inspiring a belief that there was an intention somewhere to bring on a war that it is not impossible it may be made the basis of some proceedings at the approaching session of Parliament. You will doubtless also perceive that Lord Russell's note of our conversation on the 19th differs in some particulars from that which I had the honor to submit to you in my dispatch of the 20th of December, No. 93. The reason for this is to be traced to the distinction which his lordship voluntarily drew between my official and unofficial character at the outset. I understood him as intending to answer my two questions only in my private capacity as a person desirous of making my own arrangements in certain contingencies. For that reason I did not consider the part of the conversation relating to them as needing to be reported.

The other portion of his note touching the substance of your dispatch substantially agrees with mine. The casual opinions expressed about the policy of the respective countries were not regarded by me as part of the official language though I have not the least objection to their publication. Whilst his lordship was about it he might as well have inserted his reply to my reference to the part taken by the Government of Great Britain in the negotiation of 1804–9, which was in substance that there were many things said and done by them fifty or sixty years ago which he might not undertake to enter into a defense of now—all which was said pleasantly on both sides without an idea that the official conference was not closed. Yet so difficult is it to retain in the memory a distinct line between formal and casual conversation that I have no disposition in any way to call in question his report which so far as it goes is undeniably more accurate than my own.

What I have here written about it is to account to you for what might otherwise appear an omission of duty on my part.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

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LEGATION OF THE UNITED STATES,
London, January 17, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: * * * I have reason to believe that the removal of the casus belli in the Trent affair has proved a most serious obstacle in the way of all the calculations made by the party disposed to sow dissension between the two countries.

The expectations that have been raised of a pressure from the manufacturing classes to break the blockade in order to obtain cotton are likewise declining. The stock is yet quite large, and taken in conjunction with what is known to be coming it is believed to be sufficient to keep the mills going at the present rate for six months longer. The large manufacturers have become pretty well reconciled to the reduction of their product, from a conviction that the business had already

been overdone and must have ceased to yield any returns had it been continued longer on the former scale.

Such being the ruined condition of the old programme it has been found necessary to direct attention to the preparation of something new. The chief support of the latest schemes is to be traced to the supposed policy of the Emperor of the French. It is believed here that he has already made overtures to the British Government to enter a protest against the blockade as in manner and substance too cruelly effective in some respects and very ineffective in others. It is also affirmed that he begins to consider it time to agitate the subject of recognition of the Confederate States. I cannot say that the evidence that has been furnished to me on these points is entirely satisfactory, but it is sufficiently so to make it my duty to mention it. Doubtless your sources of information in Paris will give you more precise knowledge of the truth than I can do here.

My main purpose in alluding to it is to call your attention to a singular development made of the policy adopted by the Confederate emissaries here with a view to fortify the movement of their allies in this country. The substance of it has been disclosed by a publication in the Edinburg Scotsman, a well-conducted paper whose sources of information I have heretofore found to be good. I take from its issue on Saturday last, the 11th of January, the following extract:

> There exists in London an active and growing party including many members of Parliament having for its object an immediate recognition of the Southern Confederacy on certain understood terms. This party is in communication with the quasi representatives of the South in London and gives out that it sees its way to a desirable arrangement. Our information is that the South acting through its London agents is at least willing to have it understood that in consideration of immediate recognition and the disregard of the paper blockade it would engage for these three things: A treaty of free trade, the prohibition of all import of slaves, and the freedom of all blacks born hereafter. It will easily be seen that if any such terms were offered (but we hesitate to believe the last of them) a pressure in favor of the South will come upon the British Government from more than one formidable section of our public.

I have reason for believing that some such project as this has been actually entertained by the Confederate emissaries. The pressure of the popular feeling against slavery is so great here that their friends feel it impossible to hope to stem it without some such plea in extenuation as can be made out of an offer to do something for ultimate emancipation.

Of course no man acquainted with the true state of things in America can believe for an instant the existence of one particle of good faith in any professions of this kind that may be countenanced by the rebel emissaries here. But I have thought it might not be without its use to recommend that the fact of their sanction of such an agitation should be made known pretty generally in the United States especially among the large class of the friends of the Union in the border States.

If the issue of this contest is to be emancipation with the aid of Great Britain surely the object for which the rebellion against our Government was initiated—the protection and perpetuation of slavery—ceases to be a motive for resisting it further.

If the course of the emissaries here be unauthorized it ought to be exposed here to destroy all further confidence in them. If on the contrary it be authorized it should be equally exposed to the people in the slave-holding States. In either event the eyes of the people both in Europe and America will be more effectually opened to a conviction of the nature and certain consequences of this great struggle.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

[Translation.]

DEPARTMENT OF FOREIGN AFFAIRS,
Paris, January 19, 1862.

M. HENRI MERCIER, *Minister of France at Washington.*

SIR: I have received the dispatch * * * which confirms the news of the restitution of Messrs. Mason and Slidell. You already know what has been the satisfaction which the Government of the Emperor has derived from this.

I now do myself the pleasure of attesting that the communication which you were instructed to present to the cabinet of Washington was received in the same spirit of cordial frankness that inspired it and that the Government of the Emperor was not mistaken in its expectation of finding the United States maintaining that position upon which they had been a long time in accord with France in defense of the same principles.

Receive, sir, the assurances of my high consideration.

THOUVENEL.

LEGATION OF THE UNITED STATES,
Vienna, January 20, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: No dispatches have been received from the Department of State at this legation since my last. The purpose of this brief communication is simply to express my sincere congratulations upon the able and honorable manner in which the dangers created by the Trent affair have been averted.

I have not thought it a part of my duty to obtrude my reflections or my advice upon the Government whilst this matter was pending. Even had the administration required assistance from abroad—which as the event has proved it did not—there were not wanting able heads and hands at London and Paris to communicate everything of importance in the way of counsel or information. Nor do I desire now that this momentous affair is so fortunately terminated to occupy the time of the Department with any reflections of my own.

I will merely state therefore that during this anxious period of suspense—during the six weeks which have elapsed between the arrival of the news of the arrest of the commissioners and that of their liberation—I have held without wavering one language in all my communications with the members of the Government here and with the representatives of foreign powers—that our Government would do all that was possible in honor and in consistency with international law to avoid a rupture with England. I have always taken the ground that our whole history showed us to have been uniformly the champions of the rights of neutrals and of the largest liberty of the seas, and that I could not imagine under so trivial a temptation that we were now likely to abandon our most cherished principles in exchange for the violent and lawless practice too often pursued by England when belligerent to ourselves and other powers when neutral. I knew that the administration of our affairs was in the hands of upright and sagacious statesmen and I constantly expressed the hope that their treatment of this untoward event would signally put to shame the unjust and venomous spirit by which the English press with a few most honorable exceptions has been characterized.

I take pleasure in saying that the English ambassador here, Lord Bloomfield, was as unaffectedly sincere in his desire for an amicable settlement of the affair and as magnanimous and courteous in his attitude as the best friend of either country could desire. I may add that all my colleagues manifested the greatest anxiety that peace should be preserved, although it was very difficult for me to inspire many of them with much of my confidence that this fortunate result would be secured.

In regard to the Imperial Government of Austria you have already been informed of their views by the letters of Count Rechberg to His Majesty's representative at Washington of December 18. I had one or two interviews with the minister during the interval of suspense and took occasion to express with much energy my confidence in the pacific intentions of our Government. Count Rechberg while enlarging with fervor on the calamitous results to the world of a rupture and a war between the United States and Great Britain stated his doubts whether our Government was strong enough to resist the popular pressure or bold enough to confront the popular passion by firmly maintaining the law even at the risk of what might seem like concession.

I told him that the Americans were a reasonable and law-abiding people; that if they were convinced the demands of England were founded in justice and reason and were not accompanied by menace they would sustain their Government in every honorable concession. The picture of the United States Government overborne by a tumultuous, violent, uneducated and unreasoning mob had been painted by hostile and foreign pencils and the model did not exist in nature.

So soon as the result had so amply justified the predictions I had ventured I had another interview with Count Rechberg. The minister in very warm language expressed his satisfaction at the pacific termination to this affair and begged me to convey to the President and to yourself his most sincere congratulations and thanks for the able, temperate, courageous and statesmanlike manner in which the Government had borne itself throughout these trying circumstances. Especially he commended the concluding dispatch of the Secretary of State to Lord Lyons.

Lord Bloomfield too expressed to me his deep satisfaction that the danger of war between the two nations had been averted and his hope that more amicable relations than ever might succeed to this mutual misunderstanding. Nearly every one of my colleagues here have expressed themselves to the same effect and in the strongest terms, and all compliment and congratulate the United States Government upon the prudent and honorable course which it has adopted. These expressions have been so spontaneous and energetic that there can be no doubt of the feeling of relief which is experienced in this part of the continent by the removal of the impending danger.

The reasons why the Government here should deprecate a great maritime conflict between the United States and Great Britain with its inevitable results in Europe are too obvious to need comment. Moreover the consequence of this affair has been to draw from the great powers strong vindications of the rights of neutrals and of the freedom of the seas, always cherished by the United States when neutral, and it is the general feeling that a victory has been gained for humanity and civilization by the issue of the Trent affair. It may be confidently asserted that there is no true friend to America nor to humanity that does not sincerely rejoice in the decision of the President.

You are too well acquainted through your able representatives in England and France with the state of public feeling in those countries to require any allusion to it on my part. Nevertheless, as I maintain a constant private correspondence with influential persons of various parties in England I may take the liberty of stating that the cause of our Government is strengthened in public opinion by the recent events. The idea which has been so carefully planted and nurtured in England that our Government desired to force that country into a war in order to escape from a dilemma at home and to cover our incapacity to deal with the Southern insurrection—this idea which to our minds seems like the weak delusion of a sick man's brain—has taken possession of a considerable portion of the English population. Profligate and unscrupulous writers and speakers have done their best to perpetuate the delusion until it has become almost an article of the national creed. The conduct of the United States Government in the Trent affair has as I am assured by eminent persons in England done much to dispel the fiction.

In regard to the British public no doubt there is a considerable and influential portion which cordially detests the United States, its institutions, its government, its people, and earnestly desires its downfall. Among this portion there is a less numerous but a noisy and ferocious faction which is anxious for a war with us and will make the most of every pretext as they have already done of the Trent affair to precipitate hostilities and to throw the weight of the English nation on the side of the slave Confederacy. These are not theories but facts within my knowledge. The slave-holders have many warm partisans in England and in France. On the other hand there are many in England who do not love us but who for selfish reasons would deprecate hostilities if they can be honorably avoided. And again there is a large, powerful mass who warmly sympathize with our cause. The anti-slavery feeling in England is so strong that it has been necessary for the Southern partisans to persuade the British public that slavery has nothing to do with the American civil war, and this ridiculous notion has found many believers in Europe. It is gravely asserted by many who pass in the world for reasonable beings that the secession was brought about by Southern opposition to tariffs and by the love of free trade! It is superfluous to say that the victims of this delusion see in the recognition of the slave-holders' Confederacy an additional expansion for English markets combined with the weakening of a hated rival.

* * * * * * *

I have the honor to be, sir, your obedient servant,

J. LOTHROP MOTLEY.

DEPARTMENT OF STATE, *Washington, January 23, 1862.*

CHARLES FRANCIS ADAMS, Esq., &c.

SIR: * * * We are embarrassed by the attitude of the British Government in regard to the entertainment it gives in its ports to pirates engaged without advantage to any loyal or humane interest in the world in destroying our national commerce—a commerce only less important to Great Britain than it is to the American people. The President cannot but regard this misfortune as a consequence of precipitancy on the part of the British Government which might well have been avoided. I await, however, before giving you instructions upon the subject for the advices which are expected to indicate if not determine the future course of the British Government in regard to our domestic affairs.

Judging from present appearances just what was required of us by foreign nations with unreasonable impatience is now in good time being accomplished. Federal forces, strong, well appointed and superior in numbers, with all the needful material and means for effective action, confront the insurrection on every side. Its resources and strength are inadequate to resist the pressure, and it is expected soon to give way. * * *

We hear continually of purposes entertained by portions of the British people to induce their Government to lend itself to the aid of the insurrection. Our arguments against such an injurious proceeding have been already made known. We have moreover put ourselves upon the practice of justice and liberality toward the British nation and people in all our intercourse with them.

I do not know therefore that we can do more than wait for the threatened development and meet it as we best can, if it must come. Happily every day that passes finds us a people more united and determined in maintaining and preserving the integrity of the Republic.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

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FOREIGN OFFICE, [*London,*] *January 23, 1862.*

[LORD LYONS, *Washington.*]

MY LORD: I mentioned in my dispatch of the 10th instant* that Her Majesty's Government differed from Mr. Seward in some of the conclusions at which he had arrived, and that I should state to you on a future occasion wherein these differences consisted. I now proceed to do so. It is necessary to observe that I propose to discuss the questions involved in this correspondence solely on the principles of international law.

Mr. Seward himself speaking of the capture of the four gentlemen taken from on board the Trent says: "The question before us is whether this proceeding was authorized by and conducted according to the law of nations." This is in fact the nature of the question which has been but happily is no longer at issue. It concerned the respective rights of belligerents and of neutrals. We must therefore discard entirely from our minds the allegation that the captured persons were rebels and we must consider them only as enemies of the United States at war with its Government, for that is the ground on which Mr. Seward ultimately places the discussion. It is the only ground upon which foreign governments can treat it.

The first inquiry that arises therefore is as Mr. Seward states it, "Were the persons named and their supposed dispatches contraband of war?" Upon this question Her Majesty's Government differ entirely from Mr. Seward. The general right and duty of a neutral power to maintain its own communications and friendly relations with both belligerents cannot be disputed.

> A neutral nation [says Vattel] continues with the two parties at war in the several relations nature has placed between nations. It is ready to perform toward both of them all the duties of humanity reciprocally due from nation to nation.

In the performance of these duties on both sides the neutral nation has itself a most direct and material interest; especially when it has numerous citizens resident in the territories of both belligerents; and when its citizens resident both there and at home have property of

* See Russell to Lyons, p. 1170.

great value in the territories of the belligerents which may be exposed to danger from acts of confiscation and violence if the protection of their own Government should be withheld.

This is the case with respect to British subjects during the present civil war in North America. Acting upon these principles, Sir William Scott in the case of the Caroline during the war between Great Britain and France decided that the carrying of dispatches from the French ambassador resident in the United States to the Government of France by an U. S. merchant ship was no violation of the neutrality of the United States in the war between Great Britain and France, and that such dispatches could not be treated as contraband of war.

> The neutral country [he said] has a right to preserve its relations with the enemy, and you are not at liberty to conclude that any communication between them can partake in any degree of the nature of hostility against you. The enemy may have his hostile projects to be attempted with the neutral State, but your reliance is on the integrity of that neutral State, that it will not favor nor participate in such designs but as far as its own councils and actions are concerned will oppose them. And if there should be private reasons to suppose that this confidence in the good faith of the neutral State has a doubtful foundation that is matter for the caution of the government to be counteracted by just measures of preventive policy; but it is no ground on which this court can pronounce that the neutral carrier has violated his duty by bearing dispatches which as far as he can know may be presumed to be of an innocent nature and in the maintenance of a pacific connection.

And he continues shortly afterward:

> It is to be considered also with regard to this question what may be due to the convenience of the neutral State; for its interests may require that the intercourse of correspondence with the enemy's country should not be altogether interdicted. It might be thought to amount almost to a declaration that an ambassador from an enemy shall not reside in the neutral State if he is declared to be debarred from the only means of communicating with his own. For to what useful purpose can he reside there without the opportunities of such a communication? It is too much to say that all the business of the two States shall be transacted by the minister of the neutral State resident in the enemy's country. The practice of nations has allowed to neutral States the privilege of receiving ministers from the belligerent States, and the use and convenience of an immediate negotiation with them.

That these principles must necessarily extend to every kind of diplomatic communication between government and government, whether by sending or receiving ambassadors or commissioners personally or by sending or receiving dispatches from or to such ambassadors or commissioners, or from or to the respective governments, is too plain to need argument; and it seems no less clear that such communications must be as legitimate and innocent in their first commencement as afterward, and that the rule cannot be restricted to the case in which diplomatic relations are already formally established by the residence of an accredited minister of the belligerent power in the neutral country. It is the neutrality of the one party to the communications and not either the mode of the communication or the time when it first takes place which furnishes the test of the true application of the principle.

The only distinction arising out of the peculiar circumstances of a civil war and of the non-recognition of the independence of the *de facto* government of one of the belligerents either by the other belligerent or by the neutral power is this, that—

> For the purpose of avoiding the difficulties which might arise from a formal and positive solution of these questions diplomatic agents are frequently substituted who are clothed with the powers and enjoy the immunities of ministers, though they are not invested with the representative character nor entitled to diplomatic honors.*

* Wheaton: "Elements," Part III, Chap. I, sec. 5.

Upon this footing Messrs. Mason and Slidell who are expressly stated by Mr. Seward to have been sent as pretended ministers plenipotentiary from the Southern States to the courts of Saint James and of Paris must have been sent, and would have been if at all received; and the reception of these gentlemen upon this footing could not have been justly regarded according to the law of nations as a hostile or unfriendly act toward the United States.

Nor indeed is it clear that these gentlemen would have been clothed with any powers or have enjoyed any immunities beyond those accorded to diplomatic agents not officially recognized. It appears to Her Majesty's Government to be a necessary and certain deduction from these principles that the conveyance of public agents of this character from Havana to Saint Thomas on their way to Great Britain and France and of their credentials or dispatches (if any) on board the Trent was not and could not be a violation of the duties of neutrality on the part of that vessel, and both for that reason and also because the destination of these persons and of their dispatches was bona fide neutral it is in the judgment of Her Majesty's Government clear and certain that they were not contraband.

The doctrine of contraband has its whole foundation and origin in the principle which is nowhere more accurately explained than in the following passage of Bynkershoek. After stating in general terms the duty of impartial neutrality he adds:

Et sane id, quod modo dicebam, non tantum ratio docet, sed et usus, inter omnes fere gentes receptus. Quamvis enim libera sint cum amicorum nostrorum hostibus commercia, usu tamen placuit, ne alterutrum his rebus juvemus, quibus bellum contra amicos nostros instruatur et foveatur. Non licet igitur alterutri advehere ea, quibus in bello gerendo opus habet; ut sunt tormenta, arma, et quorum præcipuus in bello usus, milites. * * * Optimo jure interdictum est, ne quid eorum hostibus subministremus; quia his rebus nos ipsi quodammodo videremur amicis nostris bellum facere.

The principle of contraband of war is here clearly explained and it is impossible that men or dispatches which do not come within that principle can in this sense be contraband. The penalty of knowingly carrying contraband of war is as Mr. Seward states nothing less than the confiscation of the ship; but it is impossible that this penalty can be incurred when the neutral has done no more than employ means usual among nations for maintaining his own proper relations with one of the belligerents. It is of the very essence of the definition of contraband that the articles should have a hostile and not a neutral destination.

Goods [says Lord Stowell] going to a neutral port cannot come under the description of contraband, all goods going there being equally lawful. * * * The rule respecting contraband as I have always understood it is that articles must be taken *in delicto*—in the actual prosecution of the voyage to an enemy's port.

On what just principle can it be contended that a hostile destination is less necessary or a neutral destination more noxious for constituting a contraband character in the case of public agents or dispatches than in the case of arms and ammunition?

Mr. Seward seeks to support his conclusion on this point by a reference to the well-known dictum of Sir William Scott in the case of the Caroline that "you may stop the ambassador of your enemy on his passage;" and to another dictum of the same judge in the case of the Orozembo that civil functionaries "if sent for a purpose intimately connected with the hostile operations" may fall under the same rule with persons whose employment is directly military. These quotations are as it seems to Her Majesty's Government irrelevant. The words of

Sir W. Scott are in both cases applied by Mr. Seward in a sense different from that in which they are used. Sir William Scott does not say that an ambassador sent from a belligerent to a neutral State may be stopped as contraband while on his passage on board a neutral vessel belonging to that or any other neutral State; nor that if he be not contraband the other belligerent would have any right to stop him on such a voyage. The sole object Sir William Scott had in view was to explain the extent of the limits of the doctrine of the inviolability of ambassadors in virtue of that character, for he says:

> The limits that are assigned to the operations of war against them by Vattel and other writers upon the subject are that you may exercise your right of war against them wherever the character of hostility exists. You may stop the ambassador of your enemy on his passage, but when he has arrived and has taken upon him the functions of his office and has been admitted in his representative character he becomes a sort of middle man entitled to peculiar privileges, as set apart for the protection of the relations of amity and peace, in maintaining which all nations are in some degree interested.

There is certainly nothing in this passage from which an inference can be drawn so totally opposed to the general tenure of the whole judgment as that an ambassador proceeding to the country to which he is sent and on board a neutral vessel belonging to that country can be stopped on the ground that the conveyance of such an ambassador is a breach of neutrality, which it must be if he be contraband of war. Sir William Scott is here expressing not his own opinion merely but the doctrine which he considers to have been laid down by writers of authority upon the subject. No writer of authority has ever suggested that an ambassador proceeding to a neutral State on board one of its merchant ships is contraband of war. The only writer named by Sir William Scott is Vattel, whose words are these:

> On peut encore attaquer et arrêter ses gens (*i. e.*, gens de l'ennemi) partout où on a la liberté d'exercer des actes d'hostilité. Non seulement donc on peut justement refuser le passage aux ministres qu'un ennemi envoyé à d'autres souverains; on les arrête même, s'ils entreprennent de passer secrètement et sans permission dans les lieux dont on est maître.

And he adds as an example, the seizure of the French ambassador when passing through the dominions of Hanover during war between England and France by the King of England, who was also Sovereign of Hanover. The rule therefore to be collected from these authorities is that you may stop an enemy's ambassador in any place of which you are yourself the master or in any other place where you have a right to exercise acts of hostility. Your own territory or ships of your own country are places of which you are yourself the master. The enemy's territory or the enemy's ships are places in which you have a right to exercise acts of hostility. Neutral vessels guilty of no violation of the laws of neutrality are places where you have no right to exercise acts of hostility. It would be a perversion of the doctrine that ambassadors have peculiar privileges to argue that they are less protected than other men. The right conclusion is that an ambassador sent to a neutral power is inviolable on the high seas as well as in neutral waters while under the protection of the neutral flag.

The other dictum of Sir William Scott in the case of the Orozembo is even less pertinent to the present question. That related to the case of a neutral ship which upon the effect of the evidence given on the trial was held by the court to have been engaged as an enemy's transport to convey the enemy's military officers and some of his civil officers, whose duties were intimately connected with military operations, from the enemy's country to one of the enemy's colonies which was about to be the

theater of those operations—the whole being done under color of a simulated neutral destination. But as long as a neutral government within whose territory no military operations are carried on adheres to its profession of neutrality the duties of civil officers on a mission to that government and within its territory cannot possibly be "connected with" any "military operations" in the sense in which these words were used by Sir William Scott, as indeed is rendered quite clear by the passages already cited from his own judgment in the case of the Caroline. In connection with this part of the subject it is necessary to notice a remarkable passage in Mr. Seward's note in which he says:

> I assume in the present case—what as I read British authorities is regarded by Great Britain herself as true maritime law—that the circumstances that the Trent was proceeding from a neutral port to another neutral port does not modify the right of the belligerent capture.

If indeed the immediate and ostensible voyage of the Trent had been to a neutral port but her ultimate and real destination to some port of the enemy her Majesty's Government might have been better able to understand the reference to British authorities contained in this passage. It is undoubtedly the law as laid down by British authorities, that if the real destination of the vessel be hostile (that is, to the enemy or the enemy's country) it cannot be covered and rendered innocent by a fictitious destination to a neutral port. But if the real terminus of the voyage be bona fide in a neutral territory no English nor indeed as her Majesty's Government believe any American authority can be found which has ever given countenance to the doctrine that either men or dispatches can be subject during such a voyage and on board such a neutral vessel to belligerent capture as contraband of war.

Her Majesty's Government regard such a doctrine as wholly irreconcilable with the true principles of maritime law, and certainly with those principles as they have been understood in the courts of this country. It is to be further observed that packets engaged in the postal service and keeping up the regular and periodical communications between the different countries of Europe and America and other parts of the world though in the absence of treaty stipulations they may not be exempted from visit and search in time of war, nor from the penalties of any violation of neutrality if proved to have been knowingly committed, are still when sailing in the ordinary and innocent course of their legitimate employment which consists in the conveyance of mails and passengers entitled to peculiar favor and protection from all Governments in whose service they are engaged. To detain, disturb or interfere with them without the very gravest cause would be an act of the most noxious and injurious character not only to a vast number and variety of individual and private interests but to the public interests of neutral and friendly Governments.

It has been necessary to dwell upon these points in some detail because they involve principles of the highest importance and because if Mr. Seward's arguments were acted upon as sound the most injurious consequences might follow. For instance in the present war according to Mr. Seward's doctrine any packet-ship carrying a Confederate agent from Dover to Calais or from Calais to Dover might be captured and carried to New York. In case of a war between Austria and Italy the conveyance of an Italian minister or agent might cause the capture of a neutral packet plying between Malta and Marseilles or between Malta and Gibraltar, the condemnation of the ship at Trieste and the confinement of the minister or agent in an Austrian prison. So in the late war between Great Britain and France on the one hand and Russia on

the other a Russian minister going from Hamburg to Washington in an American ship might have been brought to Portsmouth, the ship might have been condemned and the minister sent to the Tower of London. So also a Confederate vessel of war might capture a Cunard steamer on its way from Halifax to Liverpool on the ground of its carrying dispatches from Mr. Seward to Mr. Adams.

In view therefore of the erroneous principles asserted by Mr. Seward and the consequences they involve Her Majesty's Government think it necessary to declare that they would not acquiesce in the capture of any British merchant ship in circumstances similar to those of the Trent and that the fact of its being brought before a prize court though it would not alter the character would not diminish the gravity of the offense against the law of nations which would thereby be committed.

Having disposed of the question whether the persons named and their supposed dispatches were contraband of war I am relieved from the necessity of discussing the other questions raised by Mr. Seward, namely, whether Captain Wilkes had lawfully a right to stop and search the Trent for these persons and their supposed dispatches; whether that right assuming that he possessed it was exercised by him in a lawful and proper manner, and whether he had a right to capture the persons found on board.

The fifth question put by Mr. Seward, namely whether Captain Wilkes exercised the alleged right of capture in the manner allowed and recognized by the law of nations is resolved by Mr. Seward himself in the negative.

I [will not] conclude, however, without noticing one very singular passage in Mr. Seward's dispatch. Mr. Seward asserts that—

> If the safety of this Union required the detention of the captured persons it would be the right and duty of this Government to detain them.

He proceeds to say that the waning proportions of the insurrection and the comparative unimportance of the captured persons themselves forbid him from resorting to that defense. Mr. Seward does not here assert any right founded on international law however inconvenient or irritating to neutral nations. He entirely loses sight of the vast difference which exists between the exercise of an extreme right and the commission of unquestionable wrong. His frankness compels me to be equally open and to inform him that Great Britain could not have submitted to the perpetration of that wrong however flourishing might have been the insurrection in the South and however important the persons captured might have been.

Happily all danger of hostile collision on this subject has been avoided. It is the earnest hope of Her Majesty's Government that similar dangers if they should arise may be averted by peaceful negotiations conducted in the spirit which befits the organs of two great nations.

I request you to read this dispatch to Mr. Seward and give him a copy of it.

I am, &c.,

RUSSELL.

LEGATION OF THE UNITED STATES,
London, January 24, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: I am glad to perceive * * * that the Government is fully alive to a sense of the growing danger of European interference in

American affairs. The indications of this disposition have become far more decided since the expectations formed from the case of the Trent have been disappointed. The first pretext seized on in France and eagerly caught up here has been the alleged destruction of the harbor of Charleston, and so impressible is the popular mind in both countries to any unfavorable representation of our action that many of those really well disposed joined in the clamor even before they were possessed of any of the facts. The next will be the inefficiency of the blockade or else its excessive severity. And so it will go on until the public opinion shall be worked up to the proper pitch to sanction a positive interference. Already the Observer, one of the newspapers occasionally used as an organ of the minister, has distinctly alluded to the necessity of another Navarino, whilst another, the Globe, in a more subdued tone hints with equal significance at the expediency of an armed intervention to put a stop to the war.

* * * * * * *

I regret to say that the favorable indications developed for a few days after the reception of the answer in the case of the Trent are not brightening. We are now preparing for the meeting of Parliament when the course of the ministry will be more clearly defined and the temper of the House of Commons be tested. I shall do all in my power to fortify the action of our friends, but in order to do so effectually it will be necessary for me to be kept continually informed of the views of the Government on any and all the questions that are likely to come into controversy. I have already been asked to give some light about the policy in filling up the [Charleston] harbor of which I have no information. Yet I am well convinced that nothing will long avail to prevent a recognition if not positive intervention unless it be success in the field at home. The latest accounts of the state of things in the insurgent country as shown from their own newspapers have done something to check confidence heretofore felt in the solidity of their situation. Any information of an authentic character touching the efficiency of the blockade, or their resources, their domestic condition, the disposition of the slaves and their political objects which could be supplied to me might be used to some advantage. The impression has been that they embody all the wisdom, all the military skill and all the propriety of deportment to be found in America. We who know the truth may smile at this singular hallucination, but the fact if not corrected will be not the less an element in the formation of an ultimate policy in Europe.

In conclusion I will venture to say that the course of events in America during the next six weeks must in a great measure determine the future of the Government of the United States. For it is they and they only which can control the manner in which foreign nations will make up their minds hereafter to consider them. And in this sense the absence of action will be almost equally decisive.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

LEGATION OF THE UNITED STATES,
Saint Petersburg, January 24, 1862.

Hon. W. H. SEWARD, *Secretary of State, &c.*

SIR: I called on Prince Gortchakoff to-day at his own request when he read me the letter which he had already dispatched to Baron de

Stoeckl congratulating our Government upon its late adjustment of the Trent affair. The letter you will perceive is well written and very favorable in its tone to our Government.

He asked what I thought of its publication here within a week. I said it was somewhat unusual, but the British Government had published diplomatic correspondence before it was complete by arrival at its destination. He added if I thought it would aid us in this crisis of public formation of opinion in Europe that he would have it then put in the official paper, being the Saint Petersburg Journal. I told him I liked the style and spirit of the letter and believed it would greatly forward our interests by its immediate publication. He responded that he was anxious to do us all the good offices possible (without interfering directly in our home troubles) as the great American nation and that he would then publish it at once.

He then repeated to me his wishes for the restoration of the Union. He expressed his fears if any reverse should happen to us that England would at once make common cause with the South, acknowledge her independence and finally break down the power of the Republic. He said in addition that if we should succeed in conquering the South that we would have a sore and discontented population upon our hands which would ever prove a source of weakness, and that he felt that we ought to make a generous offer of reconciliation to the South. I responded that I agreed with him; that we were always and were now ready to deal justly and generously with the South should she be willing to listen to reason, but failing to hear our appeals that we would war it out to the bitter end before we would allow our natural boundaries to be broken by them.

I must confess that I very much fear England's interference. My first impressions in Europe are not changed nor weakened but rather strengthened. Nothing but quick and effective success will save us from foreign enemies. If slavery could be rooted out of our system I think any sacrifice of life and money now would not be too much to pay for such consummation.

But as it seems now to be determined to stand by slaveholders' rights though all others may perish I confess I think that urgent appeals ought to be made at once to the South to save itself by accepting anew the Constitution and the Union with all guaranties of slavery as of old unequivocally expressed. This should, however, be a secret and confidential proffer of the administration without making its publication demoralize the troops and the country. For my part I venture to suggest that the President send one of his most able diplomatists to Jeff. Davis' government in an unofficial way with the olive branch, ready upon the gaining of any victory of importance on our part to win him back to allegiance.

You think you can trust England. I do not. So I would prepare at once for a war with that power as an inevitable result of any reverses which would prevent a subjection of the South before the 1st of April next. But you may have sources of forming an opinion which are not open to me. I tell you simply how I look at this issue. One thing is certain: war or no war Portland Harbor ought to be at once fortified in the most permanent and effective manner.

The tones of European Governments are greatly changed since the rendition of Mason and Slidell. If England now seeks a quarrel with us we will have all liberal Europe on our side. But she never cares what people think when she sees her way open to success. Upon our own strong right arm we must rest.

I trust you will pardon me for so often venturing to make suggestions in reference to our home affairs. My anxiety about the issue must plead my apology.

I have the honor to be, your obedient servant,

C. M. CLAY.

DEPARTMENT OF STATE, *Washington, January 31, 1862.*

CHARLES FRANCIS ADAMS, Esq., &c. [*London.*]

SIR: Your dispatch of January 10 has been received. If it be true as you seem to think possible that we have only averted an occasion for the hostilities which the British Government indicated, and have not at all removed the cause of those hostilities, we still have every reason to be satisfied with our course in the Trent affair.

The American people could not have been united in a war which being waged to maintain Captain Wilkes' act of force would have practically been a voluntary war against Great Britain. At the same time it would have been a war in 1861 against Great Britain for a cause directly the opposite of the cause for which we waged war against the same power in 1812. We shall practice toward Great Britain not only justice but moderation and even liberality in all the exciting transactions which this unhappy domestic contest of ours shall produce.

We have not left Great Britain in doubt of our own confidence in our ability to maintain the integrity of the Union or of our grounds for it notwithstanding the embarrassment which we experienced in the indirect support which the insurgents derive from nations whose rights we have invariably respected.

We are not unaware nor do we complain of the impatience in Europe which exacts from us quick and conclusive victories. We can excuse it because even among ourselves at home there is a failure to apprehend that the insurrection has disclosed itself over an area of vast extent, and that military operations to be successful must be on a scale heretofore practically unknown in the art of war. At the same time we are not unaware of the fact that the impatience of European nations is due chiefly to the inconveniences which they suffer from the contest and not to a careful consideration of the strength and energies of the parties engaged in it. We have every motive they can have and many other infinitely stronger motives for bringing the war to the speediest possible successful conclusion.

We expect that Great Britain will realize not only this truth but another important one, namely, that any solution of this controversy by a division of the Union would be detrimental to British commerce and to British prestige. Believing this we expect that Great Britain will not become a party in the contest against the United States. If insensible to these considerations the British Government shall intervene then we must meet the emergency with the spirit and resolution which become a great people.

The tone of the public virtue is becoming sounder and stronger every day. Military and naval operations go on with success hindered only by the weather which for almost a month has rendered the coasts unsafe and the roads impassable.

I have observed that the British people were satisfied with the vigor and energy of the preparations which their Government made for the war which they expected to occur between them and ourselves. It may be profitable for us all to reflect that the military and naval prepa-

rations which have been made by this Government to put down the insurrection have every day since the 1st day of May last equaled if not surpassed the daily proportion of those war preparations which were regarded as so demonstrative in Great Britain.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

LEGATION OF THE UNITED STATES,
London, January 31, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: The expectations of a declaration of some kind from the Emperor of the French on the subject of the American difficulty which might be made the basis of an agitation here have been disappointed. Whatever is to be done must be originated in Parliament by the avowed friends of the rebels.

All the particular grounds of complaint against the United States have been successively removed from under them. The parties seized in the Trent are now safe on this side of the Atlantic. The blocking up of Charleston Harbor is shown to be no real grievance. The inefficiency of the blockade is the only remaining proposition which it is attempted to support by evidence. Even that would be met by proof drawn from the admissions made by the insurgents at home if it could have been supplied in a tolerably authentic form. I regret that I have not at my command any official tabular statement of the number of vessels turned off or taken during the period of the blockade or evidence of the price of the various commodities of foreign growth or manufacture rendered scarce by the operations of the blockading force. But inasmuch as the Government is obviously disinclined to sustain an objection of this kind just now the probability is that nothing will be made out of it.

There is then not a particle of solid material for the dissatisfaction with the Government of the United States based on its own policy to make a quarrel out of. Resort must then be had to the simple objection that the rebellion has not been suppressed. This will be urged as justifiable cause for early recognition; and upon that issue the sense of the House of Commons will probably be sooner or later taken. At this moment it is impossible to estimate the strength of parties or the character of the division. The impression is that the conservatives generally favor such a measure of which thus far I see no evidence beyond the general tendency of one or two newspapers in that interest which I have had occasion to suspect not to be trustworthy organs.

I am rather inclined to the belief that this subject has not yet become a party question in the eyes of the members of either side. Each individual therefore indulges in his particular opinion. There is no knowing how soon it may become so. That will depend upon the chances of making anything out of it in case of a conflict. The ministry are notoriously feeble in Parliament whilst the conservatives are strong only whilst confining themselves strictly within a negative position. Hence the situation of both parties rests equally upon an avoidance at least for the present of test questions. Lord Palmerston is sufficiently popular to make it hazardous to attempt to dislodge him by a *coup de main* in Parliament which would inevitably be followed by a formidable opposition headed by him. The more eligible course has thus far been thought to be to await the moment which can not be long delayed of

his retreat, when Lord Derby is expected to be summoned to take his place with the consent of all but the radical section of the people. This will be an era for the reconstruction of parties.

Such has been the programme down to the assembling of Parliament. What shape things will take afterward it is impossible to predict. That the American question is to be a serious element in any calculation of its action everything conspires to make us believe. I shall endeavor so far as it may be within my power to keep you informed of the movements as they occur.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

—

LEGATION OF THE UNITED STATES,
London, January 31, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: There is a good deal of feeling among the workingmen in this country on the subject of America and the treatment experienced by the Government of the United States at the hands of the leading newspapers. I have already received an official copy of the proceedings of one public meeting held in London, which being addressed only to me I have thought it sufficient to notice simply by a letter of acknowledgment.

This day I have received a visit from Mr. Beal who has placed in my hands a copy of the resolutions passed at another meeting in a different part of the town and herewith transmitted with a request that I would forward them. I told Mr. Beal that it was not the desire of the Government through me to attempt to influence the public opinion of Great Britain or its policy by any action whatsoever, but that I should cheerfully accede to his request to forward the resolutions to my Government as a simple expression of good will which I did not doubt would be received by it with the greatest pleasure.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

[Inclosure.]

9 CHARLES STREET, PORTMAN SQUARE,
January 29, 1862.

His Excellency THE AMERICAN MINISTER.

HONORABLE SIR: I have the honor to present you with the inclosed resolutions passed at a meeting of workingmen at the New Hall, Edgware road, on Monday evening, January 27, 1862.

I am, sir, your obedient servant,

H. BEAL.

[Sub-inclosure.]

To the PRESIDENT AND MEMBERS OF THE UNITED STATES GOVERNMENT:

The following resolutions passed at a meeting of workingmen, held at the New Hall, Edgware road, on Monday evening, January 27, 1862:

That this meeting is of opinion that the rebel agents, Mason and Slidell, now on their way from America to England are utterly unworthy the moral sympathies of the working classes of this country inasmuch as they hold property in slaves and are the avowed agents of a tyrannical faction now in rebellion against the Republic in America, and are the sworn enemies against the social and political rights of the working classe ot all countries.

That in the opinion of this meeting, considering the ill-disguised efforts of the Times and other misleading journals to misrepresent public opinion here on all American questions to embroil us on any pretext in war with millions of our kinsmen, to decry democratic institutions under the trials to which the Republic is exposed, it is the duty of workingmen especially as unrepresented in the national Senate to express their sympathy with the United States in their gigantic struggle for the preservation of the Union; to denounce the flagrant dishonesty and slave-holding advocacy of the Times and kindred journals of the aristocracy and to exercise an emphatic expression of public opinion in favor of the strictest interpretation of the doctrine of non-intervention in the affairs of the United States; in favor of the reference of all disputes which may arise to arbitration or to the settlement by commissioners specially appointed by each State; to denounce the war policy of the stockjobbing journals, and to give expression to the warmest sympathy with the Abolitionists of America in their efforts to convert the struggle to an ultimate settlement of the slavery question.

Signed in behalf of the committee.

THOMAS STEDMAN,
Chairman.

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DEPARTMENT OF STATE, *Washington, February 3, 1862.*

CHARLES FRANCIS ADAMS, Esq., &c.

SIR: Your dispatch of the 17th ultimo was received on the 1st instant by the same mail which brought to Lord Lyons the reply of Earl Russell to the note of the British minister which conveyed my answer on the subject of the capture of the Trent. A copy of that reply was delivered to me by Lord Lyons.

This paper and other official communications from London authorized us to suppose that the friendly relations between Great Britain and the United States are now established on a permanent foundation. A note addressed by M. Thouvenel to Mr. Mercier has been submitted by him to me, which is regarded as assuring us that France too entertains no designs injurious or unfriendly to the United States. I need not say that this information was received by the President with very sincere pleasure. * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, February 5, 1862.*

JAMES S. PIKE, Esq., &c., *The Hague.*

SIR: * * * I thank you sincerely for your attention and diligence in giving me information of the action of opinion on the continent in regard to the disposition of the question concerning the Trent, and also for your speculations concerning the probable future course of European opinion upon the contest in which we are engaged.

Incidents and even accidents, domestic and foreign, enter much into all the estimates which can be formed on either side of the ocean. There will be incidents and accidents in the future as there have been in the past and these cannot now be foreknown. I think I have heretofore said to you that I had perceived any opinion discovered in Europe is only a later appearance there of an opinion which had already manifested itself among ourselves.

Practically the American people were dismayed by the outbreak of the rebellion. Europe accepted it as already completed. The American people rallied and Europe considered. The American people recoiled after the battle of Bull Run. Europe pronounced the question ended. The American people were confident of success and Europe admitted the hopefulness of their affairs until the Trent question came

up. The American people thought that war waged by Great Britain against us when we were divided would be calamitous. Europe decided that it would be ruinous.

Just now the tide of success is with us; the strength of our position is seen and felt by ourselves and acknowledged by the insurgents. If we go on as we have begun making progress against the insurrection, and if at the same time we practice justice in all our dealings with foreign nations I feel assured that European States will consider well before they engage in a war against us in violation of all moral right and with such questionable prospects of benefits to themselves.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, February 7, 1862.*

M. HENRI MERCIER, &c.

SIR: I cannot deny myself the pleasure of expressing to you my gratification with which the President has received the cordial assurances of good will and satisfaction in the disposition of the affair of the Trent conveyed to this Government in M. Thouvenel's dispatch to you of the 19th of January which you in so obliging a manner read to me, and a copy of which at my request you delivered to me on Saturday last.

I trust, sir, that the European States will on no occasion more than on the one which has just passed have reason to doubt that the United States while acting loyally to themselves will at the same time prove loyal also to the best principles and traditions of their history.

It shall not be a fault on their part if emerging from their present troubles they do not retain the respect, good will and fraternal sympathy of all enlightened nations. Have the goodness in your own way to make these sentiments known to M. Thouvenel.

I avail myself of this opportunity to renew to you, sir, the assurance of my high consideration.

WILLIAM H. SEWARD.

—

LEGATION OF THE UNITED STATES,
London, February 7, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: * * * I have the honor to transmit herewith a copy of Her Majesty's speech to both Houses of Parliament together with the Morning Post newspaper of this morning giving a report of the debate in the two Houses yesterday on the address.*

It will be perceived that both Lord Russell and Lord Palmerston announce quite distinctly the intention of the Government to maintain its present position. The position of Lord Derby on the other hand is somewhat equivocal and would seem to imply an organized movement if it were not for the firmer tone of Mr. D'Israeli in the other House. On the whole the expression of sentiment so far as it goes is favorable. The debate will however take quite a different shape when it comes to the questions presented in detail. There is no reason to doubt that a movement will then be made in whatever direction may be thought most

* Inclosures omitted.

likely at the moment to be favorable to the insurgents. The earnestness with which it will be pressed will largely depend on the nature of the intelligence received from the United States.

* * * * * * *

I see by the newspapers that Mr. Yancey has embarked in a steamer to the West Indies on his way home. He has labored indefatigably upon the newspaper press and not without a good deal of success. It is said though I know not with what truth that large sums have been expended in this direction. The condition of the press is now so peculiar in this country that it is unusually open to such influences. I have not time to explain the reasons for this statement for they run deeply into the moral and political condition of the people. At some future moment I may make it the subject of a particular communication.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

NEW YORK, *February 11, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: The Jura which arrived at Portland last night with foreign news to the 31st gives the following as an extract from the French Emperor's speech:

> The civil war which desolates America has greatly compromised our commercial interests; so long, however, as the rights of neutrals are respected we must confine ourselves to expressing wishes for an early termination of these dissensions.

The steamer La Plata with Messrs. Mason and Slidell on board arrived at Southampton on the 29th. They were courteously received but no demonstration was made. Mr. Mason at latest dates remained in London but Slidell has proceeded to Paris.

Very respectfully,

E. S. SANFORD,
American Telegraph Company.

DEPARTMENT OF STATE, *Washington, February 17, 1862.*

J. LOTHROP MOTLEY, Esq., &c., *Vienna.*

SIR: Your dispatch of January 20* has been received. I am very glad to learn that our disposition of the Trent affair is regarded with so much favor by the Austrian Government and in the diplomatic circle at Vienna.

We have not been insensible to the impatience which you describe as existing in Europe for a speedy termination of our unhappy civil war and to the possible danger of foreign intervention if it should be unreasonably protracted. It has seemed very obvious to me that this foreign impatience is most unreasoning and most unjust. Yet I have felt no disposition to complain of it. It was only a reflex of the same popular impatience exhibited in our own country. In Europe it is naturally enough aggravated by the absence of those weighty political interests which have at home so unavailingly counseled prudence and patience in a conflict in which not merely partial or temporary interests are involved but in which the national integrity and even the national existence are at stake.

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* See p. 1182.

Military and naval successes, however, are in good time rewarding the careful and elaborate measures of the Government. Popular apprehension and distrust have already vanished before these triumphs so signally indicative of the complete restoration of the national authority, and we may therefore justly expect similar results in Europe. The toleration that could not be allowed there to a republic that seemed unfortunate will perhaps not be denied when it is seen that it can when it becomes necessary defend itself with powers surpassing those of a limited monarchy or despotism.

Under no other form of constitution could any nation have encountered with so much resolution and vigor a revolution so formidably instituted for the extension of human slavery. Perhaps just now in the light of our more cheering prospects this extraordinary feature of our cause may again be recognized in Europe.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

—

LEGATION OF THE UNITED STATES,
Berlin, February 17, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: * * * Your reply* to the Prussian note on the Trent affair which the newspapers have published has been very well received everywhere, and the Union success in Kentucky is causing universal rejoicing as the harbinger of the speedy overthrow of the rebellion. May the ardent hopes it has given rise to not again be disappointed.

I have the honor to be, your obedient servant,

N. B. JUDD.

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DEPARTMENT OF STATE, *Washington, February 21, 1862.*

Right Hon. Lord LYONS, &c.

MY LORD: I have submitted to the President the copy of the instruction from Earl Russell† which you left with me and which bears the date of January 23.

In this paper Earl Russell sets forth certain points upon which the British Government differs from some of the conclusions which I presented to you in my note‡ upon the Trent affair of the 26th of December last. It is perceived that these differences do not disturb the conclusion contained in that paper upon which the case of the Trent was disposed of by this Government. The differences stated by Earl Russell involve questions of neutral rights in maritime warfare which though of confessed importance are not practically presented in any case of conflict now existing between the United States and Great Britain.

It is very desirable, however, that these questions shall be settled if possible by an early understanding between the two Governments. Nevertheless Earl Russell I think will agree with me that they relate only to a part of the international law of maritime war, while there are other and kindred questions equally important and equally likely to arise in the disturbed condition of affairs which exists on this continent and in any conflict which may happen in Europe. All such questions moreover affect not only these two nations but all the other maritime powers.

* Seward to Von Gerolt, January 14, p. 1177.
† Russell to Lyons, p. 1185.
‡ Seward to Lyons, p. 1145.

Earl Russell need not be reminded that the necessity which has existed for meliorations of the law of maritime war in regard to neutrals has been a subject of debates and even of conventions of such powers. The friendly relations which this Government holds to such powers require that all that it does in this connection shall be done with their full knowledge and with an expressed desire for their co-operation. This Government has taken an active part in seeking to promote such meliorations through such conventions. Its views on this subject have undergone no change. It will cheerfully second any negotiations to that end which Great Britain or any other maritime power will inaugurate. If it shall seem preferable it will itself initiate such proceedings. Our ministers accredited to such powers will at an early day receive full instructions to this effect.

In the meantime your lordship may assure Earl Russell that while the United States will justly claim as their own the belligerent rights which the customary practice allows to nations engaged in war according to our present convictions there is no melioration of the maritime law or of the actual practice of maritime war that the leading maritime States including Great Britain shall think desirable which will not be cheerfully assented to by the United States, even to the most liberal asylum for persons and the extreme point of exemption of private property from confiscation in maritime war.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

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WASHINGTON, *February 21, 1862.*

Hon. WILLIAM H. SEWARD, &c.

SIR: I will without any loss of time communicate to her Majesty's Government the note which you have to-day done me the honor to write to me with regard to Earl Russell's dispatch to me of the 23d of last month, on certain questions of international law connected with the case of the Trent.

I have the honor to be, with high consideration, sir, your most obedient, humble servant,

LYONS.

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WASHINGTON, *February 25, 1862.*

To the SENATE AND HOUSE OF REPRESENTATIVES:

I transmit to Congress a copy of an instruction from Prince Gortchakoff to M. de Stoeckl, the minister of his Imperial Majesty the Emperor of Russia accredited to this Government, and of a note of the Secretary of State to the latter relative to the adjustment of the question between the United States and Great Britain growing out of the removal of certain of our citizens from the British mail steamer Trent by order of the commander of the United States war steamer San Jacinto.

ABRAHAM LINCOLN.

[Inclosure No. 1.]

SAINT PETERSBURG, *January 9, 1862.*

M. DE STOECKL, &c.

SIR: The Federal Government cannot doubt the lively interest with which we have followed the diverse phases of the incident which has lately held in suspense the anxious attention of both worlds.

His Majesty the Emperor has not presumed too much upon the wisdom of the cabinet of Washington in resting convinced that it would consult only in these grave conjunctures sentiments of justice and of conciliation and the important interests of the country.

It is with the highest satisfaction that his Imperial Majesty has found his foresight confirmed by the determination which the Federal Government has just taken.

Although it has not yet come to our knowledge except through the channel of the newspapers our august master has been unwilling to delay transmitting to the President the sentiments with which his Imperial Majesty has appreciated this proof of moderation and equity so much the more meritorious because it was rendered the more difficult by national impulses.

I have no need to add, sir, that by remaining faithful to the political principles which she has always maintained even when those principles were turned against her and by abstaining from invoking in her turn the benefit of doctrines which she has always repudiated the American nation has given a proof of political integrity which gives her incontestable titles to the esteem and gratitude of all governments interested in seeing the peace of the seas maintained, and the principles of right pervading over those of force in international relations, for the repose of the world, the progress of civilization and the welfare of humanity.

His Majesty the Emperor is gratified in the hope that the same wisdom and the same moderation which dictated to the Federal Government its late decision will alike preside over its steps amid the internal difficulties with which it finds itself at this moment striving.

The event must have shown to it how much these difficulties affect its political standing; how much they are of a nature to encourage aspirations connected with a diminution of the power of the United States, and how much consequently it is for its interest to get through with them at the earliest day.

The Emperor is persuaded that the statesmen who have understood how to appreciate from a point of view so exalted the external political interests of their country will understand equally well how to ground their internal policy above popular passions.

Please to convey to the Federal Government these hopes of our august master; and reiterate the assurance of the satisfaction with which his Imperial Majesty would see the American Union again regain strength through measures of conciliation which may regulate the present without bequeathing to the future any seeds of discord, and again enter upon the condition of power and prosperity which we desire for it not only because of the cordial sympathy which unites the two countries but moreover because the maintenance of its power interests in the highest degree the general political equilibrium.

Receive, sir, the assurance of my very distinguished consideration.

GORTCHAKOFF.

[Inclosure No. 2.]

DEPARTMENT OF STATE, *Washington, February 18, 1862.*

M. EDWARD DE STOECKL, &c.

SIR: I am directed by the President to express to you his sentiments upon the dispatch concerning the adjustment of the Trent affair addressed to you by Prince Gortchakoff which you submitted to me yesterday.

That paper is marked by views comprehensive equally of the interests of two continents and prospects of civilization for many ages, while its wise and prudent counsels are expressed with all the sincerity of a friendship for the United States that have become the more earnest as the danger of the situation seems to multiply and become more imminent. I am sure, sir, that when this unhappy civil war shall have ended in the complete and permanent restoration of the Federal Union upon its ancient and well-tried constitutional foundation then the fidelity, constancy, and wisdom with which the Emperor of Russia lent his counsels and his influence to this great end will be regarded by everybody with deep interest and admiration.

The relations of mutual confidence and friendship between a republican power in the west and a great and enterprising and beneficent monarchy in the east will afford new and important guaranties of peace, order and freedom to the nations.

Will you, M. de Stoeckl, add to our many obligations by conveying these sentiments to the Emperor? In doing so you will be at liberty to assure him that I shall take an early opportunity to submit the paper which has elicited them to the consideration of the American people. Meanwhile the passions in which our unhappy domestic strife originated are subsiding. I cannot doubt that the fraternal counsels of an early, impartial and constant friend will reach the inmost heart of a divided but yet generous people.

I avail myself of this opportunity to renew to you, sir, the assurances of my high consideration.

WILLIAM H. SEWARD.

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LEGATION OF THE UNITED STATES,
London, February 28, 1862.

HON. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: The Parliamentary document containing the papers relating to the blockade has been issued. It may give rise to some interrogations of ministers, but at present there is little probability of the matter going further. Indeed I have nothing to report that is material on American affairs. There is a truce between the parties on all exciting subjects occasioned by a general desire to respect the affliction of the Queen. Apart from this I think I perceive a considerable degree of reaction in favor of the United States, partly owing to the natural subsidence of the exaggerated sentiment at the time of the Trent case and partly to the favorable reports concerning the military operations in America.

I am confirmed in the opinion I have heretofore expressed that nothing else [military success] is necessary here to maintain intact the friendly relations between the two countries.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

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WASHINGTON, *March 3, 1862.*

To the SENATE AND HOUSE OF REPRESENTATIVES:

I transmit to Congress a translation of an instruction to the minister of His Majesty the King of Italy accredited to this Government and a

copy of a note to that minister from the Secretary of State relating to the settlement of the question arising out of the capture and detention of certain citizens of the United States, passengers on board the British steamer Trent, by order of Captain Wilkes, of the U. S. Navy.

ABRAHAM LINCOLN.

[Inclosure No. 1.]

TURIN, *January 21, 1862.*

Chevalier BERTINATTI, *Minister of Italy at Washington.*

M. MINISTER: I have just received your dispatch of the 30th of December and thank you for the intelligence you give on the affair of the Trent.

I need not tell you with what satisfaction the Government and people of Italy have received the news of the happy solution of a question which for a moment put in doubt the peace of the world.

Attached by the closest ties of sympathy to the two nations which have so highly exalted in the two hemispheres the glory of the Anglo-Saxon race the royal Government was justly apprehensive of the consequences of the strife which might have arisen between England and North America.

Such strife in effect whatever the issue could have had only results adverse to civilization and to the general prosperity; it would have shaken confidence in the principle of self-government which serves as a common basis for the political institutions of the Anglo-Saxon race and have brought on if protracted complications from which the whole world would have suffered.

Moreover although we should in preference fix our attention on the questions which touch upon the accomplishment of the great work of Italian unity we were far from being indifferent to the discussion which had sprung up between America and England.

You are not ignorant, M. Minister, that the royal Government has always been attached to the principle of the freedom of the seas. At the congress of Paris it united with eagerness in the declaration of 30th of April, 1856, and hoped that that declaration as soon as it could have the assent of the United States of America would in time become the point of departure for fresh progress in the practical operation of international law. Knowing the bold and persevering efforts which the Government at Washington had made for fifty years past to defend the rights of neutrals we hesitated to believe that it desired to change its character all at once and become the champion of theories which history has shown to be calamitous and which public opinion has condemned forever.

By continuing to remain attached to principles whose defense has constituted one of the causes of the glory of North America Mr. Lincoln and his ministry have given an example of wisdom and moderation which will have the best results for America as well as for the European nations.

Be pleased then earnestly to felicitate in the name of the King's government the President and his ministry by giving if requested a copy of this dispatch.

Accept, M. Minister, the assurance of my very distinguished consideration,

RICASOLI.

[Inclosure No. 2.]

DEPARTMENT OF STATE, *Washington, February 19, 1862.*

Chevalier J. BERTINATTI, &c.

SIR: I have the President's directions to express to you the satisfaction he has derived from the dispatch which was addressed to you by Baron Ricasoli on the subject of the Trent affair a copy of which you so kindly put into my hands.

This Government after a full examination of the subject decided that it could not detain the persons taken from the Trent by Captain Wilkes without disavowing its own liberal interpretations of the law of maritime war. It rejoiced therefore in the accidental circumstance that had given it an opportunity to show the same devotion to the freedom of commerce as a belligerent that it has always before manifested as an interested neutral power. If at any time the Government had entertained doubts of the wisdom of its proceeding in the case they would all now disappear at once before the congratulations which it is receiving from the most generous and enlightened nations that have been passionless observers of the transaction. Among those nations while all have spoken with cordiality and without reserve none has spoken with truer magnanimity or more manifest sincerity and earnest sympathy than the Kingdom of Italy, the newest and most free of those nations founded upon the principle of the sovereignty of the people. Her utterance comes evidently from the very heart of a people who yet remember the sad experience how liberty is certainly lost through the loss of their national unity. Have the goodness, M. Bertinatti, to assure the Baron Ricasoli and through him the great and chivalrous Prince who reigns over Italy that their persuasions to the restoration of the American Union in its amplest constitutional proportions shall be early submitted to the American people. They will have more than ordinary prophetic weight as the voice of a nation that is risen from among the dead.

The American Government and people are unanimous in their wishes for the peace, prosperity and happiness of Italy.

Be pleased to accept, sir, the renewed assurance of my very high consideration.

WILLIAM H. SEWARD.

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DEPARTMENT OF STATE, *Washington, March 4, 1862.*

J. LOTHROP MOTLEY, Esq., &c., *Vienna.*

SIR: Your private and unofficial note of February 1* has been received though not until this very late day. In regard to the condition of our affairs in Europe it may perhaps upon the whole be considered fortunate that the Trent affair occurred, even with all its exasperations.

Passion is as natural a condition for nations as for individuals. Secession is a popular excitement, disturbance, passion. It must needs have occurred here, for this country has submitted itself to the counsels of prudence and reason in regard to the disputed points of administration as long as even so very practical a country as this is could submit. Human nature it is now seen could be content no longer. It was needful that the new popular passion should culminate before it could be expected to subside and to do this it must have time. As no one could tell how high the passion must rise so no one could tell how long it would require for culminating. The culmination would be the point of danger, the crisis. All other nations being in some sort related to

*Not found.

us must be affected by the passion which disturbed us. The more intimately related the more profoundly they must be disturbed. Great Britain and France, most intimately related, must be the two States most vehemently excited. Excitement would rise later in those countries than here and would subside more rapidly. The culmination at home or abroad could be hastened or delayed by accidents.

The Trent affair was such an accident. It has served to bring on the crisis. The crisis has been reached and passed at home and of course abroad. Reason is beginning to regain its control here and with it the Government is beginning to recover its authority. We are having and we shall continue to have successes at home and so we may reckon on peace abroad.

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I am, sir, your obedient servant,

WILLIAM H. SEWARD.

LEGATION OF THE UNITED STATES,
London, March 20, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: * * * I take it for granted that even in the midst of your engrossing occupations you find sufficient time to glance at the report of the debates in Parliament on subjects of interest to the United States, and more especially on international questions of rights on the ocean and blockade in time of war.

The most marked indication to be observed is the general sense of uneasiness at the change operated in the position of Great Britain as a maritime power by the enlargement gradually making of the privileges of neutral nations. Whilst on the opposition side you perceive a distinct disapproval of the agreement made in 1856 at Paris, there is equally perceptible among the ministers a disposition to seize the first opportunity to annul the obligations which it has been thought to impose. The remarks of Sir George Cornewall Lewis upon the effects of war upon the measure regarded merely as a treaty and not as new rules incorporated into the international law are full of significance. Lord Palmerston has been not inappropriately reminded of the difference between the tone of his speech at Liverpool in 1856 and of that in the late debate, whilst even Lord Russell is quoted as having expressed the opinion that some modification of the declaration of Paris would seem to be almost indispensable.

Such are the immediate effects of that which at first blush appeared to these enlightened gentlemen a great triumph in the case of the Trent. Such are the consequences of refusing to accept the adhesion of the United States to the declaration of Paris from an overzealous desire to escape the effects of a precipitate admission of belligerent rights. Both these events have brought vividly to their observation the consideration of the position of Great Britain in the contingency of a war on the ocean. Like the dog in the fable in snatching at the shadow they find they have lost the solid meat.

A conflict with the United States would as things are now at once transfer the whole carrying trade of Great Britain into the hands of the neutral nations of the continent of Europe. It is now becoming plain that without the additional provision first suggested by Mr. Marcy English interests on the sea are in great jeopardy in time of war, and yet that with the admission of it the control of the ocean is forever lost. Whichever way they look there is difficulty. Self-interest

being the cardinal point of the policy they seek to pursue it is plain that the adoption of the declaration of Paris is a sacrifice of which they are beginning to repent.

Not the least remarkable among the admissions made in this debate is that which specifies the danger of a war with the United States in the event of a persistence in their former doctrine respecting the cargoes of neutral ships at the time of the contest with Russia as having been the main cause that prompted the concessions in that declaration. Thus it would seem that the idea of the growing power of the United States as one nation is everywhere present to their imagination as the great obstacle in the way of their continued domination of the sea. Can it be wondered at if under these circumstances the notion of a permanent separation of this power into two parts one of which can be played off against the other were not altogether unwelcome to their hearts?

To considerations of a similar kind are we indebted for the security that has been afforded to us in our present contest against interference with the blockade. That there has been and still is a very strong inclination in the country to get rid of it is unquestionable. That but for its unavoidable connection with possibilities of consequences in other and not very remote complications an attempt of the kind would have been made I am strongly inclined to believe. The argument that has overborne all these tendencies is drawn from the fear that such a step would only lead in the same direction with the preceding ones taken at Paris. It would ultimately deprive Britannia of her power longer to rule the waves. The *entente cordiale* with France is not yet hearty enough to make such a result altogether acceptable even to the fancy. Neither are the relations with Russia so friendly as to render a voluntary release of the main instrument to keep her in check a proposition to be entertained with favor. For these reasons no countenance will be given to any remonstrance against our blockade, neither will the general reasoning of Mr. Cobden in favor of limiting the right of blockade find much response among people in authority. Even the admissions rendered necessary to establish a position in reclaiming the rebel emissaries on board the Trent will be limited as far as may be to shut the door against further concessions.

It will then continue to depend upon the degree of concert established among those nations of the world which have ever upheld neutral rights whether any real advance be made in the recognized doctrines of international law or not, just as it has done in preceding times. Great Britain will concede only from a conviction that such a course is the safest for herself. The remedy for other countries is obvious. It is to unite in the labor of raising the obligations of specific contracts to the level of permanent international law and to enforce the observation of a consistent system of policy upon any single power whenever it may venture to set up the promptings of its immediate interest as the only rule of action it thinks proper to abide by.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

CONFEDERATE REPORTS, CORRESPONDENCE, ETC.

Resolution adopted by the Confederate Congress, February 13, 1861.

Resolved by the Congress of the Confederate States of America, That a commission consisting of three persons be appointed by the President as soon as practicable after his arrival to proceed without delay to Great Britain, France and other European powers, and to act under such instructions as may be given from time to time by him.

An Act of the Confederate Congress, approved February 27, 1861.

The Congress of the Confederate States of America do enact:

SECTION 1. That the commissioners authorized and directed to be sent to Great Britain, France and the European powers shall each of them receive a compensation at the rate of $1,000 per month, to commence from the time of their departure on their mission and to terminate on their return to this Government.

SEC. 2. *Be it further enacted*, That a secretary shall accompany said commissioners who shall receive under like condition a compensation at the rate of $300 per month.

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EXECUTIVE DEPARTMENT, *August 28, 1861.*

Hon. HOWELL COBB, *President of the Congress.*

SIR: I hereby nominate for the advice and consent of the Congress the Hon. James M. Mason, of Virginia, to be commissioner to England, and the Hon. John Slidell, of Louisiana, to be commissioner to France.

JEFFERSON DAVIS.

—

OFFICE OF THE SECRETARY OF THE CONGRESS,
August 29, 1861.

His Excellency JEFFERSON DAVIS.

SIR: I have the honor to inform you officially that on the 29th day of August instant (1861) the Congress did advise and consent to the nomination of James M. Mason, of Virginia, to be commissioner to England, and John Slidell, of Louisiana, to be commissioner to France.

I am, sir, very respectfully, your obedient servant,

J. J. HOOPER,
Secretary of the Congress.

—

RICHMOND, *August 29, 1861.*

Hon. JOHN SLIDELL, *New Orleans, La.:*

You have been nominated and confirmed this day commissioner to France; Mr. Mason confirmed for England. The commissions are separate and distinct. When may we expect you? Telegraph me.

WM. M. BROWNE.

—

DEPARTMENT OF STATE, *Richmond, September 23, 1861.*

Hon JAMES M. MASON, &c.

SIR: The President desires that you should proceed to London with as little delay as possible and place yourself as soon as you may be able to do so in communication with the Government. The events which have occurred since our commissioners had their first interview with Lord John Russell have placed our claims to recognition in a much stronger point of view; but in presenting the case once more to the British Government you ought again to explain the true position in which we appear before the world.

We are not to be viewed as revolted provinces or rebellious subjects seeking to overthrow the lawful authority of a common sovereign. Neither are we warring for rights of a doubtful character or such as are to be ascertained only by implication. On the contrary the Union from

which we have withdrawn was founded upon the express stipulations of a written instrument which established a government whose powers were to be exercised for certain declared purposes and restricted within well defined limits. When a sectional and dominant majority persistently violated the covenants and conditions of that compact those States whose safety and well-being depended upon the performance of these covenants were justly absolved from all moral obligation to remain in such a Union. And when the Government of that Union instead of affording protection to their social system itself threatened not merely to disturb the peace and security of its people but also to destroy their social system the States thus menaced owed it to themselves and their posterity to withdraw immediately from a Union whose very bonds prevented them from defending themselves against such dangers.

Such were the causes which led the Confederate States to form a new Union to be composed of more homogeneous materials and interests. Experience has demonstrated to them that a Union of two different and hostile social systems under a Government in which one of them wielded nearly all the power was not only ill assorted but dangerous in the extreme to the weaker section whose scheme of society was thus unprotected.

Prompted by these teachings eleven sovereign States bound together by the tie of a common social system and by the sympathies of identical interests have instituted a new Confederacy and a new Government which they justly hope will be more harmonizing in its operations and more permanent in its existence. In forming this Government they seek to preserve their old institutions and to pursue through their new organic law the very ends and purposes for which as they believe the first was formed. It was because a revolution was sought to be made in the spirit and ends of the organic law of their first union by a dominant and sectional majority, operating through the machinery of a Government which was in their hands and placed there for different purposes, that the Confederate States withdrew themselves from the jurisdiction of such a Government and established another for themselves.

Their example therefore furnishes no precedent for the overthrow of the lawful authority of a regular Government by revolutionary violence; nor does it encourage a resort to factious tumult and civil war by irresponsible bodies of men. On the contrary their union has been formed through the regular action of the sovereign States composing the Confederacy, and it has established a Government competent to the discharge of all its civil functions and entirely responsible both in war and peace for all its actions.

Nor has that Government shown itself unmindful of the obligation which its people incurred whilst their States were members of the former Union. On the contrary one of their first acts was to send commissioners to the Government at Washington to adjust amicably all subjects of difference and to provide for a peaceable separation and a fair satisfaction of the mutual claims of the two Confederacies. These commissioners were not received and all offers of a peaceful accommodation were contemptuously rejected. The authority of our Government itself was denied, its people denounced as rebels and a war was waged against them which if carried on in the spirit it was proclaimed must be the most sanguinary and barbarous which has been known for centuries among civilized people.

The Confederate States have thus been forced to take up arms in defense of their right to self-government, and in the name of that

sacred right they have appealed to the nations of the earth not for material aid or alliances offensive and defensive but for the moral weight which they would derive from holding a recognized place as a free and independent people. In asking for this they feel that they will not receive more than they will give in return and they offer as they think a full equivalent for any favor that may thus be granted them. Diplomatic relations are established mainly to protect human intercourse and to adjust peaceably the differences which spring from such intercourse or arise out of the conflicting interests of society. The advantages of such an intercourse are mutual and in general as between nations any one of them receives as much as it gives to say nothing of the well being of human society which is promoted by placing its relations under the protection and restraints of public law.

It would seem then that a new Confederacy asking to establish diplomatic relations with the world ought not to be required to do more than to present itself through a Government competent to discharge its civil functions and strong enough to be responsible for its actions to the other nations of the earth. After this is shown, the great interests of peace and the general good of society would seem to require that a speedy recognition should follow. It cannot be difficult to show in our case a strict compliance with these the just conditions of our recognition as an independent people. If we were pleading for favors we might ask and find more than one precedent in British history for granting the request that we be recognized for the sake of that sacred right of self-government for which we are this day in arms, and which we have been taught to prize by the teachings, the traditions and the example of the race from which we have sprung. But we do not place ourselves before the bar of nations to ask for favors; we seek for what we believe to be justice not only to ourselves, but justice to the great interests of peace and humanity. If the recognition of our independence must finally come, and if it be only a work of time, it seems to be the duty of each of the nations of the earth to throw the moral weight of its recognition into the scale of peace as soon as possible. For to delay will only be to prolong unnecessarily the sufferings of war.

If then our Government can be shown to be such as has been here described we shall place ourselves in the position of a people who are entitled to a recognition of their independence. The physical and moral elements of our Confederacy, its great but undeveloped capacities and its developed strength as proved by the history of the conflict in which we are now engaged ought to satisfy the world of the responsible character of the Government of the Confederate States. The eleven States now confederated together cover 733,144 square miles of territory and embrace 9,244,000 people. This territory—large enough to become the seat of an immense power—embraces not only all the best varieties of climate and production known to the temperate zone but also the great staples of cotton, tobacco, sugar and rice. It teems with resources both moral and physical of a great empire, and nothing is wanted but time and peace for their development. To these States there will probably be added hereafter Maryland, Missouri and Kentucky whose interests and sympathies must bind them to the South. If these are added the Confederate States will embrace 850,000 square miles of territory and 12,500,000 people to say nothing of the once common territories west of these States which will probably fall into the new Confederacy.

Is it to be supposed that such a people and with such resources can be subdued in war when subjugation is to be followed by such con-

sequences as would result from their conquest? If such a supposition prevails anywhere it can find no countenance in the history of the contest in which we are now engaged. In the commencement of this struggle our enemies had in their possession the machinery of the old Government. The naval and for the most part the military establishments were in their hands. They had too most of the accumulated capital and nearly all the manufactories of arms, ordnance and of the necessities of life. They had all the means of striking us hard blows before we could be ready to return them. And yet in the face of all this we have instituted a Government and placed more than 200,000 men in the field with an adequate staff and commissariat. A still larger number of men are ready to take the field if it should become necessary, and experience has shown that the only limit to the disposition of the people to give what may be required for the war is to be found in their ability. The enemy with greatly superior numbers have been routed in pitched battles at Bethel and Manassas in Virginia, and their recent defeat at Springfield, Mo., was almost as signal as that of Manassas. The comparatively little foothold which they have had in the Confederate States is gradually being lost and after six months of war in which they employed their best resources it may truly be said they are much further from the conquest of the Southern States than they seemed to be when the struggle commenced.

The Union feeling which was supposed to exist largely in the South and which was known to us to be imaginary is now shown in the true light to all mankind. Never were any people more united than are those of the Confederate States in their purpose to maintain their independence at any cost of life and treasure; nor is there a party to be found anywhere in these States which professes a desire for a reunion with the United States. Nothing could prove this unanimity of feeling more strongly than the fact that this immense army may be said to have taken the field spontaneously and faster almost than the Government could provide for its organization and equipment. But the voluntary contributions of the people supplied all deficiencies until the Government could come to their assistance as it has done with the necessary military establishments. And what is perhaps equally remarkable it may be said with truth is that there has been no judicial execution for a political offense during the whole of the war and so far as military offenses are concerned our prisons would be empty were it not for a few captured spies.

Under these circumstances it would seem that the time has arrived when it would be proper in the Government of Great Britain to recognize our independence. If it be obvious that the Confederate States cannot be conquered in this struggle then the sooner the strife be ended the better for the cause of peace and the interests of mankind. Under such circumstances to fail to throw the great moral influence of such a recognition into the scale of peace when this may be done without risk or danger may be to share in the responsibility for the longer continuance of an unnecessary war. This is a consideration which ought perhaps to have some weight with a nation which leads so largely as does that of Great Britain in the progress of Christian civilization.

That the British people have a deep political and commercial interest in the establishment of the independence of the Confederate States must be obvious to all. Their real interest in that event is only a little less than our own. The great question of cotton supply which has occupied their attention so justly and so anxiously for some years past will then be satisfactorily settled. Whilst the main source of cotton

production was in the hands of such a power as that of the late United States and controlled by those who were disposed to use that control to acquire the supremacy in navigation, commerce and manufactures over all rivals there was just cause for anxiety on the part of nations who were largely dependent upon this source of supply for the raw material of important manufactures. But the case will be far different when peace is conquered and the independence of the Confederate States is acknowledged.

Within these States must be found for years to come the great source of cotton supply. So favorable a combination of soil, climate and labor is nowhere else to be found. Their capacity for increased production has so far kept pace with the increased demand and in time of peace it promises to do so for a long time to come. In the question of the supply of this great staple there is a world-wide interest and if the nations of the earth could choose for themselves a single depository for such an interest perhaps none could be found to act so impartially in that capacity as the Confederacy of Southern States. Their great interest is and will be for a long time to come in the production and exportation of the important staples so much sought by the rest of the world.

It would be long before they would become the rivals of those who are largely concerned in navigation, manufactures and commerce. On the contrary these interests would make them valuable customers and bind them to the policy of free trade. Their early legislation which has thrown open their navigation, foreign and coasting, to the free competition of all nations and which has imposed the lowest duties on imports consistent with their necessary revenue wants proves the natural tendency of their commercial policy. Under such circumstances cotton to Great Britain would be as abundant, as cheap and as certain as if these States were themselves her colonies. The establishment of such an empire, committed as it would be to the policy of free trade by its interests and traditions, would seem to be a matter of primary importance to the progress of human industry and the great cause of human civilization. It would be of the deepest interest to such a Government to preserve peace and to improve its opportunities for the pursuit of the useful arts. The residue of the world would find here too sources of supply of more than one of the great staples in which manufactures and commerce are most deeply interested, and these sources would probably prove to be not only constant as being little likely to be troubled by the chances of war, but also of easy access to all who might desire to resort to them.

In presenting the great importance of this question to the Government of Great Britain in its connection with their material interests you will not omit its bearing upon the future political relations between the Old and the New World. With a balance of power established between the great confederacies on the North American continent the fears of a disturbance of the peace of the world from the desire for the annexation of contiguous territory on the part of a vast and overshadowing political and military organization will be dissipated. Under the former Union the slave-holding States had an interest in the acquisition of territory suitable to their institutions in order to establish a balance of power within the Government for their own protection. This reason no longer exists as the Confederate States have sought that protection by a separation from the Union in which their rights were endangered.

It is manifest from the nature of its interests that the Southern Confederacy in entering as a new member in the family of nations would

exercise not a disturbing but a harmonizing influence on human society, for it would not only desire peace itself but to some extent become a bond of peace amongst others.

In offering these views to the Government of Great Britain you will be able to say with truth that you present a case precisely and entirely within the principles upon which it has acted since 1821—principles so well stated by Lord John Russell in his dispatches upon the Italian question that they cannot be better defined than in his own words. In his letter to Lord Cowley on the 15th of November, 1859, after adverting to the action of Great Britain in 1821 in regard to the declarations of the congresses of Troppan and Laybach; in 1823 in regard to the congress of Verona, and in 1825, 1827 and 1830 in the cases of the South American Republics; of Greece and Belgium, he says:

> Thus in these five instances the policy of Great Britain appears to have been directed by a consistent principle. She uniformly withheld her consent to acts of intervention by force to alter the internal government of other nations; she uniformly gave her countenance and if necessary her aid to consolidate the de facto governments which arose in Europe or America.

To recognize the Confederate States as an independent power would be to give her countenance to consolidate a de facto government in America which is already supported by a force strong enough to defend it against all probable assaults. To withhold that recognition would certainly encourage the armed intervention of a Government now foreign to us for the purpose of altering the internal government of the Confederate States of America. In his letter of December 3, 1859, to Lord A. Loftus in regard to the controversy between Austria and her Provinces he says:

> We at least are convinced that an authority restored by force of arms constantly opposed by the national wishes would afford no solid and durable basis for the pacification and welfare of Italy.

Is not this sentiment still more applicable to the contest now being waged between the United States and the Confederate States? Again in his dispatch of November 26, 1859, to Earl Cowley he declared that—

> It would be an invidious task to discuss the reasons which in the view of the people of central Italy justified their acts. It will be sufficient to say that since the peace of 1815 Her Majesty's predecessors have recognized the separation of the Spanish colonies in South America from Spain, of Greece from the dominion of the Sultan and of Belgium from Holland. In the opinion of Her Majesty's Government the reasons adduced in favor of these separations were not stronger than those which have been alleged at Florence, Parma, Modena and Bologna in justification of the course the people of those States have pursued.

Were the reasons alleged in the States of Florence, Parma, Modena and Bologna whose people are thus assumed to be the judges in a matter so nearly touching their happiness as their internal government at all stronger than those alleged by the people of the eleven sovereign States now confederated together for withdrawing from a Union formed by a voluntary compact upon conditions which were persistently violated and with covenants essential to their domestic repose openly threatened to be broken? But appended to this letter of instructions you will find more extended extracts* from the letters here referred to for your special reference.

There is yet another question of great practical importance to us and to the world which you will present on the first proper occasion to Her Britannic Majesty's Government. It was declared by the five great powers at the Conference of Paris that "blockades to be binding must be effectual"—a principle long since sanctioned by leading publicists

* Not found.

and now acknowledged by nearly all civilized nations. You will be furnished with abundant evidence of the fact that the blockade of the coasts of the Confederate States has not been effectual nor of such a character as to be binding according to the declarations of the Conference of Paris. Such being the case it may perhaps be fairly urged that the five great powers owe it to their own consistency and to the world to make good a declaration thus solemnly made.

Propositions of such great importance and emanating from sources so high may be fairly considered as affecting the general business relations of human society and as controlling in a great degree the calculations and arrangements of nations so far as they are concerned in the rules thus laid down. Men have a right to presume that a law thus proclaimed will be universally maintained by those who have the power to do so and who have taken it upon themselves to watch over its execution, nor will any suppose that particular States or cases would be exempted from its operation under the influence of partiality or favor. If therefore we can prove the blockade to have been ineffectual we perhaps have a right to expect that the nations assenting to this declaration of the Conference of Paris will not consider it to be binding. We are fortified in this expectation not only by their own declarations but by the nature of the interests affected by the blockade.

So far at least it has been proved that the only certain and sufficient source of cotton supply has been found in the Confederate States. It is probable that there are more people without than within the Confederate States who derive their means of living from the various uses which are made of this important staple. A war therefore which shuts up this great source of supply from the general uses of mankind is directed as much against those who transport and manufacture cotton as against those who produce the raw material. Innocent parties who are thus effected insist that a right whose exercise operates so unfavorably on them shall only be used within the strictest limits of public law. Would it not be a movement more in consonance with the spirit of the age to insist that amongst the many efficient means of waging war this one should be excepted in deference to the general interests of mankind, so many of whom depend for their means of living upon a ready and easy access to the greatest and cheapest cotton market in the world? If for the general benefit of commerce some of its great routes have been neutralized so as to be unaffected by the chances of war might not another interest of a greater and more world-wide importance claim at least so much consideration as to demand the benefit of every presumption in favor of its protection against all the chances of war save those which arise under the strictest rules of public law?

This is a question of almost as much interest to the world at large as it is to the Confederate States. No belligerent can claim the right thus to injure innocent parties by such a blockade except to the extent that it can be shown to furnish the legitimate or perhaps we might go still further and say the necessary means to prosecute the war successfully. If it has become obvious as would now seem to be the case that no blockade which they can maintain will enable the United States to subdue the Confederate States of America upon what plea can its further continuance be justified to third parties who are so deeply interested in a ready and easy access to the cheapest and most abundant sources of cotton supply? Perhaps we had the right to expect inasmuch as by the proclamation of Her Britannic Majesty neutrality had been declared as between the belligerents that one of the parties would not have been allowed to close the ports of the other by a mere proclamation of blockade without an adequate force to sustain it.

In presenting the various views contained in this letter of instructions you will say that they are offered as much in the general interests of mankind as in our own. We do not ask for assistance to enable us to maintain our independence against any power which has yet assailed us. The President of the Confederate States believes that he cannot be mistaken in supposing it to be the duty of the nations of the earth by a prompt recognition to throw the weight of their moral influence against the unnecessary prolongation of the war.

Whether the case now presented be one for such action he is perhaps not the most impartial judge. He has discharged his duty to other nations when he has presented to their knowledge the facts to which their only sure access is through himself in such a manner as will enable them to acquit themselves of their responsibilities to the world according to their own sense of right. But whilst he neither feels nor affects an indifference to the decision of the world upon these questions which deeply concern the interests of the Confederate States he does not present their claim to a recognized place amongst the nations of the earth from a belief that any such recognition is necessary to enable them to achieve and secure their independence. Such an act might diminish the sufferings and shorten the duration of an unnecessary war but with or without it he believes that the Confederate States under the guidance of a kind and overruling Providence will make good their title to freedom and independence and to a recognized place amongst the nations of the earth.

When you are officially recognized by the British Government and diplomatic relations between the two countries are thus fully established you will request an audience of Her Majesty for the purpose of presenting your letters accrediting you as envoy extraordinary and minister plenipotentiary of the Confederate States near Her Majesty, and in that capacity you are empowered to negotiate such treaties as the mutual interests of both countries may require, subject of course to the approval of the President and the co-ordinate branch of the treaty-making power.

I have the honor to be, sir, your obedient servant,

R. M. T. HUNTER,
Secretary of State, Confederate States of America.

DEPARTMENT OF STATE, *Richmond, September 23, 1861.*

Hon. JOHN SLIDELL, &c.

SIR: Along with this you will receive your letter of credence to the Government of France to which the President desires you to present yourself as soon as possible. Our claims for recognition as an independent people have been made much stronger by events which have occurred since they were first presented by our commissioners.

But before re-enforcing those claims you will not fail to place the Confederate States in their true position before the Government of France. You will show that they are not to be considered as revolted provinces or rebellious subjects seeking to overthrow by revolutionary violence the just authority of a lawful sovereign, but on the contrary they stand before the world as organized parties maintaining their right to self-government with sufficient strength to make good their claim and so organized as to be morally and politically responsible for their actions. Their first Union was formed by a compact between sovereign and independent States upon covenants and conditions

expressly stipulated in a written instrument called the Constitution. In that union the States constituted the units or integers, and were bound to it only because the people of each of them acceded to it in their separate capacities through the acts of their representatives.

That confederacy was designed to unite under one Government two great and diverse social systems under one or the other of which all the States might be classified. As these two social systems were unequally represented in the common Government it was sought to protect one against a warfare which might be waged by the other through the forms of law by carefully defined restrictions and limitations upon the power of the majority in the common Government. Without such restrictions and limitations it is known historically that the union could not have been formed originally. But the dominant majority which at last proved to be sectional in its character not only used the machinery of a Government which they wielded to plunder the minority through unequal legislation in the shape of protective tariffs and appropriations made for their own benefit, but proceeding from step to step they waged through the forms of law a war upon the social system of the slave-holding States and threatened when fully armed with political power to use the Government itself to disturb the domestic peace of those States.

Finding that the covenants and conditions upon which the Union was formed were not only persistently violated but that the common Government itself then entirely in the hands of a sectional majority was to be used for the purposes of warring upon the domestic institutions which it was bound by express stipulations to protect, eleven of the slave-holding States felt it to be due to themselves to withdraw from a union when the conditions upon which it was formed either had been or were certainly about to be violated. They were thus compelled to withdraw from a Government which not only abdicated its duty to protect the domestic institutions of fifteen States, but on the one hand threatened those institutions with war and on the other withheld from the people interested in them the means of self-defense. The eleven Confederate States were thus forced in self-defense to abandon a Union whose ends were thus perverted, not from any passion of novelty or from any change of purpose, but to attain under a new Confederacy of more homogeneous materials and interests the very ends and objects for which the first was formed. It was amongst the first of these objects to obtain a Government whose authority should rest upon the assent of the governed and whose action should represent also their will.

It was for the sacred right of self-government that they had been forced to take up arms and not to escape the just obligations incurred under the compact upon which the first Union was formed. On the contrary one of the first acts of the Government of the Confederate States was to send commissioners to the President of the United States to adjust amicably and fairly all questions of property and responsibility which had been jointly acquired or incurred by all the States when embraced in the same Union. The Government of the United States refused to receive these commissioners, the authority of their Government was denied, their people were denounced as rebels and threatened with coercion at the point of the sword.

On the part of the Confederate States the war in its inception was one of self defense, and it has been waged since by them with no other end than to maintain their right to self-government. It is in the name

of the sacred right of self-government that the Confederate States appear before the tribunal of the nations of the earth and submit their claims for a recognized place amongst them. They approach his Imperial Majesty of France with the more confidence as he has lately championed this great cause in the recent Italian question so much to the glory of himself and the great people over whom he rules. In asking for this recognition the Government of the Confederate States believes that it seeks for no more than it offers in return.

The establishment of diplomatic relations between nations tends to the protection of human intercourse by affording the means of a peaceful solution of all difficulties which may arise in its progress, and by facilitating a mutual interchange of good offices for the purpose of maintaining and extending it. In this all nations have an interest, and the advantages of such an intercourse are mutual and reciprocal. The only preliminary conditions to the recognition of a nation seeking an acknowledged place in the world would seem to be the existence of a sufficient strength within the Government to support and maintain it, and such a social and political organization as will secure its responsibility for its international obligations. It will be easy to show that the Government of the Confederate States of America is fully able to meet the requisitions of these tests.

When we look to the undeveloped capacities as well as to the developed strength of the Confederate States we cannot doubt that they are destined to become the seat of a great empire at no distant day. The eleven Confederate States already comprise 733,144 square miles of territory, with a population of 9,244,000 people. If to this we add the three States of Maryland, Missouri and Kentucky, all of which will probably find themselves constrained as well by interest as by inclination to unite their fortunes with the Confederate States, then these will embrace a territory of 850,000 square miles with a population of 12,500,000 people. This estimate excludes a large territory not yet organized into States and which in the end will probably fall into the Southern Confederacy.

The territory of the Confederate States as they now stand embraces all the best varieties of climate and production known to the temperate zone. In addition to this it produces the great staples of cotton, sugar, tobacco and rice, to say nothing of naval stores which are now exported from it and of provisions which it is capable of producing in excess of the wants of its people. This vast region already enjoys through its rivers a great system of water communication and 8,844 miles of railroad running for the most part transversely to these rivers diversify and multiply the channels of commerce to such an extent as to promise a speedy development of the vast resources of the new empire. If peace were now established it is not extravagant to suppose that the exports of the Confederate States would within a year reach the value of $250,000,000. With a crop of 4,500,000 or perhaps even 5,000,000 bales of cotton, most of which would be exported, together with its tobacco, sugar, rice and naval stores, it would easily send abroad the value just named.

But without reference to its undeveloped capacities you may show that they have exhibited strength enough to maintain their independence against any power which has as yet assailed them. The United States commenced this struggle with vast odds in their favor. The military and naval establishments were in their hands; they were also in possession of the prestige and machinery of an old and established Government. Many of the forts and strongholds of the Confederate

States were in their hands; they have most of the accumulated wealth of the country and nearly all the manufactories of the munitions of war, and even of the necessaries of life. Add to all these advantages the greater population of that Union, and it is easy to see that the self-supporting power of the new Confederacy has been exposed to the severest tests and rudest trials.

And yet the Confederate armies have conquered in every pitched battle, and that with great odds against them. At Bethel and Manassas, in Virginia, and at Springfield, in Missouri, the U. S. troops have been routed at great loss and without dispute. The foothold which the U. S. troops at first acquired within the Confederate States is being rapidly lost, and the United States Government has given manifest evidence of its fears that its seat of Government may be wrested from it. This exhibition of strength on the part of the Confederate States which was so unexpected by its enemies proves that its morale is greater even than its physical resources for the purposes of this struggle.

Without an army and with a new Government whose necessary establishments were all to be formed in the midst of a civil war the Confederate States not only manifested their military superiority in the first pitched battles, but have already placed more than 200,000 men in the field who are armed, equipped and regularly supplied by the necessary establishments. These sprang into existence almost by the spontaneous efforts of the people, and came into the field faster even than the Government could prepare for them. But voluntary contributions and aid supplied all deficiencies until the necessary military establishments were formed. It would seem then that the new Confederacy has given all the evidence in proof of its power to maintain its independence which could reasonably be asked. That its organization is such as to insure its responsibility for the discharge of international duties will also appear upon an impartial examination of the question.

The action of the Confederate States in their separation from the old Union presents within itself the evidence of their persistency of purpose, and affords a guaranty for the stability of their institutions so far as these may be dependent upon their own will. They have preserved the same form of Government which their forefathers established, with the exception of such changes alone as would make its machinery more suitable for the ends and purposes for which it was created. It was not to change but to preserve the ends and purposes for which the original Constitution was adopted that they separated from a Union which had ceased to respect them. They have neither changed their form of government nor the objects for which it was framed; they have only changed the parties to the Confederacy to secure a faithful execution of the compact upon which alone they were willing to unite. The former Union had failed to accomplish its original ends for the want of a homogeneous character in the parties to it; and having left it for that cause there can be no reason to expect its reconstruction with the same discordant elements whose jarring had destroyed it before.

The whole course then of the Confederate States argues a consistency of purpose and promises a stability for the government which they have formed which together with the resources already exhibited by them give a reasonable assurance of their entire responsibility for the discharge of all their duties and obligations, domestic and international. A people who present themselves under such circumstances for a recognized place amongst nations would seem to be entitled to the grant of such a request. They do not seek for material aid or

assistance or for alliances, defensive and offensive. They ask nothing which can endanger the peace or prosperity of those who may grant it. They desire only to be placed in a position in which their intercourse with the rest of the world may be conducted with the sanction of public law and under the protection of agents whose authority is recognized by nations. They seek the moral influence which the act of recognition may give them and nothing more. If it be manifest that the war of conquest now waged against them cannot succeed then the act of recognition is a mere question of time. If the fact be as stated the tendency of the act of recognition would be to prevent the further continuance of an unnecessary war and the useless effusion of blood. It may well be doubted if under such circumstances the nation which thus refuses to throw the moral weight of its influence in the scale of peace does not share in some of the responsibilities for the continuance of an unnecessary war which it might have done something to conclude without risk or injury to itself.

Indeed it may be said without exaggeration that France has a deep material and political interest in the establishment of the independence of the Confederate States. It is the event of all others which would give the most satisfactory solution to the great question of cotton supply for the manufacturing nations of Europe. That the great source of the production of this raw material which enters so largely into the manufacturing industry of Europe has been found in the Confederate States of America is an undoubted fact. That this will continue to be the case for a long time to come is in every way probable, for no other country presents the same combination of soil, climate and trained labor which is all essential to the successful production of cotton.

If our country is to be the great source for the supply of this article so indispensable to the manufacturing industry of the world the nations of the earth have the deepest interest in placing it in a position of independence and impartiality in regard to the distribution of the raw material for which the demand is so immense. If any one country is to have a virtual monopoly of the supply of raw cotton then the world would have the deepest interest in opening it to the easy and equal access of all mankind. Such would be the case if the depository of this great interest should be found in a country on the one hand strong enough to maintain its neutrality and independence and on the other committed by its interests to the policy of free trade and an untrammeled intercourse with all the world.

Such would be the precise position of the Confederate States when once their independence was achieved, and as a proof that this would be the natural tendency of their policy we have only to look to their early legislation which reduced the duties on imports to the lowest rate consistent with their necessities for revenue and opened their coasting trade to the free and equal competition of all mankind. Nor is cotton the only great staple of which the Confederate States are likely to become not the sole but one of the chief depositories upon terms of equality to all the world. Tobacco, sugar, rice and naval stores are to be added to the catalogue of their rich and important products. Nature has thus made it to their interest to buy where they can purchase cheapest and to sell in as many markets as possible. To do this, as they will deal more in raw produce than in manufactures, they will seek to take in return the commodities of the rest of the world on the payment of the lowest duties consistent with their revenue wants. They will then virtually stand as the customers and not as the rivals of the commercial and manufacturing nations of Europe.

But there is another point of view in which the independence of the Confederate States would more peculiarly interest France. The immense development of her navy in a few years past has shown not only that her capacity of asserting her equality on the seas has not been properly appreciated heretofore, but also that this relative capacity has been increased by the use of steam. In this view the further development of her commercial marine and an easy access to a cheap and certain supply of coal, iron and naval stores have become matters of primary importance to her. The commerce of the Confederate States when disembarrassed of the enormous protective tariffs to which it was subjected under the former Union, together with the almost inexhaustible supply of cheap coal, iron and naval stores which it could furnish, present the means of a further and vast development of the commercial and naval marine of France.

She could then find as cheap ships or as cheap raw material for the building of ships as could be commanded by any European nation. Depots of coal for her steam marine in these States could be made at less cost and be of more convenient access for use on a large portion of the Atlantic and Pacific oceans than if they had been found originally in mines in France. That these are no new considerations for the French Government is shown by the interest which it exhibited in the negotiations by which a French company would have secured the great water line in Virginia through which when completed the richest and most inexhaustible supplies of bituminous coal perhaps to be found in the world would have been transported from its native depositories in the West to the shores of the Chesapeake in the East. Nothing but the occurrence of civil war prevented the completion of this arrangement between this French company and the Virginia Legislature by which France would have secured a certain and almost inexhaustible supply of cheap coal, iron and timber.

All this is fully stated in regard to the resources of Virginia in a letter of Alfred Paul, French consul at Richmond, to M. Thouvenel, minister of foreign affairs, France, dated June 5, 1860, and as it may be well to recall the attention of the Government to it a copy will be sent you. In the enumeration of the resources of Virginia which would be thus open to France he says: "In coal and iron Virginia excels all the other States of the Union. The fact is recognized, admitted."

He thus specifies the advantages which France would derive from the proposed connection which was about to be formed with Virginia:

First. Facilities for obtaining the raw materials in France at first hand and cheaper, which would enable French industry to encounter foreign competition with superior advantages. Second. A considerable diminution in the expenses of the purchase and expedition of tobacco for the government factories. Third. The arrival, the introduction of our produce by a shorter and cheaper route into the South, the West and the center of the United States. Fourth. A relative augmentation in the movement of our commercial marine. Fifth. Rapid and advantageous provisions of copper, machine oil, tar, bacon and salt pork of the West, and building timber for our naval arsenals. Sixth. Cheapness of coal for our different maritime stations. Seventh. An immense opening in the great West of the United States for French merchandise. Eighth. The probability of seeing Norfolk become an entrepôt for the productions of French industry and commerce to be distributed in part in Central and South America by vessels taking them to complete their cargoes.

The establishment of the independence of the Confederate States would secure to France large supplies of coal, iron and naval stores in exchange for her manufactures and other products beyond almost all the probable chances of war. Committed as these Confederate States would be to the policy of free trade by their interests and tradi-

tions they would naturally avoid war and seek for peace with all the world. It may almost be said that to secure the independence of these States is to secure the independence of the great commercial and manufacturing nations of Europe in regard to the supplies of cotton and tobacco and to give France such an independent source for the supply of cheap coal, iron and naval stores as to place her more nearly on terms of equality with Great Britain in building up a navy and merchant marine.

The European nations might then be said to be independent so far as their supplies are concerned because they would be dependent only on a country whose interests would open its markets to the cheapest and easy access of all the world, and which would have every inducement to preserve the peace. But the independence of these States is essential to the certainty of supply and the ease of access to their markets, which are so important to the manufacturing and commercial nations of the earth. If it were possible for the United States to subdue the Confederates and subject them once more to their Government then France would have much cause for apprehension in regard to the future condition of her commerce and manufactures. The non-slaveholding States would undoubtedly use their control over the markets and staples of the South to secure a supremacy in commerce, navigation and manufactures.

There are also political considerations connected with this question which cannot be uninteresting to the Government of France. By the establishment of a great Southern Confederacy a balance of power is secured in North America, and schemes of conquest or annexation on the part of a great and overshadowing empire would probably no longer disturb the repose of neighboring nations.

Heretofore the South has desired the annexation of territory suitable to the growth of her domestic institutions in order to establish a balance of power within the Government that they might protect their interests and internal peace through its agency. This reason no longer exists, as the Confederate States have sought that protection by a separation from the union in which their rights were endangered. But with the establishment of something like a balance of power between the two great and independent confederacies the disputes would precede the annexations and probably do much to prevent them.

Certain it is that the Southern Confederacy would have every reason to preserve peace both at home and abroad, and would be prevented both by its principles and interests from intervention in the domestic affairs and government of other nations. The power of that Confederacy would undoubtedly be felt not as a disturbing but as a harmonizing influence amongst the nations of the earth.

There is yet another question of great practical importance to us and to the world which you will present on the first proper occasion to His Imperial Majesty's Government. It was declared by the five great powers at the Conference of Paris that "blockades to be binding must be effectual," a principle long since sanctioned by leading publicists and now acknowledged by nearly all civilized nations.

You will be furnished with abundant evidence of the fact that the blockade of the coasts of the Confederate States has not been effectual or of such a character as to be binding, according to the declaration of the Conference at Paris. Such being the case it may perhaps be fairly urged that the five great powers owe it to their own consistency and to the world to make good a declaration thus solemnly made. Propositions of such gravity and emanating from sources so high may

fairly be considered as affecting the general business relations of human society, and as controlling in a great degree the calculations and arrangements of nations so far as they are concerned in the rules thus laid down. Men have a right to presume that a law thus proclaimed will be uniformly enforced by those who have the power to do so, and who have taken it upon themselves to watch over its execution; nor will any suppose that particular States or cases would be exempted from its operation under the influence of partiality or favor.

If therefore we can prove the blockade to have been ineffectual we perhaps have a right to expect that the nations assenting to this declaration of the Conference at Paris will not consider it to be binding. We are fortified in this expectation, not only by their own declaration, but by the nature of the interests affected by the blockade. So far at least it has been proved that the only certain and sufficient source of cotton supply has been found in the Confederate States. It is probable that there are more people without than within the Confederate States who derive their means of living from the various uses which are made of this important staple. A war therefore which shuts up this great source of supply from the general uses of mankind is directed as much against those who transport and manufacture cotton as against those who produce the raw material. Innocent parties who are thus affected may well insist that a right whose exercise operates so unfavorably on them shall only be used within the strictest limits of public law. Would it not be a movement more in consonance with the spirit of the age to insist that amongst the many efficient means of waging war this one should be excepted in deference to the general interests of mankind, so many of whom depend for their means of living upon a ready and easy access to the greatest and cheapest cotton market of the world? If for the general benefit of commerce some of its great routes have been neutralized so as to be unaffected by the chances of war might not another interest of a greater and more world-wide importance claim at least so much consideration as to demand the benefit of every presumption in favor of its protection against all the chances of war, save those which arise under the strictest rules of public law?

This is a question of almost as much interest to the world at large as it is to the Confederate States. No belligerent can claim the right thus to injure innocent parties by such a blockade except to the extent that it can be shown to furnish the legitimate, or perhaps we might go still further and say the necessary, means to prosecute the war successfully. If it has become obvious as would now seem to be the case that no blockade which they can maintain will enable the United States to subdue the Confederate States of America upon what plea can its further continuance be justified to third parties who are so deeply interested in a ready and easy access to the cheapest and most abundant sources of cotton supply?

In representing the various views contained in this letter of instructions you will say that they are offered as much in the general interests of humanity as in our own. We do not ask for assistance to enable us to maintain our independence against any power which has yet assailed us. The President of the Confederate States believes that he cannot be mistaken in supposing it to be the duty of the nations of the earth by a prompt recognition to throw the weight of their moral influence against the unnecessary prolongation of the war.

Whether the case now presented be one for such action he is perhaps not the most impartial judge. He has acquitted himself of

his duty to other nations when he has presented to their knowledge the facts to which their only sure access is through himself in such a manner as will enable them to acquit themselves of their responsibilities to the world according to their own sense of right. But whilst he neither feels nor affects an indifference to the decision of the world upon these questions which deeply concern the interests of the Confederate States he does not present their claims to a recognized place amongst the nations of the earth from the belief that any such recognition is necessary to enable them to achieve and secure their independence.

Such an act might diminish the sufferings and shorten the duration of an unnecessary war, but with or without it he believes that the Confederate States under the guidance of a kind and overruling Providence will make good their title to freedom and independence and to a recognized place amongst the nations of the earth.

When you are officially recognized by the French Government and diplomatic relations between the two countries are thus fully established you will request an audience of His Imperial Majesty for the purpose of presenting your letters accrediting you as envoy extraordinary and minister plenipotentiary of the Confederate States near His Imperial Majesty, and in that capacity you are empowered to negotiate such treaties as the mutual interests of both countries may require, subject of course to the approval of the President and the co-ordinate branch of the treaty-making power.

I have the honor to be, sir, your obedient servant,

R. M. T. HUNTER.

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CHARLESTON, S. C., *October 1, 1861.*

R. M. T. HUNTER, *Secretary of State:*

All right so far, but impossible to move on account of weather. I will telegraph immediately when the time comes.

W. H. T[RESCOT].

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CHARLESTON, *October 3, 1861.*

Hon. R. M. T. HUNTER, *Secretary of State:*

Three steamers and a sloop-of-war now blockading the harbor. Two of the steamers, frigates, arrived in the last twenty-four hours. It is thought thus an even chance of success. We shall accordingly take the route through Texas to Matamoras, Mexico, unless otherwise directed. Reply at once and if the change of route is acceded to request the Secretary of War to direct officers of the army on the route to give all facilities of transportation. Write to New Orleans.

JOHN SLIDELL.
J. M. MASON.

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CHARLESTON, *October 4, 1861—10.50 p. m.*

Hon. R. M. T. HUNTER, *Secretary of State:*

Your telegraph* received. We cannot get out safely by the Nashville. Route to Mexico believed impracticable from delay. Steamer Gordon now chartered by Government at $200 a day for harbor services; light draft; strengthened for carrying cannon and been in use as a privateer; a good sea boat; tonnage upward of

* Not found.

500 tons. Can go at any time and by any route to Nassau or Havana. Offered at $62,000, or chartered to either port at $10,000 for the trip. Owners to pay all expenses; Government to pay value if captured. Will be very useful for coast defense. We will go at once in her if authorized and think the charter price may be reduced one-half. One or more naval officers to go in her as may be ordered.

JOHN SLIDELL.
J. M. MASON.

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CHARLESTON, *October 5, 1861.*

Hon. R. M. T. HUNTER, *Secretary of State.*

DEAR SIR: It seems due to ourselves and to the occasion that you should be informed fully of the causes of delay, with the difficulties attending our expected departure from this port. The confidence of success expressed by those in charge of the subject when we left Richmond seems to have been based on the state of facts then and perhaps for sometime previously existing in regard to the blockade. There had been it appears but two ships off the harbor, generally a steam frigate and sloop-of-war, and the expectation was that going out at night through the main channel we might elude observation, or if disappointed in that could escape through the speed of our ship.

For a day or two after our arrival the tide did not serve for departure at night; then there came strong winds at night which although they drove the squadron out to sea by reason of the surf created on the bar prevented our passing over it. Before this obstacle ceased the squadron reappeared with the addition of another steamer—a clipper-built propeller—and from her trim and appearance apparently a fast ship. It was then projected to make the attempt through the Maffitt Channel though without the full sanction of the pilots, and this I believe we should have attempted but for the appearance at that time of another steam frigate, thus making the squadron to consist of three steamers besides the sloop-of-war. Such sudden and unusual accessions to the blockade of the port made us infer (as a high probability at least) that our presence here and purpose had reached the enemy and was the cause of the unusual preparation we witnessed. Mr. Slidell had determined to send his family back, and after full consideration of the whole case we could see no alternative but to take the route through Mexico, and so advised you by telegraph accordingly.

Whilst awaiting your reply the plan was suggested which was the subject of our telegram last night. There is a steamer belonging to this port and owned here called the Gordon now and for some time past under charter to the Government for harbor service at (as we are told) $200 per day. She is something more than 500 tons burden and was used as a coasting packet, crossing occasionally to Havana. After the war [began] she was strengthened and refitted to be used as a privateer and was so used for a short time, having now on board three rifled cannon. Her speed [is] equal to fifteen knots per hour and may be increased to sixteen, and of so light a draft of water that she can pass the bar at any time and is not confined to the channel ways.

This account of the steamer we get from gentlemen here long acquainted with her and only interested to serve our cause. She is used every night to reconnoiter the enemy, going safely out to sea where they lie and keeping only out of reach of their guns. In the last two days she has done the same thing in the daytime, having on board Cap-

tains Ingraham and Pegram with other officers of the Nashville, and accompanied yesterday by Mr. Slidell with two of the young ladies of his family. They approached then within less than three miles of the squadron and were not molested, the steamers remaining at anchor. The squadron has become so familiar with the nightly and occasionally daily proximity of this boat of whose speed they are fully aware that her presence does not disturb them had they cared to give her chase.

The naval officers here do not doubt that this steamer can run the blockade successfully day or night and if pursued cannot be overtaken. She can take a supply of coal for six or seven days without impairing her speed and make the run successfully to Nassau or Havana as may be decided on. Communicating with her owners, she is offered for sale at $62,000, the alleged cost to them, or for charter at $10,000 for the trip to either of the ports named, the owners to bear all the expenses of the trip, reserving the privilege of bringing back some $7,000 worth of cigars and other light articles. Mr. Trenholm, known at the State Department as an enlightened and patriotic merchant here, and to whom we are much indebted for his valuable counsels and aid, says that this charter money may be reduced probably one-half upon this privilege of return cargo and to effect which (should the Government determine to charter) he will lend his aid and co-operation.

I should add that in conversation yesterday in presence of Captains Ingraham and Pegram they agreed that the steamer Gordon if purchased would be a very valuable acquisition for coast defense. The present armament is of good caliber—one a large pivot gun, apparently a 32-pounder, though unfortunately I did not make minute inquiry when on board. She is also amply furnished with small-arms as a privateer.

I have thought this explanation due that you may have the facts, and we be relieved of any apparent vacillation of purpose. It remains only to add that come what may if sanctioned by the Government we will embark at once in the Gordon and doubt not can make the voyage successfully; otherwise no alternative would seem to remain but the route through Mexico with its attendant difficulties and delays.

Very respectfully and truly, yours,

J. M. MASON.

P. S.—I have read the foregoing to Mr. Slidell, who concurs in its statements. J. M. M.

I omitted to state that on yesterday morning five ships were present off the harbor, the fifth being a steamer.

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CHARLESTON, *October 9, 1861.*

Hon. R. M. T. HUNTER, *Secretary of State.*

DEAR SIR: By telegram yesterday* I informed you that pursuant to the authority* given us by the State Department we have chartered the steamer Gordon for our transportation either to Nassau or Havana.

The terms of the charter-party are for the consideration of $10,000 the ship is to go to either of those ports or to both, at our option, with a clause reserving the right to extend the voyage to any other of the West India Islands at the price of $500 per day for the extra service. We do not expect to have occasion for this latter service, but thought it

* Not found.

best to provide for it in the possible contingency of its becoming necessary to go to Saint Thomas or other island to meet the British steamer. It is thought here by those well informed that the Gordon is not sufficiently a sea boat for the more distant island of Bermuda.

Mr. Trenholm, of the firm of Frazer & Co., agrees to pay $5,000 of the charter money for the benefit of the return cargo space not reserved by the owners; thus should we not extend the voyage beyond Havana (which is not anticipated) the cost to the Government will be but $5,000. All expenses of every kind are to be borne by the owners.

Since the arrangement was made they have been busily engaged in putting her in complete order for sea and we fully expect to get off to-morrow night. Her light draft will enable her to go at any time, and by hugging close to shore will be enabled to escape the observation of the enemy's squadron. Our plan is in such way as may be found most safe and practicable to get on board one of the British steamers of the mail line between the West Indies and England. The Gordon is too fast to be overtaken at sea. Since this change of arrangement we have seen nothing to dissatisfy us with it as the best that could be adopted.

The Nashville we understand is under orders from the Navy Department to sail immediately and will probably endeavor to get off to-night. If the enemy are found in the position they occupy by day the chances are very large that she must pass within reach of their guns. In such event her only hope of safety is that she may not be seen, or if seen may not be hit. Against the latter risk her speed is much relied on.

You will of course be advised promptly when we are off.

Very respectfully and truly, yours,

J. M. MASON.

CHARLESTON, *October 11, 1861.*

Hon. R. M. T. HUNTER, *Secretary of State, Richmond.*

SIR: We have the honor to send to you herewith the charter-party we have made with owners of steamer Gordon in conformity with your telegraphic instructions; also a letter* from Messrs. John Frazer & Co. of this place by which you will perceive that if the Gordon return safely the cost of the charter to the Government will be reduced to $5,000.

Very respectfully, your obedient servants,

JOHN SLIDELL.
J. M. MASON.

CHARLESTON, *October 12, 1861.*

Hon. R. M. T. HUNTER:

Our friends left here last night at 1 o'clock. A fast steamer, good officers and very dark night with heavy rain. The guard-boat reported that they crossed the bar about 2 o'clock and that they could neither have been seen nor heard by the fleet. A strong northwest wind helped them and the fleet this morning seems not to have changed position at all.

As soon as we hear further I will telegraph. The steamer ought to be back in about a week and nothing said until her return. Communicate to Mrs. Mason.

WILLIAM HENRY TRESCOT.

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*Not found.

CARDENAS, CUBA, *October 18, 1861.*

Hon. R. M. T. HUNTER, *Secretary of State.*

SIR: I have the pleasure to apprise you of our safe arrival on the 16th instant at this port. We left Charleston at 1 a. m. on Saturday, 12th, as I told you we should do in my letter from there of the preceding day. Fortunately a rain came on at the moment of our departure which increasing the darkness the better enabled us to elude the blockading squadron.

We passed (as the captain reported) within a mile and a half of the nearest ship, the squadron then consisting of three steamers and a sloop-of-war (a sailing vessel). We could see their lights apparently not distant, but presume we escaped observation as we could see or hear no movement of the squadron. After we had passed them some three or four miles abandoning the coast we put directly out to sea and by the outer passage made direct for Nassau.

Off that port we learned from the pilots who came on board that there was no steam or other regular communication thence to Saint Thomas, the point of departure of the British steam line. We did not land therefore or cast anchor but put off at once for the Island of Cuba. I should have added that we reached Nassau about 4 p. m. on Monday.

At sea off the harbor of Cardenas we met with a small Spanish war steamer when we raised the Confederate flag and asked to speak them. Our salutation (by dipping our flag) as the vessels approached each other was courteously returned and the Spaniard laid to. Mr. Slidell, with Mr. Eustis, went on board, and on his return reported that he was received with great kindness and civility. We had been somewhat detained in finding our way over the shoal water of the Bahama Banks, and it being doubtful whether the coal remaining would take us to Havana it was determined to put into this port, the Spanish steamer kindly volunteering to attend and show us the way. We cast anchor off the town about 2 p. m., but our papers of clearance, &c., being directed to Havana, and there being some difficulty in getting the authorities together we did not effect a landing until the next day (yesterday). The custom-house officers, however, were civil and attentive, and as soon as the local governor could be appealed to he dispensed with all formalities, and ourselves and baggage landed without further difficulty or inspection.

I regret to say, however, that we shall have no steamer hence to Saint Thomas until November 9. The steamer for Cadiz once a month departed on its voyage from Havana the day of our arrival here. We shall thus be detained at Cuba some three weeks. The island is said to be healthy. We shall go to Havana or its neighborhood in a day or two and remain thereabouts until the time for our departure. We found a few Yankee vessels in port here, and learned that some of the captains loudly expressed their dissatisfaction at our being escorted into port by a Spanish man-of-war.

The Governor with some of the principal gentlemen of the town have called on and proffered us every attention, and so far as we can gather opinions from conversation and on the streets the sympathies of the people are entirely with us. I would not omit to add that a Mr. Casanova, an acquaintance of Mr. Slidell, and who married a Virginia lady, learning at his plantation by a dispatch sent from here of our arrival came immediately to town by a ride of thirty miles on horseback and cordially and urgently invited our entire party to visit him at his plantations, both of sugar and coffee, and become his guests during our stay on the island; and as further evidence of his kindness or

sympathy, as may be, has arranged a special train of cars to take such of the party as can go there to-morrow. Mr. Slidell and his family and I will go for a few days.

At Havana we shall endeavor to gather such information as may be useful to the Government as regards the disposition of the authorities and the people, and transmit it thence by such opportunity as may be presented.

We think that our successful departure from Charleston, leaving the Nashville still there, will best vindicate the course we adopted in recommending to the Government the charter of the smaller steamer. From our experience in the matter and knowing how closely the port was watched we have every reason to congratulate ourselves on the result. The steamer that brought us under her new name of Theodora after replenishing her coal here proceeded on her way to Havana, and I shall send this dispatch to meet her there, and I hope to be safely taken by her to you.

We sent you from Charleston the charter-party with her owners, and with it the engagement of the house of Frazer & Co. to pay $5,000 for the privilege of freighting her home from Havana, all which we hope will be acceptable to the Government. Writing you thus fully Mr. Slidell requests me to say that he has considered it unnecessary to write separately, but that he will do so from Havana. I am gratified to add that notwithstanding the excessive heat all of our large party remain in good health. Thermometer from 96° to 98°.

With great respect, and very truly, yours,

J. M. MASON.

P. S.—Pardon the defaced condition of this sheet. It is the remaining one of the stock I brought with me.

J. M. M.

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U. S. SHIP SAN JACINTO,
Off the Capes of Virginia, November 15, 1861.

MY VERY DEAR WIFE: The date of this will show you that we have been captured, and on the way to New York the ship will put in for coal into Hampton Roads. Captain Wilkes has been good enough to say that he would give this to the officer at Fort Monroe to take its chance of being sent to Norfolk by any flag of truce that may offer. We left Havana on the 7th instant on board a British mail steamer bound for England, and on the next day this ship fell in with us at sea and Captain Wilkes, the commander, it seems felt himself authorized to demand us from the English captain and here we are.

As to all questions arising from the circumstances attending the capture it would not become me to discuss them here as my letter will of course pass under inspection. Messrs. Eustis, Slidell, Macfarland and myself were taken. The ladies proceeded on the voyage to England. Of course there will be all sorts of speculations in the newspapers concerning our capture and its consequences but I have only to say, my dear wife, that you should not permit your mind to be affected by them, and draw no other inference from my silence concerning them except that I of necessity write under constraint. In the meantime I assure you and our dear ones at home that I was never in better health in my life and in no manner depressed, as I beg you will not be. We have been treated with every possible courtesy and respect by Captain Wilkes and his officers and are guests in the cabin.

I suppose we shall get to New York on Sunday or Monday next, the 17th or 18th, and in due time presume the papers will tell what disposition is made of us. I do not know whether I can write to you, but if allowed will do so and may have it in my power to tell you through what channel you can write. Macfarland will attend to your supplies and have no care about mine which are ample. I have one great consolation always present that while I am deprived of the power of serving and watching over you I feel entire confidence in the efficiency and excellence of our children and the kind friends around you.

Should you find the means of writing to me let me have full details of home but nothing on public affairs. I can only add, my dear wife, my prayers for your safety and those of our loved ones at home.

From yours, most affectionately, forever,

J. M. MASON.

P. S.—My love to Anna, Kate and all—all our circle and friends.

J. M. M.

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RICHMOND, *November 17, 1861.*

Governor THOMAS O. MOORE, *New Orleans:*

A dispatch received from General Benjamin Huger, in command at Norfolk, informs me that he has been officially advised by General J. E. Wool, now in command at Fortress Monroe, that Messrs. John Slidell, J. M. Mason, George Eustis and J. E. Macfarland were taken from on board the British ship by Commodore Charles Wilkes, of the U. S. vessel San Jacinto, and carried as prisoners to Fortress Monroe.

J. P. BENJAMIN,
Acting Secretary of War.

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CENTERVILLE, *November 18, 1861.*

President DAVIS:

It was the mail steamer Trent from which our ministers were taken on 8th of November. They declined to quit the Trent. Force was used. Captured in Bahama Channel. Washington Star, 3 p. m., November 16.

THOMAS JORDAN.

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RICHMOND, *November 18, 1861.*

Governor THOMAS O. MOORE, *New Orleans:*

John Slidell, J. M. Mason and their secretaries have been sent to New York. They were taken by force from the English mail steamer Trent. The ladies went on to England.

J. P. BENJAMIN,
Acting Secretary of War.

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HDQRS. DEPARTMENT OF NORFOLK, *November 18, 1861.*

Hon. R. M. T. HUNTER, *Secretary of State.*

SIR: I telegraphed last night all that the Hon. Mr. Mason wrote in reference to his capture, viz, that they left Havana in a British mail steamer on the 7th instant and next day were fallen in with by the San Jacinto whose captain felt himself authorized to take them from the English ship. I also inclose a copy of a letter from Major-General Wool upon this subject.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

[Inclosure.]

HEADQUARTERS DEPARTMENT OF VIRGINIA, &c.,
Fort Monroe, November 16, 1861.

GENERAL: I herewith inclose four letters from Messrs. Mason, Macfarland and Eustis but no letter from Mr. Slidell, prisoners recently captured from a British ship by Captain Wilkes, of San Jacinto. Captain Wilkes leaves to-day for New York. * * *

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

Extract from message of President Davis to the Confederate Congress, November 19, 1861.

To the CONGRESS OF THE CONFEDERATE STATES:

* * * * * * *

The distinguished gentlemen whom with your approval at the last session I commissioned to represent the Confederacy at certain foreign courts have been recently seized by the captain of a U. S. ship-of-war on board a British steamer, on their voyage from the neutral Spanish port of Havana to England. The United States have thus claimed a general jurisdiction over the high seas, and entering a British ship sailing under its country's flag violated the rights of embassy for the most part held sacred even amongst barbarians by seizing our ministers whilst under the protection and within the dominions of a neutral nation. These gentlemen were as much under the jurisdiction of the British Government upon that ship and beneath its flag as if they had been upon its soil; and a claim on the part of the United States to seize them in the streets of London would have been as well founded as that to apprehend them where they were taken. Had they been malefactors and citizens even of the United States they could not have been arrested on a British ship or on British soil unless under the express provisions of a treaty and according to the forms therein provided for the extradition of criminals.

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JEFFERSON DAVIS.

MONTGOMERY, ALA., *November 21, 1861.*

Hon. R. M. T. HUNTER.

MY DEAR SIR: I forward an article written by me on the capture of Mr. Mason and Mr. Slidell which will I hope meet your approval. It seems to me important at all events that we should let it be distinctly known the act is viewed by us as an insult to the British flag.

I am, dear sir, very truly, yours,

H. W. HILLIARD.

[Inclosure.]

Mr. EDITOR: The seizure of the commissioners of the Confederate States, Mr. Mason and Mr. Slidell, is an important event and opens an interesting question as to the bearing of the laws of nations upon the act. The facts are understood to be: That Mr. Mason, of Virginia, and Mr. Slidell, of Louisiana, took passage in a British vessel bound for Eng-

land; the vessel was a regular mail steamer, commanded by an officer of the British navy; it was boarded on the high seas by an officer of an armed vessel of the United States; and that under his orders the gentlemen referred to and others with them were seized as prisoners and taken from the British steamer. The law of nations in order to enforce the rights of belligerents against neutrals confers on them the right of visitation and search upon the high seas; but this right which is not to be exercised in time of peace is strictly limited as a right of war. It is said by the highest authority to be "strictly and exclusively a war right." If upon making the search the vessel be found employed in carrying troops, dispatches or any of the enemy's property it is liable to be taken and brought before a prize court. This doctrine after full discussion has been sustained both in the courts of England and of this country. It is equally well settled that the right of search is confined to private merchant vessels and that it does not apply to public ships-of-war. Let us apply these well-settled principles to the act which we are considering. In peace the right of visit and of search are alike denied by the Government of the United States to exist for any cause whatever, even by an armed vessel in search of pirates. The British Government has insisted upon the right of visit as distinguished from the right of search, with the view of ascertaining if the vessel hoisting the American flag were really a vessel of the United States, disclaiming any right of search after verifying the character of the vessel belonging to this country; but the Government of the United States has uniformly refused to recognize the distinction and has emphatically refused to yield its ships to the exercise of the one or the other. Mr. Webster's correspondence with Lord Ashburton in 1842 settled the question finally. Conceding then the right of the United States when engaged in war to visit and search the private merchant vessels of neutral nations for purposes sanctioned by the law of nations we must inquire how far this concession affects the act which we have undertaken to examine: the boarding a British mail steamer upon the high seas and seizing persons found there who are claimed as citizens of the United States and amenable to its laws. Are the United States engaged in war? The Government of that country has persistently refused to recognize the people of the Confederate States as belligerents. It is insisted by their public functionaries everywhere that they are engaged in suppressing a rebellion; they treat us as rebels; they deny our right to fit out privateers at the very moment when they assert that it is a right belonging to nations in a state of war; they refuse an exchange of prisoners upon any principle of public law. England certainly recognizes us as belligerent, but does this entitle the United States to exercise the rights of a nation at war when it refuses to acknowledge itself in a state of war? At most then this is by the construction of the United States but a civil war—not a public war; and where a Government refuses to conduct the conflict upon the principles of international law ought it to be tolerated in the exercise of the rights of a belligerent? The rights then of belligerents engaged in public war cannot be claimed by that Government. The right to visit and search vessels is limited to their own waters and cannot be exercised upon the high seas. What offense have Mr. Mason and Mr. Slidell committed that authorizes a vessel of the United States to seize them as public enemies upon the high seas? This right in peace exists only so far as public enemies are concerned. If these gentlemen are amenable to the laws of the United States they must be arrested within the

limits of the country or demanded by regular course of law in accordance with treaty stipulations. The flag of a nation must not be violated upon the high seas that they may be brought back to the jurisdiction of the country. Mr. Webster lays down this doctrine clearly in his letter to Lord Ashburton upon the subject of impressment:

> Every merchant vessel on the high seas is rightfully considered as part of the territory of the country to which it belongs. The entry therefore into such a vessel being neutral by a belligerent is an act of force, and is prima facie a wrong, a trespass, which can be justified only when done for some purpose allowed to form a sufficient justification by the law of nations. But a British cruiser enters an American merchant vessel in order to take therefrom supposed British subjects, offering no justification therefor under the law of nations, but claiming the right under the law of England respecting the King's prerogative. This cannot be defended. English soil, English territory, English jurisdiction is the appropriate sphere for the operation of English law. The ocean is the sphere of the law of nations, and any merchant vessel on the seas is by that law under the protection of the laws of her own nation, and may claim immunity unless in cases in which that law allows her to be entered or visited.

If Mr. Mason and Mr. Slidell were offenders against any law of the United States they could not be arrested on the high seas while in a British vessel, the United States not being engaged in war. There is yet another view of this question. Is a British mail steamer a private merchant vessel? This steamer is not subject to the control of merchants. It is engaged in transporting the mails of the British Government. It is commanded by a British naval officer detailed for that duty, and the vessel is to some extent armed. If it be said that it is not a ship-of-war because it is employed in the civil service of the Government, the reply is that any vessel in Her Majesty's navy might be detailed for that service, and a ship-of-war would not forfeit its character by engaging in it. The steamer in question is certainly not a private merchant vessel, and it is well settled that only such a vessel can be visited and searched even in war. Other vessels enjoy an immunity from the exercise of any jurisdiction but that of the sovereign power to which they belong. This is everywhere conceded both in peace and in war. Here then is a vessel in the service of the British Government, commanded by a British naval officer, armed and sailing under the flag of that country, boarded on the high seas by a ship-of-war belonging to the United States, and persons under the protection of that flag are torn from it and held as prisoners. Will the British Government submit to it? Is the Government of the United States to refuse to yield the right to arm privateers at the instance of the great maritime powers of Europe, and yet to treat as pirates persons sailing with letters of marque granted by the Government of the Confederate States upon the ground that it is no government, and at the same time is that Government to be tolerated in exercising on the high seas rights strictly limited to belligerents in an actual state of war? Is that Government to treat a public vessel of the British Government as if it were a private merchant vessel? Such insolence it is to be hoped will now be rebuked and punished.

H.

LONDON, *November 27, 1861.*

Right Hon. Earl RUSSELL.

SIR: The undersigned have the honor to submit to Her Britannic Majesty's Government the following facts: On the 7th of November, instant, James M. Mason, John Slidell, James Macfarland and George

Eustis, citizens of the Confederate States of America, embarked on board Her Britannic Majesty's royal mail steam packet Trent, then in the harbor of Havana, Cuba, as passengers for Southampton, England. On the 8th instant when in the Bahama Channel, off the Paradon Grande Light-House, the Trent was brought to by the firing of two guns said to have been shotted from a U. S. man-of-war, the San Jacinto, which vessel sent an officer and armed boat's crew on board of the Trent, and after some preliminary acts the officer demanded that the four passengers named above should be delivered up to him. The captain of the Trent refused to comply with this order, and the citizens of the Confederate States above named claimed the protection of the British flag. The U. S. officer then proceeded to arrest those gentlemen by the aid of his armed crew under circumstances of aggravating violence and carried them as prisoners from the Trent to the San Jacinto.

The undersigned believe that this proceeding is in violation of international law and not justifiable under any treaty between the Government of Her Britannic Majesty and that of the United States. If it shall be insisted upon that these citizens were coming to England in the capacity of ambassadors it is a sufficient reply that they were not recognized as such by the Government of the United States nor by that of Her Majesty. The former Government looks upon them simply as rebellious citizens; the latter as the citizens of a belligerent power. No charge of their being bearers of dispatches was made by the U. S. officer, and if made it is confidently believed it would not justify their forcible seizure under the circumstances.

It may be concluded that these gentlemen had been commissioned by the President of the Confederate States to proceed to Europe and use their best endeavors to form friendly relations with the neutral European powers, but under such supposition the undersigned insist that they were not liable to seizure upon the deck of a neutral in the manner in which they were seized, for the reasons:

First, that such a procedure can only be sustained upon the principle that neutral States are not justifiable in entertaining propositions for the recognition of and commercial intercourse with belligerent powers.

Second, that these persons were proceeding from a neutral port to a neutral port in a neutral vessel.

It may be conceded that ambassadors proceeding from an enemy's port to a neutral port are liable to seizure under a neutral flag, but the undersigned have been unable to find a principle of international law or a precedent which justifies such a procedure when the ambassador is proceeding from one neutral port to another. In fact a high American authority, President Woolsey, lays it down as incontrovertible that a neutral vessel may convey unmolested an ambassador of the enemy or dispatches of the enemy to and from his own or any other neutral government. (Introduction to Study of International Law, p. 408; On Relations Between Belligerents and Neutrals. Theodore D. Woolsey, Yale College, Boston, 1860.)

Mr. Wheaton seems to sustain this view, for after laying down the general principle that "the fraudulent carrying of dispatches will also subject the neutral vessel in which they are transported to capture and confiscation," he further says:

> But carrying the dispatches of an ambassador or other public minister of the enemy resident in a neutral territory is an exception to the reasoning on which the above general rule is founded.

The same author says:

The neutral country has a right to preserve its relations with the enemy, and you are not at liberty to conclude that any communication between them can partake in any degree of the nature of hostility against you.

Most assuredly then the bearers of such dispatches or the ambassadors themselves are not liable to seizure on a neutral vessel when proceeding from one neutral country to another. The undersigned think that it will be found on examination that when an ambassador has been held to be liable to seizure on a neutral vessel while on his passage it has been when the neutral vessel received him in the enemy's port or was carrying him to the enemy's port. In the present case the persons seized were received as simple passengers on the neutral vessel bound from one neutral country to another.

The undersigned submit also this further view of the case: Granting that the persons seized were liable to seizure it is submitted that the question of liability is a judicial question. For the decision of all such questions admiralty courts are established, and in those courts alone where both parties can be heard could they be determined. The only proper course was a seizure of the Trent with her cargo and passengers and a submission of the whole matter to a judicial tribunal.

The undersigned therefore feel it to be their duty to protest against this act of illegal violence done by the Government of the United States to citizens of the Confederate States on board of an English vessel by which they have been torn from their families and committed to a loathsome prison. They feel it to be their duty to lay the facts before the Government of Her Britannic Majesty and to claim for their imprisoned countrymen the full benefit of that protection to which every private person who seeks shelter under the British flag and demeans himself according to British law has heretofore ever been held to be entitled.

The undersigned therefore confidently hope that Her Majesty's Government will cause those citizens of the Confederate States who have been so illegally taken from the deck of a British vessel to be returned to the position which they enjoyed under the protection of the British flag when seized, or to the port whither they were bound and to which Her Majesty's Royal Mail Steam Packet Company had engaged to take them after having received the usual compensation.

The undersigned have the honor to assure his lordship of their very high consideration.

W. L. YANCEY.
P. A. ROST.
A. DUDLEY MANN.

COMMISSION OF THE CONFEDERATE STATES OF AMERICA,
London, December 2, 1861.

Hon. R. M. T. HUNTER.

SIR: We have the honor to acknowledge receipt on the 27th ultimo of dispatches of date the 24th of August, as also of dispatch dated 23d of September, 1861.*

It is our painful duty to communicate to you that on the 8th ultimo Messrs. John Slidell, James M. Mason, James Macfarland and George Eustis were forcibly taken by the U. S. man-of-war San Jacinto from

*None of these dispatches found.

her Britannic Majesty's royal mail steam packet Trent while on her passage from Havana, Cuba, to the Island of Saint Thomas when in the Bahama Passage off the Paredon Grande Light-House. The facts as far as we have been able to learn them, and we believe them to be extremely reliable, are as follows:

On the 7th of November Messrs. Slidell and Mason with their suite embarked on board the Trent in the harbor of Havana as passengers for Southampton, England. On the morning of the 8th of November, when in the narrowest part of the Bahama Passage, off Paredon Grande Light-House, the San Jacinto was seen lying to in the passage. When the Trent came within half a mile or less the San Jacinto ran up the U. S. flag and simultaneously fired a round shot across the bow of the Trent, immediately afterward firing a shell which exploded within a hundred yards of that vessel. The captain of the Trent then displayed the British flag and being within hailing distance demanded to know what was wanted. The reply from the officer of the San Jacinto was that he wished to send a boat alongside. The Trent was then brought to and Lieutenant Fairfax with an armed boat's crew from the San Jacinto boarded her. He demanded of the captain a list of his passengers. This was refused. The lieutenant then said that the captain of the San Jacinto was informed that Messrs. Mason, Slidell, Macfarland and Eustis were on board and that he was instructed to seize them. These gentlemen at once avowed their presence, but claimed the protection of the British flag. The U. S. officer replied that unless they were surrendered to him he should take possession of the ship which he accordingly did, and after a solemn protest by the admiralty officer on board the Trent against the whole proceeding those gentlemen were seized at the point of the bayonet. Lieutenant Fairfax further said that he was instructed to lay the ship alongside the San Jacinto. The captain of the Trent replied that he was going to his quarter-deck, adding, "If you want me you will find me there," and at once proceeded to the quarter-deck. Lieutenant Fairfax left the Trent, however, without further enforcing his order, carrying with him Messrs. Slidell, Mason, Macfarland and Eustis as prisoners, and the Trent then proceeded upon her voyage. All the papers, letters and dispatches under charge of Messrs. Slidell and Mason were brought to us on the 27th instant, immediately after the arrival of the West India mail packet at Southampton by Mr. Hankel, of Charleston.

Under these peculiar circumstances the members of the commission after consultation, taking into consideration the great interests of the Confederate States, have severally come to the conclusion that it is the duty of each to remain near this Government and that of France until further advised by the President. In consequence we have addressed to Her Britannic Majesty's Government a solemn remonstrance against the outrage perpetrated by the United States in thus forcibly seizing the persons of citizens of the Confederate States on board of an English vessel at sea.

We have also in obedience to instructions of the President to the Hon. James M. Mason communicated to her Britannic Majesty's Government a copy* of the list of vessels which had arrived at and cleared from the Confederate ports from the date of the proclamation of the blockade to the 20th of August, 1861, and also a copy* of the resolutions of Congress of the 13th of August, 1861, touching the declaration of the Conference of Paris. We annex copies* of both of these notes.

*Not found.

We also send with this dispatch for the information of the Department certain editorials of the London journals* indicating the state of public opinion upon the seizure of Messrs. Slidell and Mason and their secretaries. The editorial from the Morning Post is understood to be inspired by Lord Palmerston; that from the Times of the 29th is understood to be from the Foreign Office. Having carefully read the different papers we find that there is but one daily journal in London that entertains the opinion that the act of the San Jacinto is justifiable; that is the Morning Star, the supposed organ of Mr. Bright and Mr. Cobden, and used as one by Mr. Adams.

It is believed in well-informed circles and in fact we may say that it has been communicated to us by persons connected with high official personages in the Government that the Cabinet in council on the 30th ultimo determined upon a report of the law officers of the Crown that the act of the commander of the San Jacinto was illegal, and that a demand should be made on the Government of the United States for apology and the restitution of Messrs. Slidell, Mason, Macfarland and Eustis. We have also received information in the same manner that the blockade is considered to be ineffective—entirely so—by the members of the Cabinet.

After a full consideration of the question we have not as yet deemed it advisable to again formally press the recognition of the Confederate States upon the Government of Great Britain at this moment but will await a favorable opportunity to do so. At this time we think it would meet with rejection, at least before the answer of the Government of the United States to the demand which the British Government has made for apology and restitution shall be received.

The C. S. steamer Nashville arrived at Southampton on the 21st ultimo slightly injured in her wheelhouses and deck by adverse storms experienced on her passage. We learn from Lieutenant Pegram that on the 19th ultimo in seventy fathoms of water he captured and burnt the ship Harvey Birch, of 1,500 tons burden, owned in New York and in ballast from Havre. She was valued at $125,000. Her officers and crew were taken to Southampton and landed there. It is understood that the Nashville will be allowed to repair.

The U. S. armed steamship James Adger has been in the waters of England for the last few weeks. It was asserted that she came to seek for the Nashville. She was allowed to repair damages sustained on her voyage and to coal. Since then she has been hovering about the coast. We understand that in reply to a demand as to her object by an officer of the admiralty that the commander avowed that he was instructed to seize Messrs. Mason and Slidell wherever he could find them at sea and that he expected to take them out of the West India mail packet. We were further informed that the U. S. officer was then advised that such an act would be considered as an insult to the British flag.

We have been advised that the opinion of the Emperor of the French and that of his ministry is that the affair of the Trent is a great outrage upon the British flag. We have inclosed extracts from various Paris journals* all taking the same view.

We are, sir, very respectfully, your obedient servants,

W. L. YANCEY.
P. A. ROST.
A. DUDLEY MANN.

*Not found.

40 ALBEMARLE STREET, LONDON, *December 2, 1861.*

Hon. ROBERT M. T. HUNTER, *Secretary of State.*

MY DEAR SIR: Your instructions dated September 23 were received on the 28th instant. At present there is a probability that our recognition by Her Britannic Majesty's Government will not be much longer delayed. I congratulate you with all my heart upon the indications which so strikingly manifest themselves for a speedy termination of the noble sacrifices of our country for the attainment of its independence. Great Britain is in downright earnestness in her purpose to humiliate by disgraceful concessions or to punish severely by force the so-called United States for the flagrant violation of the integrity of her flag upon the high seas. Her voice will now be found in her sword.

By never losing sight for a moment of the object for which I was appointed and not quitting here for a day since my arrival I have succeeded in opening channels of communication with the most important personages of the realm. In an hour after the Cabinet decided upon its line of action with respect to the outrage committed by the San Jacinto I was furnished with full particulars. What a noble statesman is Lord Palmerston! His heart is as young as it was forty years ago.

I suggested the importance of putting the new and invincible iron-plated steamer Warrior in commission and of dispatching her to Annapolis Roads with a special minister to Washington. This in my opinion would have secured the immediate restoration of our captured countrymen to the freedom which they enjoyed under the British flag and thus assured their early arrival in London and Paris. It would also have so humiliated the North that her position would have been very equivocal as relates to respectability in the family of nations. With all her brazen-facedness she could not have elevated her head again for a half century.

As soon as Mr. Mason or his successor, if he shall not be surrendered, arrives I shall repair to Madrid and afterward proceed to Brussels. For this renewed manifestation of confidence in me by the President and the agreeable manner in which you have communicated it I cannot adequately express my thanks.

I cannot close this hurried note without expressing to you my unqualified admiration of the peculiarly proper bearing of Mrs. Slidell, her daughter and Mrs. Eustis under the distressing separation from their husbands and father. Truly may it be said as concerns those ladies that "woman's hour is the hour of adversity." I never was so proud before of my countrywomen in a foreign land. There is not a British heart that does not sympathize sincerely with them.

Yours, with faithful consideration,

A. DUDLEY MANN.

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Memorandum.

FOREIGN OFFICE, [*London,*] *December 7, 1861.*

Lord Russell presents his compliments to Mr. Yancey, Mr. Rost and Mr. Mann. He has had the honor to receive their letters of the 27th* and 30th† of November, but in the present state of affairs he must decline to enter into any official communication with them.

* See p. 1231. †Not found.

PARIS, *December 24, 1861.*

His Excellency JEFFERSON DAVIS,
President of the Confederate States of America.

SIR: A friend takes charge of this letter which may prove useful should our last dispatch not have been received.

Having gone to England as soon as I heard of the outrage committed upon Messrs. Mason and Slidell, at the first interview I had with my colleagues we severally came to the conclusion that the separate powers and instructions last received presupposed the presence of Messrs. Mason and Slidell in London and Paris, and that in the excited state of public feeling which had resulted from their capture the best interests of our Government required our presence in those capitals.

I could not be in doubt as to the course I ought to pursue, having positive information through the Spanish legation here that the question of our recognition had never been mooted at Madrid and would not be until we were recognized by England or France, and knowing besides the necessity of counteracting at once an attempt then being made by an influential portion of the French press to unite against us the anti-English and anti-slavery feelings of this country.

The commissioners addressed a strong representation to Earl Russell in relation to the affair of the Trent, asking the British Government to demand the immediate restitution of our captive friends to the protection of the British flag. England has ere this demanded that restitution, and unless the North has yielded at once war is certain. In that war France will remain neutral, but it is confidently believed in Government circles that in a few months it will be in her power to come forward and command peace between the three belligerents.

Should the Lincoln Government yield I am assured by my colleagues that the British Government is now thoroughly convinced of the inefficiency of the blockade and will insist that it be raised. While the Emperor wishes to continue on good terms with the United States Government and would regret to see the Federal navy destroyed I cannot doubt that his sympathies and those of his Government are with us. A series of articles headed "Reconnaissance des États Confédérés," now in course of publication in the Pays newspaper, are written in the Bureaux of the Ministry of the Interior. They advocate the right of secession, the cause of the South generally, and its right to be recognized. Other articles of the same character have been recommended for publication in other papers by the director of the press, but thus far have not been published because most probably the editors of those papers expect money from us. That question of money is continually turning up against us. I do what I can out of my own means but that resource is necessarily limited.

Many causes little understood at home have combined to delay our recognition; but a great change in public opinion has taken place here within the last six months, and in reviewing the past while I avoided rendering myself obnoxious by indecent haste I am not conscious of having omitted anything calculated to advance our cause. My unofficial intercourse with members of the Government has been more and more friendly, and on a recent occasion M. Thouvenel was pleased to say to me that no one could have accomplished more than I had.

We have given Earl Russell and M. Thouvenel the list of the vessels which had run the blockade, and in obedience to the last instructions addressed a communication to them. M. Thouvenel was astonished to find the evasions so numerous, as the reports made to him by the officer commanding the French squadron on the Atlantic and Gulf coasts had

induced him to believe that notwithstanding occasional violations the blockade could not be considered ineffectual. He promised to take the matter into serious consideration. The lists sent only extend to the end of August and first part of September; lists of subsequent violations should be sent to us immediately. Should Messrs. Mason and Slidell be liberated and allowed to proceed to Europe recent proofs of the insufficiency of the blockade might be of the greatest importance in their negotiations.

DECEMBER 28.

No news from America. The London Times of yesterday says:

> We are at this moment looking up at the coin which is twirling in the air and guessing without any good ground of preference whether it will come down heads or tails—war or peace.

This is a true statement of the situation. In the mean time England is fitting out the largest naval expedition that ever left her shores. That expedition will crush the North at a blow if there is war, or open the blockade if there is not.

I am, with very high regard, your very obedient servant,

P. A. ROST.

LONDON, *December 31, 1861.*

Hon. R. M. T. HUNTER.

SIR: Nothing has occurred since the last dispatch of the commission which in their opinion requires an official communication to the State Department. Duplicates of that dispatch have also been sent off, together with a copy of Earl Russell's reply* to our notes. The terms and spirit of that reply in my opinion called for notice from the commission, but my colleagues did not think so, and consequently Earl Russell's note has not been answered. The publication of Mr. Adams' correspondence with his Government which has just appeared and which doubtless you have seen has strengthened me in the view that the note should have been replied to but Colonel Mann (Judge Rost at Paris) still adheres to his original impression.

Earl Russell promises to Mr. Adams (in June last) that he will not see the "pseudo commissioners any more." What truckling to the arrogant demand of Mr. Seward that England should forego her international privilege of hearing the case of a belligerent power! What a violation in fact of that impartial neutrality proclaimed, a neutrality indeed which includes the equal hearing of both sides, although upon unequal terms—official on one side, unofficial on the other. Had the foreign secretary in August last not driven us to a written communication the commissioners could have kept up unofficial and verbal interviews and communications until this time, and not have subjected themselves to the rebuffs they have received, while at the same time they could have constantly kept the English Cabinet informed of events and their own views. But Earl Russell's last note cuts off all communications until at least the question of the Trent has received a solution.

I presume there is no doubt that England has demanded the restitution of Mason and Slidell and an apology. Here public opinion generally is that they will be surrendered. The funds fluctuate. The Government view is that the issue of peace or war is about evenly balanced. Ten thousand picked troops and immense war material have been sent

* Not found as an inclosure, but probably refers to memorandum of December 7, p. 1236.

to Canada. A great steam fleet has been fitted out, and if there is war the English blows will be crushing on the sea-board.

If Mason and Slidell be given up the Government here will endeavor for awhile at least to observe a frigid neutrality toward us; that is will lean to the United States on the blockade and diplomatic issue, and postpone or refuse recognition. France, however, will be disposed I think to act more favorably, and may drive England into favorable action. Public opinion is for us, and when Parliament meets I feel confident that the ministry will be compelled to act favorably or to resign.

The British West India mail steamer from Saint Thomas was due on the 28th, but only arrived off Southampton an hour ago. The Havana steamer of December 28 failed to connect, and my opinion is that a Yankee captain mindful of the honors heaped on Wilkes has searched her and found dispatches or Confederate agents and has taken her into port for adjudication. If so war can no longer be prevented, for England will not submit to it. I desire to leave here very much, and if Mason and Slidell arrive or other commissioners will do so at once. If no one arrives to take my place and war ensues I will leave on concluding a treaty with England and be home I hope by March.

Most respectfully, yours, &c.

W. L. YANCEY.

JANUARY 1, 1862.

The British West India mail steamer due on 29th not yet arrived. It is feared that a Yankee man-of-war has seized her, and if so perhaps because of C. S. officers and dispatches on board. It was a false rumor as to arrival of the Shannon.

Y.

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RICHMOND, *January 1, 1862.*

Governor THOMAS O. MOORE, *New Orleans:*

John Slidell and J. M. Mason have been given up. William H. Seward's letter to Lord Lyons occupies several columns of the Baltimore Sun, and concludes with saying he delivers up the commissioners with pleasure whenever Lord Lyons chooses to receive them. I have this information from a gentleman who read Seward's letter in the Sun, but I have not seen the paper myself.

J. P. BENJAMIN,
Secretary of War.

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RICHMOND, *January 1, 1862.*

PAYNE, HUNTINGTON & CO., *New Orleans:*

Your dispatch received. Will attend to it to-morrow. Happy New Year to you all. I have just received positive information that J. M. Mason and John Slidell have been returned to England.

J. P. BENJAMIN,
Secretary of War.

—

WAR DEPARTMENT, *Richmond, Va., January 5, 1862.*

LOUIS HEYLIGER, Esq., *Nassau, New Providence.*

MY DEAR SIR: Your several favors by the Theodora and Ella Warley have been received and your action in the accomplishment of

your mission fully approved. * * * The Northern Government has as you will have been informed submitted to the peremptory demand of Great Britain for the surrender of Mason and Slidell, and thus there is no prospect of immediate hostilities between those two powers although everything portends the rupture of their friendly relations at no distant day. * * *

Yours, very truly,

J. P. BENJAMIN,
Secretary of War.

—

FENTON'S HOTEL, LONDON, *January 30, 1862.*

Hon. R. M. T. HUNTER, *Secretary of State.*

DEAR SIR: We arrived in London yesterday evening and I could address you but a short private note by a ship to sail to-day for a Confederate port. I have had but one day in London and that engrossed by visitors, embracing many of our countrymen here with many English gentlemen who sympathize with us.

This letter which cannot contain much is to go by the Nashville, and if Captain Pegram makes good his voyage he will tell you the complications that have arisen in regard to his presence in an English port. It will suffice for me to say that the Federal ship Tuscarora being at Southampton to watch him this Government ordered both to leave the port, brought about by misconduct in regard to the espionage of the commander of the Tuscarora, the Nashville to depart as I understand it twenty-four hours (afterward extended to forty-eight) after the departure of the Tuscarora. Captain Pegram who consulted with me in obeying this apparently harsh order has acted in everything in a manner becoming his position. I have not the means of making myself fully acquainted with the orders of the British Government in this regard, they being partly written and partly through verbal communication. So far as I have understood them, however, I have no reason to believe that the admiralty intended incivility or discourtesy to the Nashville, but under the necessity of sending away the Tuscarora it was thought prudent and to preserve neutrality to extend the same measure to the Nashville.

In my short note of last night* I could tell you only of the favorable impressions we received everywhere on our voyage of sympathy from the British naval officers. Now with but a day's experience in London my impressions decidedly are that although the ministry may hang back in regard to the blockade and recognition through the Queen's speech at the opening of Parliament next week the popular voice through the House of Commons will demand both. But few members it is said are yet in town, but there is a prevalent desire manifested to be well informed as to American affairs, and I have said to those who have called on me that I shall be happy to see and converse with any gentleman who desires such information.

My views of course upon such short acquaintance must be crude, but I shall be disappointed if the Parliament does not insist on definite action by the ministry inuring to the relief of their people as well as ours.

By the next opportunity I shall hope to write you more formally and at large. Please send the inclosed* to Mrs. Mason.

Very respectfully and truly, yours,

J. M. MASON.

* Not found.

COMMISSION OF THE CONFEDERATE STATES OF AMERICA,
London, February 2, 1862.

Hon. R. M. T. HUNTER, *Secretary of State, Richmond.*

SIR: I arrived here on the 29th ultimo in the West India mail steamer from Saint Thomas, and have since written you two private notes by casual opportunities offering taking the chance of their reaching you. In these I gave you a brief account of our voyage after being released from Fort Warren. This is to go by Mr. Yancey, who leaves this evening for Southampton.

Lest my private notes should have miscarried I will briefly state here that on the 1st of January Mr. Slidell and I with Messrs. Eustis and Macfarland were taken from Fort Warren in a small steam-tug forty miles across an arm of the sea to Provincetown, Mass., in charge of a subordinate clerk of the State Department at Washington and six marines with a corporal, where we found at anchor the British war steamer Rinaldo, of seventeen guns, Commander Hewett, and were placed on board about 4 p. m. We were received by Captain Hewett with great courtesy and the ship immediately got under way for Halifax.

Captain Hewett showed us in the course of the evening his letter of instructions from Lord Lyons, which directed him to receive and treat us with all the respect and consideration due to private gentlemen of distinction, and his orders were to proceed to Halifax or if we desired it to any other neutral port, but not to any one of the Confederate States. The most speedy opportunity to England being from Halifax we proceeded thither, but during the night a gale sprung up from the northwest which continued with increasing violence accompanied by thick weather and snow-storms up to Sunday the 5th. During that period we were unable to take an observation or to determine where we were in reference to our port. The thermometer was at 15°, the ship covered thickly with ice, all the ropes, cordage and sails frozen into a dense common mass and the coal nearly exhausted; add to which the ship had sustained much damage by the severity of the protracted storm, lost two of her boats from the davits, her fore-top sail (the only sail set) blown away, though double reefed, the taffrails stove in, &c., with many of the sailors severely frost-bitten.

In this condition the captain determined on Sunday, the 5th, still unable to get an observation, to bear away for Bermuda. It was computed by the dead reckoning that we had run some forty miles to the east of Halifax, when the course of the ship was changed. Getting to the middle of the Gulf stream after a run of some 300 miles we were enabled to thaw out, and reached Bermuda without further mishap on the 9th.

We immediately communicated through Captain Hewett with Admiral Milne, commanding the station, at his residence on shore, expressing our desire so far as compatible with his convenience to proceed in the most speedy manner to our destination. He had but few ships in port, but offered either to send us direct to England in the steamer Racer, which could be got ready by the 13th, or if we preferred it to send us on in the Rinaldo to Saint Thomas, which it was thought we might reach in time to intercept the mail steamer La Plata to leave there at latest on the 14th, Captain Hewett kindly offering to have his ship coaled during the night and to proceed during the next day, notwithstanding her damaged condition.

We chose the latter, as the Racer was a slow vessel, and under any circumstances would have a protracted voyage.

The admiral also kindly sent us an invitation to dine with him and to spend the night on shore, which we gladly accepted. Our entertain-

ment was in everything courteous and hospitable. All the officers of the ships in the harbor and on duty on shore called on us with congratulations on our arrival, tendering us every offer of hospitality and expressing an earnest hope that we could remain with them a few days. But I must add as a marked tribute that as we passed the admiral's ship, the Nile, going into the harbor the band on the quarter deck having the officers grouped around played what they understand to be our national air, Dixie. Our presence on board had been made known by telegraph.

I hope you will pardon this detail as part of the history of the times and as indicative of the feeling and spirit prevailing in the British navy. A common sentiment pervaded all and which was freely expressed of warm sympathy with the South and entire alienation from the North.

We left Bermuda on the morning of the 10th, and after a prosperous run entered the harbor of Saint Thomas on the morning of the 14th, where we found the La Plata. Captain Hewett after having had our baggage transferred accompanied us in his gig on board the La Plata and introduced us to her captain, who received us with warm congratulations and provided every comfort for us during the voyage. The U. S. steamer Iroquois was at anchor in the harbor, and near her the British war steamer Cadmus. Captain Hillyar of the latter called on us on board the Rinaldo, and said in conversation that amongst other reasons for being gratified at our arrival it would relieve him of the duty of watching the Iroquois which had been his occupation for some weeks past. We sailed the same afternoon in the La Plata and reached Southampton on the 29th; came to London the same evening, and on the following morning Mr. Slidell with Mr. Eustis proceeded to Paris.

In the three days only that I have been here I have been called on by a great number of gentlemen, including Sir James Fergusson (whom you probably saw recently in Richmond), with congratulations and other tokens of kindest welcome. I must again ask pardon for these details, not otherwise fitted for a dispatch but as evidence of the spirit and feeling of the people. Mr. Yancey who bears this can tell you in person of everything interesting to us in public affairs.

* * * * * * *

From all I can gather here while the ministry seem to hang fire both as regards the blockade and recognition the opinion is very prevalent and in best-informed quarters that at an early day after the meeting of Parliament the subject will be introduced into the House of Commons and pressed to a favorable vote. The motion will probably come in the form of an amendment to the address and with the opposition it is thought will carry a sufficient conservative vote to reach a majority. With all this, however, Mr. Yancey is far better versed than I and can give better information. He will tell you that on the last application by the commissioners for an interview with Earl Russell they were requested to make their communication in writing. How far this may foreshadow refusal to receive me I am at a loss to say, though I do not anticipate it.

My present purpose is unless something should occur advising delay to write a note to-morrow to the minister asking an interview and announcing my being here as special commissioner to this Government. * * *

I have the honor to be, very respectfully, your obedient servant,

J. M. MASON.

C. S. COMMISSION, *London, February 7, 1862.*

Hon. R. M. T. HUNTER, *Secretary of State, Richmond.*

SIR: My dispatch to you by Mr. Yancey bore date of the 2d instant. An opportunity direct enables me to say a few words additional.

I send you with this the Times* of this date containing the Queen's message and the debate on it in Parliament. The former as you will see contains no further reference to American affairs than the affair of the Trent. It is thought that silence as to the blockade was intended to leave that question open. Mr. Gregory was kind enough to call on me by appointment and find me a place in the House of Commons. It would seem after consultation members favorable to our interest thought it best not to broach them in the House in the form of an amendment to the address as I thought would be done, but the question will come up in both Houses in some form at an early day.

Many Members of Parliament warmly in our interest have called on me, including Mr. Lindsay, Member of Parliament for Liverpool, and who is the largest ship-owner in England, and I was introduced to others at the House. They confer freely as to what may be best for our interest. They say the blockade question is now more easily carried in our favor just now than recognition, in which I agree, and their efforts will mainly be directed to a repudiation of the blockade. If that is done recognition will speedily follow.

The ministry are certainly averse to either step just now. They seem afraid of any further broil with the Government at Washington. You will see what was said by Lord Derby in the Lords and D'Israeli in the House. There was extreme reluctance with all parties to go into any controversial question on the address because of the recent death of the prince and the real sorrow of the Queen.

I have had long conferences with Mr. Gregory who will be an earnest and efficient coadjutor. All agree that I could not have a more useful or safe adviser. A call will be made probably in both Houses for any information in possession of the Government touching the efficiency of the blockade. I have the returns from the Southern ports given me at Richmond up to the 1st of September and received here since I came for the months of September and October. I shall make free use with our friends in Parliament of the results they show, and when in communication with the foreign office shall send them to Earl Russell. As to the latter Mr. Gregory has kindly offered to consult with judicious friends and advise me in what manner it may be best to ask the interview, always considering that while conforming to any proper usage I stand in no attitude as a suppliant or as asking any favor.

I have a note from Mr. Slidell dated at Paris on the 5th in which he says:

> I wrote a note (unofficial) to M. Thouvenel on Monday requesting an interview. I received an answer the same day fixing Friday, the 7th instant, for the purpose. This prompt reply seems to me to argue well for the disposition of the Government. I shall make only a passing allusion to the question of recognition, intimating that on that point I am not disposed at present to press consideration, but I shall insist on the inefficiency of the blockade, the vandalism of the stone fleet, &c.

And further on he gives as his impression from other circumstances—

> That the Government while unprepared to receive me officially wishes to manifest its personal good feeling toward me and at the same time to prove that it is not unfriendly to our cause.

To conclude I can give no opinion satisfactory to myself as to the probable action of the Government here, further than that it will remain

* Not found.

passive unless moved by a vote of either House, and of the last I have not the means of speaking with confidence. This is to go by a steamer expected to sail direct for the South with supplies, &c., to-morrow.

I have the honor to be, very respectfully, your obedient servant,

J. M. MASON.

FEBRUARY 8.

I also send the Times of this date* with the debate of yesterday in both Houses. * * * The delay of a day in this dispatch enables me to add that since I wrote you yesterday I addressed to-day (on advice of Mr. Gregory) a note to Earl Russell asking an interview at his convenience "as instructed by my Government," and have his reply to-night in form of a polite note saying that he would receive me on Monday, 10th instant, at his residence, at 11 a. m., unofficially. I shall of course call on him accordingly and in my next dispatch will send you copies of my note and his reply with the result of the interview.

J. M. M.

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109 PICCADILLY, *February 13, 1862.*

His Grace the DUKE OF SOMERSET.

MY LORD DUKE: I cannot refrain on arriving in England from expressing to your grace and to the lords of the admiralty the grateful sense I entertain of the kindness and hospitality received from the naval authorities of Great Britain everywhere on our late protracted voyage to this country, a feeling I know that is equally entertained by my colleague, Mr. Slidell, and by our secretaries, Mr. Macfarland and Mr. Eustis.

To Captain Hewett, commander of Her Majesty's ship Rinaldo, and to all his officers this acknowledgment is especially due. Their courtesy, consideration and most generous hospitality were unremitting, and under the circumstances of a tempestuous and prolonged voyage we much fear greatly to their personal inconvenience.

To Admiral Milne we are under great obligations for our courteous and hospitable reception at Bermuda, and particularly for his marked kindness in expediting our passage to Saint Thomas.

I have the honor to be, very respectfully, your grace's most obedient servant,

J. M. MASON.

Case of Messrs. Hopkins, Butler, Wattles and ex-President Pierce.

Dr. Guy S. Hopkins, of North Branch, Lapeer County, Mich., was arrested at Detroit on the 20th day of November, 1861, and taken to Fort Lafayette by order of the State Department. Hopkins was charged with treasonable correspondence with parties in the rebel States and with forwarding correspondence between such parties and their friends in Europe through Canada and with propagating treasonable sentiments in the region of his residence. Joseph P. Whiting, a member of the detective police of Detroit, made an investigation of Hopkins' case previous to his arrest. The report of Mr. Whiting shows that at the request of U. S. Attorney Russell he proceeded to North Branch, Lapeer County, Mich., on the 7th of November; that he learned

*Not found.

from the sheriff of said county that Hopkins and others residing in and about North Branch were according to common report openly avowed secessionists; that he stopped at the public house kept by Isaiah Butler (one of Hopkins' associates and co-conspirators), to whom he was introduced under an assumed name, and that he was subsequently introduced to Hopkins by Butler. On the following day Mr. Whiting had an interview with Mr. H. C. Sherwood, a resident of the neighborhood, who stated that Hopkins, Butler, Wattles and others had raised a pole for the purpose of hoisting a secession flag thereon, and on being warned by Sherwood and others that such action would result in the destruction of their property they replied that they would murder the whole of the damned abolitionists there were in the settlement if interfered with, and hurrahed for Jeff. Davis, cursed the damned Lincolnites, &c. Mr. Whiting also states that on the 14th of November Private Calvin Hills, of Company H, Kellogg's cavalry regiment, stationed at Saint Louis (then returning home on a furlough), passed Butler's tavern, whereupon Hopkins and Butler ran out and gave three cheers for Jeff. Davis; and that on the evening of the same day Hopkins was present at a meeting at Butler's tavern on which occasion Butler made a speech on the right of secession and avowed himself an advocate of the doctrine. Mr. Whiting further states that in conversation with Hopkins in relation to the Government and about the war Hopkins said it was no Government at all, and many other like expressions, and denounced the war as unjust and tyrannical; and that many good and loyal citizens denounced Hopkins as an "open and avowed secessionist, which I think is true." A letter signed in cipher, dated North Branch, October 5, 1861, and directed to a citizen of Detroit, fell into the hands of Mr. Howard, the postmaster at that place, and was subsequently delivered to W. H. Barse, special agent, by whom it was forwarded to the Secretary of State. The letter is in the handwriting of Hopkins, and he has since admitted that it was written by him. It was addressed to R. M. C., esq. (said to mean Robert McClelland), and professes to relate to a secret league formed for the purpose of overthrowing the Federal administration; and it is filled with treasonable sentiments. Its references to individuals, &c., are only by initials, and among those referred to as members of the league or active in its interest are C——s S——t and Pres'nt P——, said to mean ex-President Pierce and Col. Charles Stuart, of the Eleventh Regiment Michigan Volunteers. It speaks of the secrecy and success with which their operations have been carried on, and says.* The prisoner in his statement made after his confinement in Fort Lafayette claims that the letter was only intended for a sell and that his expectation was that it would be sent to one of the treason-shrieking presses and would be apt to quiet their howls. Letters and communications found among the prisoner's papers afford unmistakable evidence that he is a very bad man and justify incredulity at least in relation to any of his statements in his own behalf, and also warrant the belief that to a man so faithless to good morals and social order the transition would be easy to that of disloyalty to his Government.

Isaiah Butler, of North Branch, Lapeer County, Mich., was arrested at that place on or about the 21st day of November, 1861, and was taken to Fort Lafayette by order of the Secretary of State. Butler was

*Letter omitted here. See p. 1248.

charged with forwarding correspondence to and from the rebel States between said States and Canada and with propagating treasonable and secession doctrines in the neighborhood of his residence. An officer of the detective police of Detroit who was employed to examine the charges against Butler before his arrest reported that Butler with others had raised a pole for the purpose of hoisting a secession flag; that on different occasions he hurrahed for Jeff. Davis; that he made a speech on the right of secession and avowed himself an advocate of that doctrine; that he was exercising a bad influence, poisoning the minds of many citizens in the whole settlement around him. After his arrest he refused to acknowledge himself a Union man and said he would not renounce his secession sentiments if he knew he was to be shot. The said Butler remained in custody at Fort Lafayette February 15, 1862, when he was transferred to the charge of the War Department.

David C. Wattles, of North Branch, Lapeer County, Mich., was arrested by U. S. Special Agent W. H. Barse, of Michigan, or by his orders, on or about the 25th day of November, 1861, and conveyed to Fort Lafayette by order of the Secretary of State. Wattles, with one Isaiah Butler and one Guy S. Hopkins, had long been notoriously active in propagating disloyal sentiments at North Branch, and these three persons were the leaders of a small band who openly justified the rebellion and advocated its cause. In October, 1861, a letter was discovered in Detroit in the handwriting of Guy S. Hopkins appearing to give assurance of the existence of an extensive league or conspiracy to overthrow the Government and boasting of the rapid extension of said league, and claiming among other things to have already established an uninterrupted line of communication between the South (rebels) and Europe. Wattles as well as the other persons named was soon after arrested. Upon and after his arrest he openly avowed his sympathy with the rebels. The said Wattles remained in custody at Fort Lafayette February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

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NEW YORK, *September 17, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: The object of the present is to apprise you that Franklin Pierce, ex-President, and Clement March, now a senator of the State of New Hampshire, are traitors and are aiding and abetting secretly and covertly the leaders of the Southern rebellion.

——— ———.

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DETROIT, *November 20, 1861.*

W. H. SEWARD:

We have arrested Dr. Guy S. Hopkins, of North Branch, Lapeer County, Mich., with treasonable documents on his person, and from comparison of handwriting author of the letter addressed to the Hon. Robert McClelland, a copy of which has been sent to you. Shall I take him to Fort Warren?

W. H. BARSE.

FORT HAMILTON, *New York Harbor, November 23, 1861.*

Col. E. D. TOWNSEND,
Assistant Adjutant-General, Washington, D. C.

SIR: I have received this morning from the custody of William H. Barse, Government agent at Detroit, a prisoner, Dr. Guy S. Hopkins, by order of the Secretary of State, and have sent him to Fort Lafayette.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

DETROIT, *November 26, 1861.*

WILLIAM H. SEWARD:

Have arrested Isaiah Butler and David C. Wattles, strong secessionists, and believed to belong to the Knights of the Golden Circle of this State.

W. H. BARSE,
U. S. Marshal.

DEPARTMENT OF STATE, *Washington, November 26, 1861.*

W. H. BARSE, Esq., *Detroit, Mich.:*

Convey Isaiah Butler and David C. Wattles to Fort Lafayette.

WILLIAM H. SEWARD.

DETROIT, *November 26, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington.*

DEAR SIR: Inclosed please find the original letter from North Branch, Mich., addressed to a prominent citizen of this city whose name is withheld from me. It was thrown into the wrong box, and the person upon opening it discovering a conspiracy was on foot to overthrow the Government took it to a friend, and the friend to W. A. Howard, esq., postmaster, and after a delay of some three or four weeks it came into my hands, and I have permission to send it to you with this understanding on my part that it shall be returned when called for. My object in sending it now is that you may compare the writing and ink with that found on Dr. Guy S. Hopkins who is now confined in Fort Lafayette.

I will endeavor to give you the rendering of initials embraced in this mysterious letter according to our judgment, viz: R. M. C., Robert McClelland; C——s, circulars; S—— of S——, Secretary of State; P——ts, prints; R—— L——, W. C. W., R—— L—— (don't know), Windsor, Canada West; C——s S——t, Charles Stuart, colonel of Eleventh Regiment Michigan Volunteers, now filling up; N——, North; S——, South; A——, assistance; A——, abolitionists; M——d, Maryland; Ft. M——, Fort Monroe; Pres'nt P——, President Pierce; P——y, Purdey; L. C. D——t, League Club of Detroit; Doct. [De] F—— (don't know); H——, Mormon elder (don't know, am on his track); Port H——, Port Huron; Doct. [De] F—— (supposed to be a Virginian who boarded at Port Sarnia about 1st of October last and registered his name as Jonathan Tripp, Virginia. Notes taken by my son, 7th of October); R——, Richmond; Capt. S—— (don't know); G—— M——, grand master or marshal; W——, Windsor (you will please note Sicilian Vespers); Capt. H—— (don't know); p——s, passes. The signature you must figure out, for I cannot.

I have a number of names that I am on the lookout [for], and associate those sent forward and named in letter, viz: Capt. Walter P. Beach, N. H. Hart, lieutenant, and now filling up to go into Charles Stuart's regiment. David C. Wattles was to go as second lieutenant, but unfortunately he is on his way to Fort Lafayette. Others have been named, and if we are to believe those that come in daily contact with them they are rank secessionists and members of this League Club or Golden Circle. It is to be hoped that I may come across some more papers that will throw more light upon the subject. We have been to considerable expense in ferreting this matter out, having first to send a couple of detectives out to North Branch, and they employed the sheriff of Lapeer to assist them. They were gone about one week and returned with their report. I then waited until Dr. Guy S. Hopkins came in and arrested him, secured his papers and then sent out and arrested Butler and Wattles, all of which costs money. You will please advise me if I can embrace those expenses in my monthly account.

All of which is most respectfully submitted.

Your obedient servant,

W. H. BARSE.

P. S.—I will send Doctor Hopkins' other papers in by themselves as found in his possession.

BARSE.

[Inclosure.]

NORTH BRANCH, [LAPEER COUNTY, MICH.,] *October 5, 1861.*

R. M. C., Esq.

DEAR AND HONORED SIR: I write to inform you that C——s, the signature of the S—— of S——, &c., attached with a number of skeleton P——ts, will be found at the house of R—— L——, W. C. W., by the 9th instant.

The work, dear sir, goes bravely on; I have received replies from over sixty different localities and forwarded them to their proper destination, and I am happy to say thus far without a breath of suspicion or any accident. Our fellow-citizens are better prepared for the grand movement than even the most sanguine of our leaders dared to hope. The league is extending its ramifications in every direction and gaining new and valuable adherents daily. I feel greatly strengthened in the belief that when the hour comes to erect our glorious standard an overwhelming force will spring up at the first trumpet call. Many who are outwardly rabid in the tyrant's favor are with us heart and soul. I cannot, in common with C——s S——t, refrain from expressing my astonishment not to say delight at the unparalleled success and secrecy which has thus far attended the efforts of the brotherhood. God cannot help blessing a cause whose object is the restoration of a great nation to peace and unity by the overthrow of the blackest and most damnable despotism that ever usurped the liberties of a free people.

It is not difficult to convince an honest, intelligent man that the only way left to restore the Union and rescue the Constitution from beneath the feet of the tyrants where it is now lying is to insure by concerted action throughout the N—— the success of the S——, until tired and disgusted the conservative element is strong enough to raise and unite if necessary with the A—— of the S——, overrun the N—— like a hurricane, sweeping the A—— into eternity, or at least driving them into complete and unconditional submission. This is the only way in which our liberty and our country can be saved. Such a result would again

unite the N. and S. in new bonds of amity and interest, restore the Union in all its former strength and beauty and the Constitution to the sacred niche from which it has been ruthlessly hurled by the despots. May the league prove the stepping-stone to such a result.

I have it from the best authority that the league is doing noble work in M——d, even among the F—— S—— at Ft. M——. If God continues to prosper our efforts the hour of a union between the N. and S. is not far distant. Prepared and united our force will prove irresistible and the accursed A—— G—— will be swept into the Atlantic.

President P—— in his passage has drawn many brave and influential men to the league. P——y, of the L. C. D——t, sent a line to Dr. F—— (by H., the Mormon elder), who as you perhaps know is just across the line from Port H——. The league is doing nobly in M., I. and Wis. He is cautious, but in common with others is gradually preparing the minds of the people for a great change. He expresses a fear that any attempt to draft men will produce a premature outbreak. I think his fear is well founded. A member of the league in Genesee who passed through the woods on his way with dispatches to Dr. F—— told that any attempt to draft our friends there would bring on an open rupture. I think our leaders should look to this, as no doubt they will.

I am happy to say Dr. F—— considers his mission accomplished and departs for R—— by the 7th instant. Through us there is now an uninterrupted line of communication between the S—— and Europe. He leaves Captain L——, a sure friend, in his place to receive correspondence, &c. Our obscurity is our greatest safeguard. The duties which devolve upon me could never be conducted in any place of note without attracting attention. I forwarded your request to the G—— M—— and am instructed to furnish you with the cipher and its key. I will send the same to Pt. H——, thence to W——.

I have much which I wish to communicate, but will wait until an opportunity offers to send it by a safe hand. I am obliged to send this by mail.

May God prosper the cause. The S—— is doing gloriously. It wrings my very heart however to see our brave countrymen N. and S. sacrificed to carry out the hellish plans of our tyrant. May our project prove a second Sicilian Vespers, attended with all its success, but I fervently pray without its bloodshed.

Dear sir, excuse this confused and hurried letter, and allow me to sign myself,

Yours, in the cause, *ɔ<∧ƨ||□

P. S.—Captain H. will give you instructions as to the disposition to be made of the C—s; the P—s are to be used as necessity requires.

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DETROIT, *November 27, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington.*

DEAR SIR: I found the inclosed* laid aside after sealing up the doctor's papers. I send you these merely to give you an insight to his character and sentiments. Taking him all in all I think he is as great a scamp as goes unhung.

Your obedient servant,

W. H. BARSE.

*No inclosures found, but probably alludes to correspondence addressed to the Detroit Free Press; see Hopkins to Seward, November 29.

FORT LAFAYETTE, *November 29, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: On the 20th instant in the city of Detroit, Mich., I was suddenly arrested without being informed of the charge against me further than the general one of disloyalty. Knowing that I had laid myself liable to suspicion by an act of inconsiderate folly I was most anxious for an immediate examination. This favor was refused me and I was immediately sent to this post. I am anxious to make a full and explicit report of what I know, not I beg you to believe to screen myself but to prevent if possible suspicion falling upon loyal and innocent men. If I were alone interested I believe rather than confess my knowledge of the cause of my arrest and the trouble I have unwittingly occasioned I would prefer running my chance under an unsupported charge of disloyalty, but the interest of others demands that I should admit not my guilt but my folly.

My only guilt, sir, lies in attempting to play off a practical joke upon the Detroit press. It is impossible that in the short space of a few months all old party animosities and prejudices should be forgotten. Although the Democratic press and people acquiesce with more or less cordiality in the policy of the Administration still beneath it all there is an undercurrent on minor subjects of political rancor which still maintains old party lines. Actuated by such feelings the Democrats charge the Republicans with abolition, while the Abolitionists without any show of reason charge all Democrats with either disaffection to the Government or outright treason. In Lapeer County, Mich., in particular, remote from the wild whirl of political and warlike events, these feelings exist in all their strength—so much so indeed that there is scarcely any communication between members of the two parties.

Some time in September, I think, my enemies having reported me a secessionist, my office was attacked in the night and ransacked and other acts of violence committed, of course by Abolitionists. About the same time I noticed frequent paragraphs in the Detroit papers charging the Democrats with treason, with oft-repeated reference to a secret league favorable to the Confederate States. These events, the accusation of men whom I admired as statesmen and loyal Americans, the disgrace heaped upon me by Canadian abolitionists, who I knew at heart bore little love to my native country, living remote from civilization, and although reading not realizing the fearful change which has taken place in the past six months; the universal reign of suspicion, revenge and a desire to sell the Detroit treason-shrieking press—all this and many influences which I will not occupy your time in rehearsing, on reading a very irritating paragraph on Democratic treason, it suddenly entered my mind to sell the Detroit press by writing a letter full of dark innuendoes and hints, but which in reality would mean nothing. The idea was hardly conceived before it was executed.

My only fear in writing it was that it would be immediately seen through, and I caught at every circumstance which would add to its plausibility without for a moment considering that I might be weaving a web not only to catch myself in but one which would be very difficult to unravel. My furthest expectation was that it would be sent to one of the treason-shrieking presses, and when exploded would produce lots of fun. I fancied such a sell would be apt to quiet their howls. My only belief was that it would be either immediately seen through or if the fish took the bait it would be sent to the Tribune, drawing from that admirable journal a yell of intense satisfaction.

What that letter contained I do not distinctly remember. I know I used nothing but initials, leaving it entirely to the well-known ingenuity of the very penetrating Detroiters to fill out the blanks. Not an hour passed after the conception of this piece of folly before the letter was in the post-office.

After it was written, not knowing who best to address it to I left it to chance by picking up a Detroit paper, looking through the advertising list and at length selecting the name I think of M. Mills. Weeks passing away and nothing being heard from this fanciful practical joke, it passed from my mind until my place of residence was visited by one Jenkins alias Whiting. The name used, his visits to the post-office, &c., caused me to suspect something wrong and to fear more serious results from my joke than I ever anticipated. I was on my way to Ypsilanti to look after some property fallen to my family at the time of my arrest. I was not surprised, but after thinking over all I could remember of that doubly-accursed letter I felt very much distressed. I then for the first time realized what I had done. For myself I did not so much care. I felt I deserved all I suffered. I feared, and greatly feared, that I had been instrumental in casting suspicion on good and loyal men; that they might at that very moment be under arrest with no other evidence against them than such as my folly had furnished. Influenced by such fears I begged they would give me an immediate examination, but either from want of inclination or want of power it was refused.

I have only one word more to say in connection with this letter. I beg and pray that whatever penalty is attached to this act may be confined to the only party guilty, and that nothing in it be allowed to reflect upon any one whom it may seem to hint at. I should certainly feel myself the worst of men if any act of mine however innocent in intention should cast a stain of disloyalty upon others. I speak of this letter as if I knew it to be the only charge against me. I do not know it. I simply know it to be the only thing wherein I am guilty. As for any other act of treason I can only say I belong to no secret society, was never even tempted to join any such society, or to commit any act whatever favorable or otherwise to the Confederate States. Also to the best of my knowledge I never saw a secessionist until my advent here. As an act of justice to the Detroit Free Press I desire to state that the manuscripts found in my trunk addressed to that paper were never sent, and were only written to pass away the time. No communication was ever sent by me to that paper more than a subscription letter.

I repeat my only object in writing this communication is if possible to relieve others of any suspicion which may have fallen upon them through me. To further this object I am willing to attest to what I have here written under oath. For myself I leave myself as I needs must at your disposal, only praying that I may not be too severely handled for one moment's indiscretion.

Very respectfully, yours,

GUY S. HOPKINS.

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DETROIT, *December 1, 1861.*

Hon. F. W. SEWARD, *Assistant Secretary of State, Washington.*

DEAR SIR: * * * While in Fort Lafayette on the 28th ultimo I was told by Lieutenant Wood that Doctor Hopkins wished to make a communication to the Secretary of State of something which was of the utmost importance and would no doubt save much trouble if

revealed soon. I have no doubt in my mind but what he is able to do that which he states, and requested Lieutenant Wood to keep his friends (Wattles and Butler) away from him for a few days at least, as he is evidently repenting his rash course. Both Wattles and Butler avowed themselves in presence of Mr. Whiting and myself as opposed to this war and in sympathy with the South.

There is something strange about the whole affair. Doctor [Hopkins] was going to join the army near Washington; Wattles was looking for a chance as lieutenant in Captain Beach['s company] (a suspected party) of Eleventh Regiment, with Charles Stuart as colonel (who is mentioned in North Branch letter). The query is, for what reasons? And as three of them are known to be in sympathy with the South and many more of same pattern joining, it looks strange indeed, and but one conclusion to arrive at, *i. e.*, traitors, which is shown from the fact of the clause in North Branch letter where it speaks of "the league is doing noble work even [among] the F. S. at Ft. M."

We will do our best to sift this matter thoroughly, but if in any way you can get this Dr. Guy S. Hopkins' statement (which he proposes to give) it would aid us materially as we have sharp, jealous enemies to work against in this matter.

Hoping that you will give the above ideas and suggestions (if approved) your earliest attention I remain, yours with respect,

GEORGE R. BARSE,
U. S. Deputy Marshal.

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DECEMBER 2, 1861.

[W. H. BARSE, *Deputy U. S. Marshal:*]

At the request of Alfred Russell, U. S. attorney, having received information of the treasonable sentiments of various individuals residing in and about North Branch, Lapeer County, Mich., did proceed to the above-named place to ascertain the facts of the same on the 7th of November ultimo. Having reference to Samuel Carpenter, sheriff of said county, learned from him that it was the common report that Isaiah Butler, David C. Wattles and Guy S. Hopkins with many others were secessionists, and openly avowed themselves as such. I employed him to accompany me as a hunter through the woods thirty-four miles to the above-named town, he having an excuse on business there. I stopped over at the house of said Isaiah Butler. After being introduced as one Richard Jenkins, of McComb, Mr. Butler introduced me to Hopkins, which opened the way for investigation.

On the following day I had an interview with H. C. Sherwood at the school-house, about one mile and a half from there, from whom I received the following statement: That Butler, Hopkins and Wattles with others had raised a secession flag, but that Sherwood, Scott, Bunker, himself and others informed Butler if he did so they should certainly destroy his property, with which they replied that if they were interfered with they would murder the whole of the damned abolitionists there were in the settlement; hurrahed for Jeff. Davis, and cursed the damned Lincolnites, &c. On the 14th while Private Calvin Hills, of Kellogg's cavalry regiment, Company H, stationed at Saint Louis, was returning home and passing Butler's farm, Butler and Hopkins ran out and gave three cheers for Jeff. Davis. The poor fellow feeling very bad, as he was then on his way to see to his little children, having lost his wife the week previous, he told me that if he was on duty he should arrest them, but was then on furlough. On the evening of same day

Butler, Hopkins, Pemberton and others met in the bar-room of Butler when Butler made a speech on the right of secession, and avowed himself an advocate of the doctrine of such.

He [Butler] appears to be a man of good talents and has an unwielding influence with the whole settlement around him, and his house is the headquarters for the transaction of all business which gives him an opportunity to poison the minds of many citizens. I also learned that Hopkins traveled a great deal about the country. In conversation with him when there we talked about the war and the Government which he denounced as unjust and tyrannical, and that it was no Government at all and many such like expressions, and I learned from many good and loyal citizens in that section of country he was denounced as an open and avowed secessionist, which I think is true. Wattles is a man of some influence. He is the supervisor of the town of North Branch, and from all I could learn was with Butler and Hopkins most of his time, and was traveling about a large share of his time with no particular business except talking about the "damned black abolitionist Government," and boasting of his secession principles, &c. There are many little incidents connected with the above investigations of a sojourn with them of ten days and facts brought to light that should they be required can be given.

As Doctor Hopkins informed me that he had received an appointment as a clerk in the dispensary department at Washington he should leave there in the course of two weeks I made arrangements with Mr. Sherwood, the postmaster, that when Hopkins left to inform me by mail. He left on the 18th. On the 19th I received a letter as agreed at Detroit advising me of the fact, and on 20th met him at Detroit and Milwaukee Railroad depot, having just arrived. I arrested and placed him and his baggage and papers in the hands of W. H. Barse, who took charge of him. I then started back on the 21st to arrest Messrs. Butler and Wattles, and employed sufficient help by order of Mr. Barse to assist me in carrying out my plans, and succeeded in so doing. On searching for papers at the residences of prisoners they immediately informed me that I had not been smart enough, and that I had been suspected, &c.; but from the time of their arrest until left at Fort Lafayette they did not acknowledge themselves as Union men, and would not renounce their sentiments if they knew they were to be shot.

JOSEPH P. WHITING,
Detective.

DEPARTMENT OF STATE, *December 9, 1861.*

The Secretary of State presents his compliments to the Secretary of War and does himself the honor to inclose a letter from the U. S. attorney for the district of Michigan, and to ask if as is therein stated Mr. Stuart, late U. S. Senator from Michigan, has been authorized by the Department of War to raise a regiment in that State. The return of Mr. Russell's letter is requested.

[Inclosure.]

OFFICE OF THE U. S. DISTRICT ATTORNEY,
Detroit, December 6, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: There exists in this State an extensive branch of the treasonable organization known as the Knights of the Golden Circle. A letter

directed to the Hon. Robert McClelland, ex-Secretary of the Interior, a resident of this city, implicating himself and ex-Senator Charles E. Stuart, of Kalamazoo, was intercepted here, and a copy has been furnished you. Since that time the writer, Dr. Guy S. Hopkins, of Lapeer County, Mich., has been discovered with three confederates mainly through the exertions of Joseph P. Whiting, sheriff of this city, and they have been sent to Fort Lafayette. Ex-Senator Stuart holds a commission from the Secretary of War to raise a regiment. I venture to suggest that the commission ought to be revoked and that both of those gentlemen are worthy of a place in Fort Warren. Permit me also to recommend the appointment of Mr. Whiting as secret agent here in addition to Mr. Barse, to be charged with the special duty of breaking up the order referred to.

I am, sir, with great respect, your obedient servant,

ALFRED RUSSELL,
Acting U. S. District Attorney, Michigan.

[DETROIT, *December 9, 1861.*]

[Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*]

SIR: * * * The "S." above [following] is the same that is mentioned as Captain S. in the mysterious letter* sent you some days since, and written by Guy S. Hopkins, now confined in Fort Lafayette.

BARSE.

[Inclosure No. 1.—From the Pontiac Gazette.]

THE ARRESTS FOR TREASON IN LAPEER COUNTY.

We understand that three men charged with treason were last week arrested by the U. S. marshal in Lapeer County and taken to Fort Lafayette. One of them is said to have objected to being handcuffed, when the marshal told him he could take his choice between the contents of a revolver or being handcuffed, when the contumacious traitor permitted himself to be shackled. We understand that these men were proven to be disloyal by certain letters they had written to parties South which of course never reached their destination but went to the dead-letter office, when their treasonable contents were known and their authors ordered to be "nabbed." One of the prisoners, a Mr. Butler, is said to have formerly resided in Auburn, this county.

We learn that the proper authorities have the names of several in this county who if evidence can be obtained to prove their secession proclivities will follow in the infamous footsteps of their Lapeer brethren in treason.

[Inclosure No. 2.]

KIDNAPPING.

LAPEER, *December 1.*

To the EDITOR OF THE DETROIT FREE PRESS:

Democrats up here are kidnapped and stolen away to Fort Warren or somewhere else and for what no one knows, unless it be because he is a Democrat; and it is said that several others are marked to go also. Perhaps you may not know to what I refer. One week ago to-day two persons claiming to be U. S. marshals went north of us about twenty

* See p. 1248.

miles and took two men, D. C. Wattles and I. Butler, residents of the township of North Branch, in this county. Mr. Wattles was the supervisor of the town. The officers said they had committed treason against the country and at the same time refused to go anywhere where the prisoners could get any one to assist them but avoided all settlements and villages, so that no one here, even their friends, know what has become of them or where they are taken to or for what they were taken, but as the Republicans up here say it is enough to know that they were Democrats; so we cannot tell who must go next time; but the Lord have mercy on the officer that comes again for I cannot.

S.

DETROIT, *December 10, 1861.*

Hon. WILLIAM H. SEWARD.

DEAR SIR: I inclose two slips, the first cut from the Detroit Daily Tribune of the 7th instant, and the other from the Detroit Daily Free Press of this date. They have attracted my attention from the following circumstance:

During General Pierce's stay in Detroit as I was returning to my home about 9 in the evening in passing down Fort street I overtook three men, one of whom I immediately recognized as Col. T. F. Brodhead, and another I took to be General Pierce, though I had not before seen him. It was the day news came that Mayor Berret* had been sent to Fort Lafayette, and as I was nearly up with and about to pass them one of the three made some remark in regard to that event, when the man I took for General Pierce promptly said, "They must stop that sort of thing or there will soon be fighting at the North, and we shall have to send for you to come back, Colonel Brodhead." Either from being aware of my presence or some other reason the conversation changed without any response that I heard and was in another tone while I passed by and out of hearing.

The next day or so I learned that General Pierce in company with Colonel B. and another man went down Fort street, as I had seen, leaving no doubt on my mind that it was the ex-President who made the above remark to Colonel Brodhead (who was an officer under him in the Mexican war and had the office of postmaster in Detroit during his administration). He is now colonel of a regiment of cavalry in camp near this city. Perhaps the importance I have given this matter is in part from an inquiry addressed to me two or three days since by one who has lost a minor office under the Government. In a tone that might be taken either jest or earnest he said, "Do you know they are going to establish a provisional government, and make some conservative man President in place of Lincoln?" To my reply that such an attempt would create a brisk demand for hemp he said "that Lincoln had established a provisional government in Missouri, and now they were going to do the same by him and settle all our troubles in ninety days." This was T. C. Fitzgibbon, lately mail agent on the Detroit and Milwaukee Railroad. I have incidentally heard it said that a son of ex-Minister Faulkner had been in this city in conference with R. McClelland, esq., who was with Mr. Davis in President Pierce's cabinet.

These incidents may be of little consequence unless there are other reasons for suspecting an organization hostile to the Government to

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*See case of Berret, p. 596.

which the ex-President is lending his position and influence. The Tribune editor has had no information from me nor have I spoken to any one of what I tell you, as I could see no use in it unless given to some one with authority to act in the matter if necessary.

Yours, truly,

J. A. ROYS.

[Inclosure No. 1.—Editorial extract from Detroit Tribune, December 7, 1861.]

EX-PRESIDENT PIERCE'S TOUR.

There is little doubt but that ex-President Pierce's tour through the North and into the Southern States is to foster division among the people, excite sedition, and to get up an organized treasonable opposition to the efforts of the Government to crush out rebellion in the Northern States. He goes through State after State the avant-courier of the rebellion to stir up sympathy for the rebel traitors in arms. While in this city he was closeted with a select circle who are known to be doubtful in their loyalty; he made a speech to them; and since he left Detroit more than one of that secret circle have said to others who were invited but would not be contaminated by the foul conspiracy, "You ought to have heard ex-President Pierce last night; he would have cured you of the idea of supporting this Government in this d——nable war." Our opinion is that Franklin Pierce is a prowling traitor spy.

[Inclosure No. 2.—Extract from Detroit Free Press, December 10, 1861.]

EX-PRESIDENT PIERCE.

Ex-President Pierce has lately been making a short tour through a portion of the West, and the fact being mentioned the opportunity has been embraced by a number of journals to impeach his patriotism and openly charge him with treason, or what is about the same sympathy with treason. We have seen or heard of nothing and know of nothing that he has either said or done upon which to ground any such charge, and we believe those who so flippantly make it are equally as ignorant in that respect as ourselves. On the contrary he has made a few short speeches, the tone of which has been one of loyalty and devotion to the Union and the Constitution. We know that while in this city he stated that he would rather see Joseph Holt President than any man living. Men who feel thus have no sympathy with this attempt to break down the Constitution and laws by force and thus destroy our Government. We have no sympathy or respect whatever for treason-mongers or treason-sympathizers, and just as little for those who in the present state of the country so flippantly and infamously charge treason and disloyalty upon political opponents without knowing or caring anything about the facts.

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WAR DEPARTMENT, *December 11, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: In reply to your note referring a letter of Alfred Russell, esq., U. S. district attorney for Michigan, relating to the authority given by this Department to ex-Senator Charles E. Stuart to raise a regiment of cavalry I have the honor to inclose copies of correspondence*

* Omitted as unimportant.

between Mr. Stuart and this Department on that subject, from which it will be seen no such authority was given him by this Department.

I am, sir, very respectfully,

THOMAS A. SCOTT,
Assistant Secretary of War.

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DEPARTMENT OF STATE, *Washington, December 20, 1861.*

FRANKLIN PIERCE, Esq., *Concord, N. H.*

SIR: I inclose an extract from a letter received at this Department from which it would appear that you were a member of a secret league the object of which is to overthrow the Government.

Any explanation upon the subject which you may offer would be acceptable.

I am, &c.,

WILLIAM H. SEWARD.

[Inclosure.]

NORTH BRANCH, *October 5, 1861.*

* * * * * * *

President P—— in his passage has drawn many brave and influential men to the league. P——y, of the L. C. D——t, sent a line to Doctor F—— (by H., the Mormon elder), who as you perhaps know is just across the line from Port H——. The league is doing nobly in M., I. and Wis. He is cautious, but in common with others is gradually preparing the minds of the people for a great change. He expresses a fear that any attempt to draft men will produce a premature outbreak. I think his fear is well founded. A member of the league in Genesee who passed through the woods on his way with dispatches to Doctor F—— told that any attempt to draft our friends there would bring on an open rupture. I think our leaders should look to this, as no doubt they will.* * * *

Yours, in the cause,

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ANDOVER, MASS., *December 24, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: A package indorsed Department of State, U. S. A., franked by W. Hunter, chief clerk, and addressed to Franklin Pierce, esq., Concord, N. H., was received by me to-day, having been forwarded from the place of my residence. But for the stamped envelope and the handwriting of Mr. Hunter with which I am familiar I should probably have regarded the inclosures as an idle attempt at imposition in which your name had been surreptitiously used. I must I suppose, though I do so reluctantly, now view it in a different light. In the note bearing your signature you say:

> I inclose an extract from a letter received at this Department from which it would appear that you are a member of a secret league the object of which is to overthrow the Government. Any explanation upon the subject which you may offer would be acceptable.

It is not easy to conceive how any person could give credence to or entertain for a moment the idea that I am now or have ever been con-

*This inclosure is an extract from the anonymous letter at p. 1248, addressed to "R. M. C."

nected with a secret league or with any league the object of which was or is the overthrow of the Government of my country. Surprise, however, only increases as I pass from your note to the extract to which you refer as a sufficient basis for an official communication. Incoherent and meaningless as this extract from the vagaries of an anonymous correspondent seems to me to be it is not a little singular that it should have been sent for explanation to one who during his whole life has never belonged to any secret league, society or association. My name does not appear in the extract, and as there is not the slightest ground for any reference to me in the connection indicated I take it for granted that your inference is wholly erroneous and that neither I nor anything which I ever said or did was in the mind of the writer.

Nothing but the gravity of the insinuation, the high official source whence it emanates and the distracted condition of our recently united, prosperous and happy country could possibly lift this matter above ridicule and contempt. Not therefore because explanations would be acceptable but because this correspondence is to hold a place upon the files of the Department of State long beyond the duration of your life or mine, and because I would leave so far as I am concerned no ambiguity upon the record, it is proper—perhaps it is my duty—to add that my loyalty will never be successfully impugned so long as I enjoy the constitutional rights which pertain to every citizen of the Republic, and especially the inestimable right to be informed of the nature and cause of accusation and to be confronted face to face with my accusers.

Love for our whole country, respect for the reserved rights of the States, reverence for the Constitution and devotion to the noble Union which for so many years reposed securely upon that sacred instrument, have been interwoven with my best hopes for civil liberty, my deepest emotions, and my sternest purposes from youth to age. If I have failed to illustrate this in official station, in private life and under all circumstances where it became me to speak or act I have labored under a singular delusion, consciousness of which would embitter more than anything else the present hour and such remaining hours or years as may be in reserve for me.

I am, sir, your obedient servant,

FRANKLIN PIERCE.

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FORT HAMILTON, *New York Harbor, December 25, 1861.*

Col. E. D. TOWNSEND,

Asst. Adjt. Gen., Hdqrs. of the Army, Washington, D. C.

SIR: Inclosed you will please find a letter written by a prisoner in Fort Lafayette to John M. Wattles which I think proper to pass through your hands.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

[Inclosure.]

FORT LAFAYETTE, *December 24, 1861.*

DEAR BROTHER: I wrote you under date of the 5th instant which I suppose you have received ere this writing. I did not give you the particulars of my arrest presupposing that you had got them from home. I also refrained from giving you a detail of the treatment to

me from the time of my arrest to my arrival here, being assured that any communication reflecting upon the cruelty, injustice and inhumanity practiced upon me would not be permitted from the hands of the commander of the post. But feeling somewhat assured that you have received my letter informing you where I am, &c., I feel more independent and write with less care and anxiety whether this is forwarded or not.

It may be useless for me to go into all the minutiæ of what transpired since my arrest, but suffice it to say that on my arrival at Detroit I was taken to the Detroit House of Correction, put into a cell the only furniture of which consisted of an iron bedstead, a narrow straw tick filled so full of marsh hay or seaweed as to be entirely round and about twenty inches in diameter, a pillow of the same material, one blanket, and a tub for the necessities of nature, kept in irons during the night without supper; taken out next morning and taken to Toledo before breakfast, having fasted twenty-four hours. On my arrival at New York I was confined one night in the basement of the police office in a cell with only a rude bench for a bed, with not a rag nor even a fire to protect me from the cold. In addition to all other wrongs and injuries I am arbitrarily held and imprisoned without indictment; have not been confronted with my accusers; have been denied the right of a speedy and public trial by an impartial jury; have been conveyed out of the State in which I was arrested (where if at all a crime had been committed). Should you be led to inquire the cause of my arrest I can only say of that I am as ignorant as yourself. I have suspicions, it is true, but they are vague and uncertain. I sometimes think it is through the false and malicious misrepresentations of some political opponent. Let the cause be what it may all that I desire is to be confronted with accusers, well knowing that a charge of disloyalty cannot be sustained against me. But it seems that I am denied all the constitutional rights of an American freeman.

Nor am I the only sufferer; there are many others here in the same category. Men are arrested and placed in confinement here upon a telegraph dispatch from Secretary Seward without any charge against them whatever. It is indeed deplorable to think that a once free and happy Government like ours (the freedom of which was purchased with the blood of our ancestors) should be so completely given up to a military despotism; but why should we be surprised when we consider that a new era has been established, that instead of kidnapping of negroes as we have sometimes read of, a system of the kidnapping of white men is now quite extensively carried on. We were restrained from having any intercourse with any one on the way, and we have every reason to believe that we were secretly represented as being counterfeiters.

Mr. Jenkins, alias Jo. Whiting, a deputy marshal from Detroit, who came up to make the arrest of Butler and myself is a base scoundrel. It was he who put the irons on me previous to my arrival at Detroit. He coupled us together with a pair of handcuffs on leaving the Detroit House of Correction. On arriving at the junction of the Michigan Southern and Toledo Railroads and while standing in the warehouse waiting the arrival of the cars I remarked to Butler that I thought it was rather hard to freeze and starve too; whereupon one of the overseers or officials of some kind standing near, hearing the remark, said insultingly, "Good enough for you. You had no business to be caught in such a dirty scrape." This insult although made within the hearing of Whiting passed without comment or rebuke—indeed I should judge

he seemed to enjoy and sympathize with the ruffian who offered it. On entering the cars we were joined by Deputy Marshal Barse from Detroit, under whose instructions the irons were removed, and from that time forward we were treated by him with the courtesy and kindness becoming a gentleman; and as I only look upon him as a tool in the hands of wicked men I shall always remember him with kindness.

Lieut. Charles O. Wood, commander of this post, seems to be very gentlemanly in his demeanor toward the prisoners confined here. Sergeant Reed is also highly esteemed by the prisoners. We all hail with joy the hour which he is on guard duty, as there are many things connected with the duties of sergeant of the guard toward the prisoners in which he can treat them with kindness and civility or otherwise. If I knew that my business affairs had already suffered so much that I shall not be able to recover from the ruin already effected it would make but little difference to me whether they let me out this winter or not. We are faring first-rate and having a good time generally. There are seven of us occupying a room about eighteen feet by twenty-four feet, with a good wood fire, plenty to eat, and have a variety of amusements. We are allowed to walk in the inner court of the fort one hour in the morning and evening (with now and then an exception when Sergeant Reed is not on guard duty). We were expecting to have an oyster supper for Christmas but we have just learned that owing to the roughness of the harbor we shall not be able to get them in time.

Tell me of the success of Captain Beach in getting his company filled in time to go into rendezvous at Flint with the Tenth Regiment, and who the officers are, &c. I wrote to Susan a day or two after writing to you informing her of the best course that I knew of to get my case investigated. It seems to me that in some cases that influence is of greater importance than innocence to obtain a release from imprisonment. I think that Colonel (now General) R. would have as much influence with the administration toward obtaining for me an investigation as any one. I am looking for the arrival of a letter from you by the middle of this week. I hope I shall not be disappointed. I suppose that our county is now districted into two representative districts to the particular liking of the Republicans. Had Supervisor Deming left before the meeting of the board? Send to Susan the first opportunity. Tell her to be of good cheer; that all will be right when the end comes. We have just had a new arrival of prisoners from Texas, some three or four of whom have been allotted to our room. We are therefore in uproar and confusion at present. In consequence I shall have to close writing for this time. Write soon and remember me to all the friends.

Your affectionate brother,

DAVID C. WATTLES.

DEPARTMENT OF STATE, *Washington, December 30, 1861.*

FRANKLIN PIERCE.

MY DEAR SIR: An injurious aspersion on your fair fame and loyalty came into my hands. Although it was in an anonymous letter the writer was detected and subsequently avowed the authorship.* The document must become a part of the history of the times. I desired that you might know how your name was made use of by a traitor to increase the treason he was encouraging. Unable to prepare a note to you personally I devolved the duty on the chief clerk of this Depart-

*See letter of Hopkins to Seward, p. 1250.

ment. The manner in which it was done has given you offense. I regret it and apologize for it with the only excuse I can make, namely, the necessity of employing another head to do what ought to be done and yet which I had not time to do personally. I place your answer on the files of the Department of State as an act of justice to yourself, and I beg you to be assured that all the unkindness of that answer does not in the least diminish the satisfaction with which I have performed in the best way I was able a public duty with a desire to render you a service.

I am, with great respect, your obedient servant,

WILLIAM H. SEWARD.

It may be proper to state that adopting the form of address to ex-Presidents of the United States used by the late Mr. Webster I have invariably left off all titles of address as being most respectful.

—

CONCORD, N. H., *January 7, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

DEAR SIR: I have the honor to acknowledge the reception of your letter of the 30th ultimo. It could hardly have surprised you to learn that I failed to discover in your official note a desire to render me a service. You will excuse me if I regard even a suggestion from a source so eminent that I am "a member of a secret league the object of which is to overthrow this Government" as rather too grave to have been sent off with as little consideration as a note of rebuke might have been addressed to a delinquent clerk of one of the departments.

The writer of the anonymous letter it seems "was detected and subsequently avowed the authorship," and yet I am not advised whether he disavows reference to me or whether there was an attempt to inculpate me in his disclosure. These were the only facts connected with him, his treason or his confession at all material for me to know. I suppose I am left to infer the latter, because although my name does not appear in the extract to which my attention was particularly called you still state that an aspersion upon my "fair fame and loyalty" came into your hands. I think you will upon reflection arrive at the conclusion that the whole ground upon which the allegation is repeated should as a simple act of justice have been placed before me. It was not the manner of your official note as you seem to suppose nor any form of address which awakened on my part a deep sense of wrong. These whatever they may have been were not worthy of serious notice. The substance was what I intended as courteously as I could but very distinctly to repel.

I am, very respectfully, your obedient servant.

FRANKLIN PIERCE.

—

FORT LAFAYETTE, *February 3, 1862.*

EDITOR NEW YORK TIMES:

You will confer a favor and at the same time do an act of justice to the undersigned by correcting a misstatement in your Washington dispatches in to-day's issue under the head of arrests in Michigan. It is stated that the undersigned together with Matthew Hodge and R. R. Boyle* were arrested at North Branch for destroying the mails. We

*No record of the arrest of Hodge and Boyle can be found.

know nothing of the mails being disturbed, the arrest of Hodge or Boyle, having been prisoners in Fort Lafayette since November 27, 1861. Neither do we know the charges against us, having been held in prison nearly three months without trial or examination.

DAVID C. WATTLES.
ISAIAH BUTLER.

—

FORT LAFAYETTE, *Tuesday, February 11, 1862.*

N. H. HART, Esq.

DEAR SIR: I have long hesitated to write to any gentleman in Michigan for reasons which would occupy too much room to detail. I am nearly as you know a stranger in Lapeer County. In looking over my limited list of acquaintances I thought of you as one who would not refuse to do me a trifling favor. For some time after my imprisonment I was under the impression that few letters from prisoners got outside of the walls of Fort Lafayette. To test the matter I wrote two or three letters full of nonsense to some person far away in the woods of North Branch. I this morning received indubitable evidence that they at least had passed in the shape of a wretched scrawl from a virgin of Canada stock. It may have contained very important news but Baron Humboldt could not have deciphered its meaning. Saving this epistle I have not heard a word from Michigan since my arrest. I have requested permission to send for the Daily Free Press but have received no reply pro or con. I wish to know whether any publicity through the press has been given to the arrests in Michigan. If so you would be doing me a great kindness by sending the papers to me at Fort Lafayette.

You can understand my object when I inform you that I have been left in total ignorance of the cause of my arrest, never having received the slightest intimation of the charges against me more than was embraced in the general one of disloyalty. Our country has undergone a marked change from the past when an American citizen can be held months in prison without warrant, trial or even examination. This is a display of authority for which I can find no excuse even under the widely usurping plea of necessity. Under no circumstances certainly should the innocent be punished and I cannot possibly see any danger to the country in a few obscure men receiving at least a trial.

To the few persons in Michigan whose good opinion I should be proud to possess I can only say whatever may be the pretended charges against me defer your judgment until you hear both sides. Believe me, sir, I am no traitor, unless indeed a freely acknowledged hatred of abolitionism be deemed treason. No man would more willingly give his life to see our country restored to peace and unity. Just as freely would I give my heart's blood to see crushed out that accursed insurrectionary element of Northern society called abolitionism, in which organization is embraced all the damnable, fanatical and demoralizing isms known to our country.

I saw a paragraph in the New York papers among the Washington dispatches which stated that Wattles, Butler, Hodges and Boyle had been arrested for destroying the mails. This of course is a mistake. Mr. Wattles and Butler knew nothing of my arrest until they found themselves enjoying the luxuries of the same boarding house. (It was stated that the destruction of the mails was in revenge for my arrest.) I further saw that Hopkins was a member of a secret traitorous organization called the Knights of the Golden Square. This is the most absurd nonsense. There is to my knowledge no such society in exist-

ence; certain I am, not in the loyal State of Michigan. Would to God the Black Republicans were half as patriotic as the Democrats of Michigan. Mr. Wattles and Butler are as innocent of any act or intent of treason as the best Union man in Lapeer. They are deserving of the best efforts of every Union man to restore them to their families. I fancy Hodges and Boyle have been guilty of some trifling act of insurrection which has been grabbed at to make them trouble.

Excuse this letter and send me, if possible, the information I request.

I am, truly, yours.

GUY S. HOPKINS.

WAR DEPARTMENT, *Washington, February 21, 1862.*

Lieut. Col. MARTIN BURKE,
Fort Lafayette, New York Harbor.

COLONEL: You may release on the 22d day of February, instant, the following prisoners confined in Fort Lafayette upon their engaging upon their honor that they will render no aid or comfort to the enemies in hostility to the Government of the United States: * * * Guy S. Hopkins, David C. Wattles, Isaiah Butler. * * *

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

FORT HAMILTON, *New York Harbor, February 22, 1862.*

Brig. Gen. L. THOMAS,
Adjutant-General of the Army, Washington, D. C.

SIR: Inclosed please find the parole of * * * Guy S. Hopkins and Isaiah Butler * * * prisoners at Fort Lafayette, released in obedience to your telegraphic dispatch of the 21st instant. * * * D. C. Wattles declined to sign the parole and was consequently retained in custody.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

[Inclosure.]

FORT LAFAYETTE, *New York Harbor, February 22, 1862.*

We, the undersigned, do solemnly promise upon our word of honor that we will render no aid or comfort to the enemies in hostility to the Government of the United States.

GUY S. HOPKINS.
ISAIAH BUTLER.
[AND 34 OTHERS.]

FORT LAFAYETTE, *February 22, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: The indulgence offered me this day by the commander of Fort Lafayette was refused on the following grounds: I was arrested without legal warrant, was dragged to the city of Detroit in irons, there placed in a felon's cell; was told by the prison keeper that I was to be taken immediately before the U. S. commissioners for examination on a charge of treason. Instead thereof I was conveyed to this place; have been

held here three months in prison not only without trial, but unnoticed and apparently forgotten. I reside in the loyal State of Michigan. I am and have always been a loyal citizen; have said or done nothing worthy the treatment I have received. I therefore objected to accepting my liberty on parole, as it will be held an admission of a treason of which I have never been guilty. I demand a trial or an unconditional release. I am ready to enter into recognizance with sufficient surety to appear for trial whenever and wherever it may be necessary for that purpose.

Yours, most respectfully,

DAVID C. WATTLES.

—

FORT LAFAYETTE, *March 12, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: I addressed you on the 22d ultimo on the subject of my release. In asking for a trial I hoped should that right be accorded to me I should thereby be able to learn who had been instrumental in my arrest. Abandoning all such hopes, and expecting to be obliged to look elsewhere for such information, I am induced to make application for my release in accordance with Executive Order, No. 1, of the War Department,* dated February 14, 1862, which application you will please find inclosed.

Yours, most respectfully,

DAVID C. WATTLES.

[Inclosure.]

Hon. EDWIN M. STANTON, *Secretary of War:*

I, David C. Wattles, of Michigan, a prisoner confined in Fort Lafayette, hereby make application to be released from custody on my parole of honor to render no aid or comfort to the enemy in hostility to the Government of the United States, in accordance with the terms of Executive Order, No. 1, of the War Department, dated February 14, 1862, in reference to political prisoners.

DAVID C. WATTLES.

—

ELMIRA, CHEMUNG COUNTY, N. Y.

Hon. WILLIAM H. SEWARD.

SIR: I was last November arrested by your order in Detroit, Mich. My papers and book have never been returned, neither can I learn anything about them. The papers are too valuable. I request their return to me at this place. I would also most respectfully beg leave to inquire if after three months' detention in prison and there obliged to expend the little means I possessed to save myself from starvation if I am now to depend upon charity to get home? I would respectfully suggest that you send me a pass to Chicago, Ill.

I am, very respectfully,

GUY S. HOPKINS.

—

CONCORD, N. H., *March 24, 1862.*

Hon. MILTON S. LATHAM, *U. S. Senate, Washington, D. C.*

MY DEAR SIR: I inclose a short article from the Saturday evening edition of the Boston Journal (March 22), the substance of which it is

* See p. 221 for this order.

quite probable you may have seen before. Having originated in Michigan and been reproduced in Boston it can hardly be doubted that it has already secured a wide circulation. The subject is not new to me. It was the occasion of a correspondence between the Secretary of State and myself as early as December last. I thought it reasonable to suppose at the close of that correspondence that the matter would cease to attract notice. This expectation not having been realized and the offensive charge alleged to be based upon a document the original of which "is now in the State Department at Washington" having been revived and extensively published, will you do me the favor to introduce in the Senate a resolution calling for the correspondence to which I have referred.

It will strike you I am sure both upon public and personal grounds that such imputations should not be permitted thus to circulate unchallenged, especially when an answer to them at least so far as I am concerned has been for months upon the files of the first Department of the Government.

I am, very truly, your friend, &c.,

FRANKLIN PIERCE.

[Inclosure—Editorial extract from the Boston Journal, March 22, 1862.]

TREASONABLE PLOT IN MICHIGAN.

The Detroit Tribune publishes a curious document revealing an attempt in that State last fall to organize a league for the purpose of overthrowing the Federal Government. This object is plainly avowed in a secret circular, which declares the purpose of the movement to be "to rise and unite if necessary with the a—— [army] of the S—— [South], overrun the N—— [North] like a hurricane, sweeping the A—— [Administration] into eternity, or at least driving them into complete and unconditional submission." The document is dated October 5, 1861, and says the league is doing a noble work in Maryland and among the soldiers at Fort Monroe, and that "President P—— [President Pierce] in his passage has drawn many brave and influential men to the league." The Tribune says the original of the document is now in the State Department at Washington, and that it led to the arrest and imprisonment of several persons in Fort Lafayette. It was discovered that secret organizations existed in many towns in Michigan and in numerous places in Canada West.

—

Resolution adopted by the U. S. Senate March 26, 1862.

Resolved, That the Secretary of State be directed to transmit to this body copies of any correspondence which may have taken place between Hon. William H. Seward, Secretary of State, and Hon. Franklin Pierce, ex-President of the United States, having reference to a supposed conspiracy against the Government, and all other papers relating to the same.*

*The original resolution was introduced by Senator Latham and was the occasion of considerable discussion. After being amended it passed in the above form. For full proceedings of the Senate in this matter see Congressional Globe for March 27, 1862, pp. 1370-1371.

DEPARTMENT OF STATE, *Washington, March 31, 1862.*

Hon. HANNIBAL HAMLIN,
Vice-President of the United States and Pres. of the Senate.

SIR: In compliance with the resolution of the Senate of the 26th instant the Secretary of State has the honor to transmit a copy of the correspondence* between this Department and the Hon. Franklin Pierce, ex-President of the United States, upon the subject of a supposed conspiracy against this Government and of all other papers on file here relating to the same.

WILLIAM H. SEWARD.

—

HOUSE OF REPRESENTATIVES, *April 1, 1862.*

F. W. SEWARD, Esq., *Assistant Secretary of State.*

SIR: I will be obliged if you will inform me of the Christian name and residence of the Doctor Hopkins who is mentioned in a debate on a resolution of inquiry offered in the Senate by Mr. Latham on the 26th ultimo at the instance of ex-President Pierce. Persons in my district who have an interest in ascertaining the identity of the person in question desire me to obtain the information.

Very respectfully, your obedient servant,

CHAS. J. BIDDLE.

—

DEPARTMENT OF STATE, *Washington, April 4, 1862.*

JOHN W. FORNEY, Esq., *Secretary U. S. Senate, Washington.*

DEAR SIR: Your letter of the 3d instant has been received. In reply to your inquiry I have to inform you that the full name of the Doctor Hopkins mentioned in the "Pierce correspondence" is Dr. Guy S. Hopkins.

Very truly, yours,

F. W. SEWARD.

—

COMMISSION RELATING TO STATE PRISONERS,
New York, April 8, 1862.

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: We have the honor to inform you that we have had under consideration the case of Mr. David C. Wattles, of North Branch, Mich., and respectfully recommend that he be discharged from custody upon giving his written parole of honor not to render aid or comfort to the enemies in hostility to the Government of the United States, being the conditions upon which he was tendered his discharge on the 22d day of February last by your order.

We have the honor to be, very respectfully, your obedient servants,

JOHN A. DIX,
EDWARDS PIERREPONT,
Commissioners.

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*Omitted here. The correspondence transmitted included Seward to Pierce, December 20, with the inclosed extract from the anonymous letter of October 5, p. 1257; Pierce to Seward, December 24, p. 1257; Seward's response, December 30, p. 1260; the anonymous letter entire, addressed to "R. M. C.," p. 1248; Hopkins to Seward, November 29, p. 1250, but did not include Pierce to Seward, January 7, 1862, p. 1261. The omission occasioned further debate in the Senate, during which Senator Latham read the omitted letter, which appears in the proceedings of the Senate printed in the Congressional Globe for April 3, 1862, pp. 1489-1490.—COMPILER.

COMMISSION RELATING TO STATE PRISONERS,
New York, April 9, 1862.

Col. MARTIN BURKE, *Fort Hamilton, N. Y.*

COLONEL: The following prisoners, viz, David C. Wattles * * *, having given their parole of honor to render no aid or comfort to the enemies in hostility to the Government of the United States, you may discharge them immediately.

Very respectfully, yours,

JOHN A. DIX,
EDWARDS PIERREPONT,
Commissioners.

—

[NEW YORK,] *April 9, 1862.*

I, David C. Wattles, of North Branch, Lapeer County, Mich., do hereby give my parole of honor that I will render no aid or comfort to the enemies in hostility to the Government of the United States.

DAVID C. WATTLES.

Signed in presence of—

E. D. WEBSTER,
Secretary.

—

FORT HAMILTON, *New York Harbor, April 10, 1862.*

Brig. Gen. L. THOMAS,
Adjutant-General of the Army, Washington, D. C.

SIR: I have the honor to inform you that out of ten men sent before the commissioners in New York City day before yesterday four have been released, viz, David C. Wattles, * * * on parole of honor not to aid the enemy. * * *

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel Third Artillery.

Case of Fernando Wood.

MAYOR'S OFFICE, *New York, November 27, 1861.*

Hon. WILLIAM H. SEWARD.

DEAR SIR: An effort will be made to prejudice me in the estimation of the Government by representations affecting my support of the war movement, &c. This is designed to induce the administration to become a party actively hostile to my re-election as mayor, and to injure me before the people. I hope you will defend me against any such attempts in your quarter. I am for a vigorous prosecution of the war, for sustaining the Administration by every power at our command, and for a restoration of peace only when it can be done consistently with the safety, honor and unity of the entire Government.

Very truly, yours,

FERNANDO WOOD.

NEW YORK, [*November*] *28, 1861.*

Hon. WILLIAM H. SEWARD:

I have been importuned by a number of our most respectable citizens to arrest Fernando Wood in consequence of a violent disunion speech he made last night, to which I desire to call your particular attention as published in the morning papers. I await your instructions.

R. MURRAY,
U. S. Marshal.

OFFICE OF THE SUPT. OF THE METROPOLITAN POLICE,
New York, November 28, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: This community was scandalized this morning on seeing in the newspapers the report of a speech made last night by Fernando Wood at a meeting of his friends at the Volks Garten. It appears to me you should have your attention specially called to it. Therefore I inclose you copies* of it as it appears in the Herald and Tribune of this morning.

Very truly, yours,

JOHN A. KENNEDY,
Superintendent.

NEW YORK, *November 28, 1861.*

Hon. WILLIAM H. SEWARD, *State Department:*

You ought to arrest Mayor Wood for using the traitorous language he did last night before a public assemblage. Do it at once and save future agonies here.

C. A. STETSON.

NEW YORK, *November 29, 1861.*

Hon. WILLIAM H. SEWARD.

DEAR SIR: Although I am aware that your time is engrossed by the pressing anxieties of your position I can not refrain from intruding upon you a minute on a subject of pith and moment. I ask your attention to this infamous speech delivered by Fernando Wood on Wednesday night last. I inclose you a copy.

Of course you are aware that Wood before he was frightened into an appearance of loyalty by the people here had strong secession sympathies, and that whenever since that unpleasant event he has dared expose the cloven foot he has been delighted to exhibit it. Colonel Burnham, a New Yorker by birth, is Wood's marshal and next door neighbor. He under the manipulation of Wood, who seems to have fascinated this otherwise estimable man, has become and continues to be a stubborn secessionist, and submits as though he were acting a martyr's part to loss of friends and destruction of his business. He used to be proprietor of the famed Burnham's, at Bloomingdale, but has been driven from it by loss of business consequent upon the knowledge of his want of loyalty.

The Daily News which you suppressed was owned in part by Wood. Ben Wood who is but as potter's clay in Fernando Wood's hands was

*Not found, but see inclosures in Haskins to Seward, December 2, *post.*

the friend of Breckinridge and Burnett during the session of Congress in July and counseled with them. I recall these matters partly to prove F. Wood's traitorous sympathies, and partly to show you that they being known South the enemy there receive substantial aid and comfort from his attacks on the Government. He is a natural conspirator, this "spare Cassius" with "lean and hungry look," and if he has not kept up correspondence with the leaders of this unnatural and atrocious rebellion the only reason for his abstinence lies in apprehension for his personal safety.

Yet out of the fullness of the heart the mouth will speak and on Wednesday night it had its overflow, and if you do not arrest and imprison him for his treasonable sentiments so openly and boldly expressed I can only say that you will make a mistake which by and by you will have cause to regret. The general expression yesterday in this city was one of denunciation, and the general hope that when the sun set on Fort Lafayette Fernando Wood would be within its walls.

You can not have any doubt that there was an arranged scheme here last spring on the part of Wood and others to detach this city from the support of the Government. The sudden and unexpected popular demonstrations in its favor drove these traitors for a time from their purpose, but I have no idea that they have abandoned it. They only wait for one of those lulls or changes in the aura popularis which almost always occur in long wars to renew and attempt their project. On Wednesday night Wood chose his ground judiciously and prepared it well for the seed—a German gathering, sprinkled with a shower of popular rights peculiarly Teutonic. That soil will grow the seed unless you bind the sower.

Yours, truly,

JOHN E. DEVELIN.

[Inclosure.]

FELLOW-CITIZENS: I appear before you to-night not with the intention of pleasing your ears with fine words, not to indulge in eloquence, but to talk a little common sense to you. [Cheers and cries of "Good for you."] I have ever regretted any attempt to continue distinctive nationalities and national prejudices. I have always held and believed that when once the man merged into the citizen he merged his nationality, and he became as it were dissolved into the general community without any other appellation, rights or privileges than those which appertained to every other man in the community. [Cheers.] While, however, it was the duty of men to support the Government they had a perfect constitutional right to criticise the acts of the Government and the laws under which they lived. The people of New York had been deprived of their rights. The city unlike that of free Hamburg possesses no municipal rights whatever. The naked fact is that if these oppressive acts had been submitted to the people for ratification they would unanimously reject them.

There is in the legislature at Albany a great preponderating power over us, exercised by men too in every sense of the word foreign to us, and opposed to us in every element and every characteristic which goes to make a great and free people. These men we find make laws for our government while they take care that these same laws shall be inoperative as against themselves. [Cheers and "That's so."] We have no longer the right to make our own laws. We have no longer the right to tax ourselves. We must ask permission of the legislature at Albany. We have been deprived of the right to appoint our own

police; to build our own court-houses; to lay out our public parks, or to say what shall be the legal observances of the Sabbath. [Great cheering.] We have not the right to say who shall be licensed or who shall not be licensed. We can no longer say who shall deal in malt liquors or spirituous liquors; nor have we longer a voice in those domestic arrangements which every community controls except those who live in despotic countries. [Cheers.] We have been deprived of those rights by the legislature—a legislature which in my judgment is a curse not only to the city but to the State and to the whole country. [Faint cheers.]

But, fellow-citizens, the day of deliverance is at hand. [Cheers.] A downtrodden people will no longer lie silent and quiet under oppression of this character. I believe that the good sense of the people of this city will restore to us those rights; will restore power to the government of the State; will restore the power of the chief magistrate of the city [cheers]; restore to the people of New York the right to make those laws which appertain to their own social indulgence, and restore to us that right which every community enjoys to make those peculiar laws which meet the wishes and principles and rights and interests of the people to be governed. [Loud cheers.] I have authority for saying that these rights will be restored. ["Good for you!"] That the time is coming before even next spring when the legislature at Albany will restore to the mayor of New York the right to govern the city of New York according—[the close of the sentence was lost in cheers.]

And if it be my good fortune to be re-elected to this office I can only say to you that if those duties devolve upon me and if I have the power of controlling any of these social and domestic relations I here pledge myself to allow the fullest liberty to all consistent with the safety and good of the community. [Loud cheers.] I am opposed to dictating to any man whether he shall drink water or lager beer or rum. [Vociferous cheering and cries of "Good" and "Bravo."] I am opposed to compelling any man to go to church on Sunday if he chooses to go anywhere else. [Continued applause.] I am opposed to imposing unjust taxation on any man though he does sell an article mischievous in itself. I am opposed also to regulating by law what a man must eat and what he must drink and what he must wear. [Loud cheers and cries of "Good" again.] I will let a man's safety hereafter depend entirely as a matter between himself and his God, for I deny the right of any one to step in between me and my Maker. All this I will leave to the individual. In short, repeating what I said before, all of these social matters, all of these questions appertaining to mere conscience—all of these matters which rest in a man's own heart—I will leave to himself. I ask him only to conform to law. I ask him not to deprive his neighbor of his property. I ask him to be peaceable, orderly and sober. I ask him not to violate any of the rights of the community. In short I ask him to conform only to the regulations necessary to the safety of the community. But I go no further, and so long as you do this so long are you entitled to the protection of the Government and all those inalienable rights which God and nature have vouchsafed to man. [Cheers.]

I have referred to a party which I denominate an abolition party—a party that has brought this country to the verge of ruin and destruction and precipitated upon it a civil war—[cries "That's so"]—a war which if we survive it is more than any nation has been able to do under similar circumstances. A party that is in favor of freeing the slave that he may rid the South of slavery and bring black labor in

competition with the white labor of the North. A party who gives all its sympathy to the black and has none at all to spare for the poor white man of the North. A party who will oppress you by the interposition of unjust taxation and exaction; who will grind you down to the earth; who will compel you to work for 50 cents a day, and even withhold that from you if it can by fraud. [Cheers.] And yet these men have hearts, but not for you but for the negroes of the South. ["That's so."] I tell you that so long as this party rules the country there is no peace for the country. These men are not only in favor of prosecuting the war but they are in favor of perpetuating it and prolonging the war. They are in favor of the war so long as a dollar of the public money is to be expended and in the expenditure they can participate. They are in favor of the war so long as slavery exists on the continent, and they will prosecute it so long as a drop of Southern blood is to be shed, and so long as they are themselves removed from the scene of danger. [Cheers.] They will get Irishmen and Germans to fill up the regiments and go forth to defend the country under the idea that they will themselves remain at home to divide the amount of plunder that is to be distributed. [Cheers.]

If this party gets possession of the city government God help you! [Cheers and laughter.] They have driven the Union to destruction, and they are now battling steadily against the old Empire State itself, which if it falls, I repeat, God help us! My friends of New York, false abolitionism rules in our midst, and I tell you instead of the laws we now live under we will have others of ten thousandfold severity if they succeed in getting possession of this democratic city of New York as they have got possession of the State. And if they who have already done so much in Albany to rob you of your rights—if they who in Washington plunged the country into civil war and who wrung $500,000,000 from the thews and sinews and the industry of the country so that they might have contracts, and so that they might abolish slavery and shed the blood of Southern men—did this before what would they not do when in addition to that power they get control of the city in adding to the load of wretchedness and misery under which the country already labors? [Cheers.]

I have discharged my duty hitherto for the public benefit without reference to birth or nationality, without reference to religion,—which is a matter between a man and his God,—and I will only say in conclusion that I have no doubt of a glorious triumph on Tuesday next. [Cheers and cries of "That's so."] I have no doubt that the people of New York are conservative and national, and that they are democratic; and believing that they are conservative and national and democratic I cannot believe that they are ready to yield up their rights; that they are willing to yield up this proud commercial emporium of the American continent into the hands of the worst enemies of the country—such enemies as we are afflicted with. [Cheers, "Never."] Believing this I am convinced that New York will sustain my action without reference to public merits or demerits, and feeling confident as I have ever felt confident that the lion-hearted Democracy of New York will stand by me and the principles I represent I think that on Wednesday morning you may say that all is safe; that New York is secure, and that confidence and order is once more restored. I have great hope that your representative in the city hall may be an instrument in God's hands to bring about national unity and national peace. [Cheers, amid [which] Mayor Wood resumed his seat.]

NEW YORK, *November 30, 1861.*

Hon. W. H. SEWARD:

My language in the speech of Wednesday night here was reported incorrectly. I did not utter the treasonable sentiments reported.

FERNANDO WOOD.

—

ORIENTAL HOUSE, *New York, November 30, 1861.*

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States.

DEAR SIR: Inclosed herewith I send you two newspaper articles.* Of the truth of the averments therein contained there is not a shadow of a doubt. Is it not the duty of the State Department at Washington to shut the mouth of this caitiff Wood by sending him to some fort in the harbor of New York, or to the State prison at Sing Sing, if they will have him in there? This city has been accursed with him long enough, and now that he has grown bold with his treason is the proper time to rid the community of so vile a pest.

Most respectfully, your obedient servant,

J. UNDERHILL.

—

NEW YORK, *December 2, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: I inclose herewith two extracts from our daily papers, the subject of which I think will commend itself to your special attention at a time when the Government needs and is fairly entitled to the aid and sympathy of its friends, and when those who are placed in positions of trust and honor pervert their influence and talents and openly enlist both in the service of its enemies. I am but an humble citizen, but feel it to be within the scope of my duty as I hold it to be of every true friend of his country to spot a traitor wherever found, and whoever may omit to do so I will not knowingly be one of them. This, respected sir, must be my apology for addressing you.

I have the honor to be your obedient servant,

WILLIAM L. HASKINS.

[Inclosure No. 1.—Editorial extract from New York Evening Post November 29, 1861.]

FERNANDO WOOD'S TREASON.

We have not cared about saying much on the character of Fernando Wood who is now a candidate for mayor again under greatly diminished chances of success. We knew that if he were given the opportunity he would damage himself more than he could be damaged by any opponent. One year ago he was writing base letters to Toombs, of Georgia, declaring his sorrow because our police stopped the transmission of arms that were about to be used against our own lives, and he was contriving plans for disconnecting the city of New York from the Union. He had small maps made for distribution among his followers which represented this island as a part of a new Southern Confederacy. He was then an out-and-out traitor.

But the great outbreak of Northern enthusiasm which followed the assault upon Fort Sumter frightened him for a time. Like the sly fox

* Not found.

that he is he wiped his eyes in apparent penitence and pronounced for the Union. He had the audacity even to attend the great meeting at Union Square and make a patriotic speech. Somebody in the crowd cried out, instinctively distrustful of his honesty, "We mean to hold you to this, Fernandy;" but that was a very inexperienced politician if he supposed that Fernandy was to be held to anything but his own interest. With the abatement of the first popular enthusiasm Wood's zeal has abated. His love for the Union has declined with the days. At last he is bold enough to avow his opposition to the war and to make appeals to the people against it. In a speech read to the Germans on Wednesday the hoof of the devil was shown in this wise:

I have referred to a party which I denominate an abolition party—a party that has brought this country to a verge of ruin and destruction and precipitated upon it a civil war—a war which if we survive it is more than any nation has been able to do under similar circumstances. A party that is in favor of freeing the slave that it may rid the South of slavery and bring black labor in competition with the white labor of the North. A party who gives all its sympathy to the black and has none at all to spare for the poor white man of the North. A party who will oppress you by the interposition of unjust taxation and exaction; will grind you down to the earth; who will compel you to work for 50 cents a day, and even withhold that from you if it can by fraud. [Cheers.] And yet these men have hearts, but not for you but for the negroes of the South. [That's so.] I tell you that so long as this party rules the country there is no peace for the country. These men are not only in favor of prosecuting the war but they are in favor of perpetuating it and prolonging the war. They are in favor of the war so long as a dollar of the public money is to be expended and in the expenditure of which they can participate. They are in favor of the war so long as slavery exists on the continent, and they will prosecute it so long as a drop of Southern blood is to be shed, and so long as they are themselves removed from the scene of danger. [Cheers.] They will get Irishmen and Germans to fill up the regiments and go forth to defend the country under the idea that they will themselves remain at home to divide the amount of plunder that is to be distributed. [Cheers.] If this party get possession of the city government God help you! [Cheers and laughter.] They have driven the Union to destruction, and they are now battling steadily against the old Empire State itself, which if it falls, I repeat, God help us! If they who in Washington plunged the country into civil war and who wrung $500,000,000 from the thews and sinews and the industry of the country so that they might have contracts, and so that they might abolish slavery and shed the blood of Southern men—did this before what would they not do when in addition to that power they get control of the city in adding to the load of wretchedness and misery under which the country already labors? [Cheers.]

Nothing so atrocious as this has been uttered since the beginning of the war, and the miscreant who uttered it asks the suffrages of the free citizens of New York.

[Inclosure No. 2.—Editorial extract from the Brooklyn Times November 30, 1861.]

ANOTHER CANDIDATE FOR FORT LAFAYETTE.

There is something very imposing in impudence. Cheek is a quality which the world recognizes and defers to. Boldness is admirable; but impudence, cheek and boldness, when applied to the defense and dissemination of treason, which are used to stir up civil strife, to set class against class, and prepare the way for anarchy, lose the respect the world otherwise accords them, and while we are startled by their display in such a cause we seek to punish the possessor of them. On Wednesday evening last Fernando Wood addressed a large meeting of Germans in a lager beer garden in New York in which he displayed more impudence, cheek and wicked boldness than we thought even he, reckless and reliant upon the recklessness and wickedness of the elements which sustain him as we knew him to be, would dare to display. After sending up a wail over the fact that the power which during

his first term of office he had so abused and perverted for his own selfish political purposes had been taken from him, and assuring his audience that before next April that power would be restored, he avows his determination should he be re-elected to "allow the fullest liberty to all," and remove all barriers to licentiousness and permit everybody to do just as he pleases, irrespective of every conventionality, of every divine command, of every sacred prejudice; and promises further that no man shall be taxed for selling bad rum "no matter what mischievous results" the sale of such poisons may bring about. He then goes on to abuse in the choicest Billingsgate the present administration,—under the name of the Abolition party,—accuses it of having precipitated a civil war upon the country for the sole purpose of freeing the blacks of the South and bringing their labor into competition with the whites of the North, and whose purpose—he goes on to relate—

is to oppress you by the imposition of unjust taxation—who will grind you down to the earth—who will compel you to work for 50 cents per day, and even withhold that from you if they can by fraud.

He accuses the administration of prolonging the war for the sake of plunder only, and then belches forth the following treason:

They will get Irishmen and Germans to fill up the regiments and go forth to defend the country under the idea that they will themselves remain at home to divide the amount of plunder that is to be distributed. If this party get possession of the city government God help you! They have driven the Union to destruction, and they are now battling steadily against the old Empire State itself, which if it falls, I repeat, God help us! My friends of New York, false abolitionism rules in our midst, and I tell you instead of the laws we now live under we will have others of ten thousandfold severity if they succeed in getting possession of this Democratic city of New York as they have got possession of the State. And if they who have already done so much in Albany to rob you of your rights,—if they who in Washington plunged the country into civil war and who wrung $500,000,000 from the thews and sinews and the industry of the country so that they might have contracts, and so that they might abolish slavery and shed the blood of Southern men,—did this before what will they not do when in addition to that power they get control of the city in adding to the load of wretchedness and misery under which the country already labors?

What will the noble and true hearted Irishmen and the honest, patriotic Germans who have staked their lives upon the issue of this contest think of this? They, poor fellows, are imbued with the idea that they are battling for a great principle; that they are pouring out their blood to sustain a sacred cause, and daily court death in the belief that the Government which they have lived under and under which they have enjoyed the blessings of liberty and freedom demands such sacrifice in order that others—their children and downtrodden and oppressed countrymen—may hereafter enjoy the blessings they have enjoyed. But this bold traitor Wood, this reckless demagogue, this anarchist, who would see barricades erected in the streets of the metropolis, and have class arrayed against class, and have blood flowing in the kennels, tells them that it is all a mistake; that they are only fighting to keep an administration in power which inaugurated the war, and prolongs it only that it may grow fat on plunder and rob the Treasury filled by exactions "wrung from the thews and sinews of the industry of the country."

If this is not treason we do not know how to define it. If this is not giving encouragement to the rebels in arms against the Government by sustaining them in their idea that there is a great anti-war and anti-Union peace party in the North language has no force and words mean nothing. Such expressions at such a time are a proof of how

strong Fernando Wood's reliance must be upon his own power and the strength of the elements with which he works, and how much he needs to be taught that no position, no power, no political intriguing and wire-pulling can shield him or any other man from the just consequences of treasonable utterances and acts. There are a hundred men to-day held as State prisoners in the various forts in our harbors not half so guilty as Wood, and who should be set free at once if this lying demagogue cannot be checked. He is as much a traitor to-day as Mason or Slidell, and should share their fate. And yet such a man dares to ask the patriotic city of New York to place him at the head of its municipal government, and promises if they do so to bring about national peace. God defend us from the peace such a man would bring about—a peace purchased at the price of national honor, of the sacrifice of every principle we hold dear, and the utter demolition of everything the good, the honest, the loyal and the true cherish as sacred!

Case of Parker H. French.

This person, known as Parker H. French, alias Carlisle Murray, alias Charles Maxy, was denounced to the Department of State as being engaged in efforts to fit out a privateer or private vessel at Boston under pretense of arming a vessel for the public service, and as being busy in propagating a secret disloyal society called the Knights of the Golden Circle in Boston and other parts of New England. On or about the 2d of November, 1861, an order was issued for his arrest, which was executed on or about the 6th of November, 1861, at Branford, Conn., and the prisoner taken to Fort Warren. The papers discovered in possession of French show that he had been negotiating with Mr. Lawrence, of Boston, to sell to the Government for him two steamers for the naval service; also that he had been ostensibly making some exertion to buy and arm for the service of the Government or to induce the Government to arm a propeller at Boston; also that he had in his possession and had made some use of a set of forms for a secret society called Knights of the Golden Square, instead of Circle, and that said secret society purported to be of loyal instead of disloyal character. French himself states in letters to the Department of State that his reputation was so bad that unfavorable constructions were put upon all his acts. The suspicions excited against him at Boston were not allayed by the appearances which it was assumed he had contrived to throw around his movements and intentions for the express purpose of eluding justice. The said French remained in custody at Fort Warren February 15, 1862, when in accordance with the order of the War Department of the preceding day he was transferred to the charge of that Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

NEW YORK, *November 30, 1861.*

F. W. SEWARD, *Assistant Secretary of State.*

SIR: I am appealed to in most pathetic terms by Parker H. French to give his case a careful examination and have promised him I would do so. He while admitting that there are clouds upon his good name protests most earnestly that treason cannot be imputed to him. If he

is loyal he should have the benefit of that virtue even though it should prove to be "linked with one virtue and a thousand crimes." He informs me that his case is fully before the State Department in the papers he has furnished. From some things I have heard it would seem possible that he might with propriety be handed over to some local jurisdiction, say of Boston. His case may be already all clear to you. If, however, I can do anything in the premises please forward the papers and I will look into it. I shall be embarrassed by my promise to him to do so and desire to keep my good faith by looking over his case.

I am, very respectfully, yours,

SETH C. HAWLEY.

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DEPARTMENT OF STATE, *Washington, December 2, 1861.*

SETH C. HAWLEY, Esq., *New York.*

SIR: I have to acknowledge the receipt of your letter of the 30th ultimo. In reply I inclose herewith all the papers on file in this Department relative to Parker H. French, with the remark that Mr. L. C. Baker, the detective who arrested him, is firmly of the opinion that French is an agent of the insurgents.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

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413 BROOME STREET, *New York, December 18, 1861.*

F. W. SEWARD, *Assistant Secretary of State.*

SIR: I have gone carefully over the papers transmitted in the case of Parker H. French. There is no certain evidence of disloyalty upon which he could be held as a traitor guilty of any overt act. His papers contain certain memoranda which have probable reference to a privateering expedition; also traces of a design to speculate out of a sale of certain propellers to the United States Government, which I suppose is not a crime or better men than he are not innocent; also abundant evidence that he is a rascal prepared to depredate on all governments and everybody, and that he is a spiritualist, an opium eater and lunatic, or that he simulates all these characters. I cannot doubt that French is guilty of offenses for which he might be held and punished in Boston, and have had some correspondence with Mr. A. A. Lawrence, one of his victims, hoping to find proofs to justify handing him over to the civil authorities, but as yet the parties who have been imposed upon are not quite prepared to take a public part in the matter.

Under these circumstances I return the papers but am not willing to say that he should be set at liberty. I think any confinement is better than liberty for him and the public. I inclose also two letters* from Mr. A. A. Lawrence to me. If hereafter I should find a more favorable state of things in Boston I will venture to communicate with you again on the subject.

Yours, respectfully,

S. C. HAWLEY.

P. S.—I send the package of papers by express.

*Not found.

[NEW YORK,] *December 20, 1861.*

F. W. SEWARD, *Assistant Secretary of State.*

SIR: I have this morning received several affidavits* in behalf of Parker H. French. They are not of a character to affect the conclusions in relation to his case and are therefore not at present important, but it is proper that they should be on file in your Department.

Yours, respectfully,

S. C. HAWLEY.

NEW YORK, *February 13, 1862.*

F. W. SEWARD, *Assistant Secretary of State.*

SIR: Yours containing the letter of H. Lynde Harrison in relation to Parker H. French is received. I have given much attention to the case of Parker H. French. I do not find in the evidence I have seen any facts or circumstances which cannot be reconciled with his loyalty to the Government. Everything connected with his career is mysterious and feigned, but I think it is the result of his temperament and habits as a general filibuster. It appears that he concerned himself about selling propellers to the Government, but in that transaction A. A. Lawrence was a party, and there is no satisfactory evidence that in that business French intended anything more than a speculation of such character as has been common during this war.

I think he should be set at liberty, and I do not think the conditions upon which he should be discharged are important. If he is a Union man as his papers would seem to imply conditions are not needed, but if he is a well disguised traitor conditions will be useless, as he has no moral qualities to command any degree of confidence in his promises.

I return the paper inclosed to me with a recommendation that Mr. Parker H. French be set at liberty on such conditions as shall be deemed proper.

Respectfully, yours,

S. C. HAWLEY.

I return herewith the paper inclosed to me.

S. C. H.

WAR DEPARTMENT, *Washington, February 21, 1862.*

Col. JUSTIN DIMICK, *Fort Warren, Boston Harbor.*

COLONEL: You may release on the 22d day of February, instant, the following prisoners confined in Fort Warren upon their engaging upon honor that they will render no aid or comfort to the enemies in hostility to the Government of the United States: * * * Parker H. French. * * *

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

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* Omitted as unimportant.

FORT WARREN, *Boston Harbor, March 17, 1862.*

Hon. EDWIN M. STANTON,
Secretary of War, Washington, D. C.

SIR: * * * I have the honor to report that the following named persons have taken their parole and left agreeably to your order of the 21st ultimo: * * * Parker H. French. * * *

I am, sir, with highest respect, your obedient servant,

J. DIMICK,
Colonel First Artillery and Brevet Colonel, Commanding Post.

Case of James Brown.

James Brown, of Saint Martin's Parish, La., was arrested in Boston, Mass., about the 13th of November, 1861, by the U. S. marshal of Massachusetts, charged with being about to return to the South with letters and contraband information. Upon his person was found a number of specimens of leather tanned by a new process (in the space of twenty-four hours), the receipt for doing which it was believed he had obtained with the intention of taking South to be used for the benefit of the insurrectionists. Also neatly sewed in the lining of his coat sleeve was discovered a letter from W. L. Yancey to his son B. C. Yancey, captain of artillery, C. S. Army, Fort Morgan, Mobile, Ala. This letter was dated London, August 23, 1861, and inclosed to the address of Messrs. Hobart & Forster, of New Orleans, and of a highly treasonable character. November 15, 1861, an order was issued by the Department of State directing the U. S. marshal to convey Brown to Fort Warren, which order was duly executed on the 20th of that month. The said James Brown remained in custody at Fort Warren February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

U. S. MARSHAL'S OFFICE, *Boston, November 13, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to report * * * that I arrested here to-day one James Brown, of Saint Martin's Parish, La., who came from there via New Orleans, Memphis, Henderson, Ky., Saint Louis, Chicago, &c., leaving October 10 and arriving here October 27, with a pass from Governor Moore and an officer at Henderson, &c. He has been engaged in getting out railroad sleepers in Louisiana, and has a steam saw-mill and a gang of hands engaged in the work for the New Orleans, Opelousas and Great Western Railroad, now finished eighty miles from New Orleans to Brashear City. Since his return to Bridgewater, Mass., where he formerly lived and has a wife and child, he has been making careful inquiries into the process of tanning leather in twenty-four hours, and had on his person a number of specimens of leather probably prepared by this process. He brought as he says a few open letters to parties North, and had quite a number that he was to take back with him which he gave up and proved to be merely private family correspondence.

Upon searching him there was found in his coat-sleeve lining, sewed carefully in, the inclosed letter from W. L. Yancey to his son at Fort Morgan, Ala. It was directed as per outer envelope, and Brown was requested by Hobart & Forster to call for their letters at John Monroe & Co.'s, New York, and bring them safely through. Not going to New York, he sent by a friend who obtained this and another (a private letter) to Mr. Forster and brought them here to Brown, who declared his entire ignorance of their contents as they were sealed. He had no other articles except his and his wife's personal baggage which was carefully searched. I have him still in custody, and should be glad of directions in regard to him. I think he was going back to look after his interests South, taking his wife with him, and that he took these letters as a friendly act to the New Orleans firm.

I am, very respectfully, your obedient servant,

JOHN S. KEYES,
U. S. Marshal.

[Inclosure.]

15 HALF MOON STREET, *London, August 23, 1861.*

[B. C. YANCEY, Esq.,
Captain of Artillery, C. S. Army, Fort Morgan, Mobile, Ala.]

DEAR BEN: After so long a delay after having had two good personal opportunities of sending to me direct and yet not hearing from you I was surprised on receiving from you your letter of 23d July this morning. I believe it contained not a word of news, not even a reference to your health. All its allusions to war matters I had learned long since. We get three mails a week from the United States and Canada and see all the New York and Baltimore papers ten and eleven days after publication. We also see the New Orleans papers pretty regularly. What I desired to know was that within your own immediate circle of movements; the condition of the forts in Mobile Harbor; who is commander; who are your brother officers; what is your daily routine of duties; what your command; are they regular troops, militia, or volunteers; what your progress in learning the details of your profession, &c. None of that is to be found in the newspapers. I hear from home irregularly yet still often. I received at one time, that is regularly, letters of dates of 20th, 23d and 27th June; then a long lapse and then one of 22d July and none since. On that day your mother wrote that she rarely heard from you—perhaps not since your return. In my eye all this is wrong—yea, it is cruel. The ladies are at home and every man of the family at a distance and the times gloomy and troublesome. You could write weekly. How you look upon it is another thing.

My health is good. I have fattened here very much. I can only allude in general terms to public affairs. Europe desires to be strictly neutral yet now believes that the South will win its cause. Capitalists as at present advised will lend no money to either side. The North has been buying arms very largely, good and bad. It is difficult for us to ship any. Our officers here are doing their duty with energy and sagacity. The blockade will be raised before December if not made perfect. France and England are conferring and acting together. There is no difference. Spain, Denmark, Belgium and Prussia are all ready to recognize us to-day, but will only act when the great powers act.

There is enough cotton here to answer till the 21st November, if they consume as much a week as they did last year. They may make it last by short time and increased import of East India cotton and increased use of it till February. The summer here has been delightful. I have

worn broadcloth all the time and sleep under two blankets every night. The harvest is gathered and was fine—a loss to the North of $30,000,000. Fruits are very dear. Too little sun to ripen or give a good flavor. I see Southerners constantly. No trouble in coming and going over the lines. No search coming, but search for those going home.

Your father,

W. L. YANCEY.

P. S.—Foreign postage is high and is by weight, hence I write closely on silk paper. If not prepaid it is double. I paid for your letter 50 cents. You can write and send to George Forster, New Orleans, with request to forward through John Monroe & Co., of New York. Address as before under cover to Arthur Dare, 15 Half Moon street, London. I send a postage stamp to put on that envelope—of one silk sheet and two silk envelopes.

W. L. Y.

WAR DEPARTMENT, *Washington, February 21, 1862.*

Col. JUSTIN DIMICK, *Fort Warren, Boston Harbor.*

COLONEL: You may release on the 22d day of February, instant, the following prisoners confined in Fort Warren upon their engaging upon honor that they will render no aid or comfort to the enemies in hostility to the Government of the United States: * * * James Brown. * * *

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

FORT WARREN, *Boston Harbor, March 17, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War, Washington, D. C.*

SIR: In reply to yours of the 15th I have the honor to report that the following-named prisoners have taken their parole and left agreeably to your order of the 21st ultimo: * * * James Brown. * * *

I am, sir, with highest respect, your obedient servant,

J. DIMICK,
Colonel First Artillery and Brevet Colonel, Commanding Post.

Case of Rev. J. P. B. Wilmer.

HEADQUARTERS, *Baltimore, November 18, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Some weeks ago the Rev. Dr. Wilmer, of Philadelphia, resigned his pastoral charge with the assurance from General Scott whom he consulted that he should have a passport to Virginia where he has property. He is now here with his wife and three young children. May not his case be properly made an exception to the late rule suspending the issue of passports? Was not the engagement of General Scott a pledge which the Government may be called on to redeem, as Mr. Wilmer on the faith he reposed in it has given up his place and is here without the means of subsistence, his resources in Virginia being cut off? I hope you will take this view of the subject. I have known

Mr. Wilmer many years. He is a pure-hearted man and has done no act of hostility to the Government. He was fifteen years in Northampton County as a clergyman, and came to me yesterday to offer his services to go there and entreat his old friends to submit to the Government without a contest and I may yet accept them, in which case he may go that way to Fort Monroe where he can meet his wife and children. I hope the peculiarity of this case may be considered as one of those exceptions which confirm the rule instead of impairing its force

I am, very respectfully, your obedient servant,

JOHN A. DIX.
Major-General.

DEPARTMENT OF STATE, *Washington, November 21, 1861.*

Maj. Gen. JOHN A. DIX, *Fort McHenry, Baltimore, Md.*

GENERAL: I have the honor to acknowledge the receipt of your letter of the 18th instant inclosing one from the Rev. J. P. B. Wilmer, late of Philadelphia, who desires a passport to enable him to reach Virginia. The rule adopted by the Government after deliberate consideration since the breaking out of the rebellion has been to allow no passes across the military lines of the United States without the previous sanction and approbation of the Secretary of State, and this course has hitherto been rigidly adhered to. It is therefore believed that the Rev. Mr. Wilmer must have labored under a misapprehension as to the promise said to have been made to him by Lieutenant-General Scott assuring him of a passport for his family into Virginia. I do not see that an exception can well be made in the case of Mr. Wilmer, since a relaxation of this most necessary rule would probably lead to consequences which would render it virtually inoperative.

I am, general, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

HEADQUARTERS, *Baltimore, November 22, 1861.*

Hon. W. H. SEWARD, *Secretary of State.*

SIR: I have the honor to acknowledge the receipt of your letter in regard to Rev. Mr. Wilmer. There was as you supposed a mistake. He says it was mine. I inclose Lieutenant-General Scott's letter.* Mrs. Wilmer values it as an autograph and you will oblige her by returning it to me. It seems General Scott's promise extended only to Mrs. Wilmer and her young children. The three with her here are all young. If she has a claim on the strength of the general's promise which the Government recognizes will you please send the passport to me.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

DEPARTMENT OF STATE, *Washington, November 25, 1861.*

Maj. Gen. JOHN A. DIX, *Headquarters, Baltimore.*

GENERAL: I have the honor to acknowledge the receipt of your letter of the 22d instant with the one from Lieutenant-General Scott to Mrs.

* Not found.

Wilmer. The rule adopted by the Government hitherto with regard to the granting of passports to the insurgent States I regret to say does not permit an exception in the case of Mrs. Wilmer and her children. The letter of General Scott is herewith returned.

I am, general, your obedient servant,

WILLIAM H. SEWARD.

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HEADQUARTERS DEPARTMENT OF VIRGINIA, &C.,
Fort Monroe, January 7, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Herewith you will receive a pass signed by you in favor of the Rev. Dr. Wilmer. Being a strong rebel in heart and sentiment which he did not conceal I became suspicious that the pass was in some way improperly obtained. This was confirmed by the quantity of articles which he brought with him and which I have detained until I hear from you on the subject. He emphatically denied that he was in the employ of the United States. The wording of the pass was so different from any other that I have seen coming from you that I concluded to forward it for your inspection.

You have any number of rebel spies in Washington. The rebels have an agent there who I presume professes to be a strong Union man and who obtains all the information necessary for those who command in the rebel army. They know much better than I do what is doing at Washington. The expedition of General Burnside is perfectly known at Norfolk and much better than I do, and preparation is making to meet it at the island of Roanoke.

I have the honor to be, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

[Inclosure No. 1.]

DEPARTMENT OF STATE, *Washington, December 30, 1861.*

Maj. Gen. JOHN E. WOOL.

GENERAL: The Rev. Dr. Wilmer, of Philadelphia, who will hand you this, is proceeding to Virginia accompanied by his wife and children on public business of the United States. I will thank you to allow him to pass freely in either direction.

Very truly, yours,

WILLIAM H. SEWARD

[Inclosure No. 2.]

List of property found in the baggage of Rev. Mr. Wilmer, who was forwarded to Norfolk by flag of truce January 2, 1862.

One hundred and seven spools of silk; 31 rolls of tape; 26 new white linen shirts; 48 pairs of boots, shoes and rubbers, nearly all new; 650 envelopes; 6 reams paper; 31 pairs socks; 2 gross steel pens; 15 penholders; 11 silk vest patterns; 2 silk dress patterns; 2 dozen handkerchiefs; 2 pieces silk; 25 gross buttons; 50 papers pins; 100 papers needles; 50 spools thread; 5 pieces gray woolen cloth; 1 piece (30 yards) white cotton cloth; 1 piece white flannel; 10 pounds coffee; 50 pairs pants, part slightly worn.

DEPARTMENT OF STATE, *Washington, January 8, 1862.*

Maj. Gen. JOHN E. WOOL, *Fortress Monroe, Va.*

GENERAL: I have received and thank you for your communication of the 7th instant relative to the Rev. Mr. Wilmer. His loyalty was vouched for by the Hon. Eli Thayer, late Member of Congress from Massachusetts. The loyalty of Mr. Thayer himself it is believed cannot be questioned. As it would appear from your letter, however, that he may have been mistaken I have sent for him to ask for explanations on the subject. Meanwhile you may retain the articles, a list of which you send, until the result shall be made known to you. The unusual form of the pass to Mr. Wilmer was occasioned by the illness of General McClellan.

I am, general, your obedient servant,

WILLIAM H. SEWARD.

PHILADELPHIA, *February 27, 1862.*

Hon. EDWIN M. STANTON.

MY DEAR SIR: I trust you will excuse my troubling you with this letter, which I regret to do knowing you to be much pressed at this time with important matters. Some time since my brother, Rev. Dr. Wilmer, obtained from Mr. Seward a pass for himself and family to go into Virginia. On his arrival at Fort Monroe he was permitted to take but a very small portion of his baggage. Among the packages detained was a box of sermons which he is very anxious to have forwarded to him. If not inconsistent with your duty would you be kind enough to authorize the provost-marshal to forward the same to him with so much of the clothing as you may think proper to let him have. Should such a course not meet your approval I should esteem it a personal favor if you would authorize him to deliver to me such of his effects as may be detained at Fort Monroe that I may take charge of them until such time as free communication may take place with the State of Virginia. If you will send me such an order on the provost-marshal authorizing the delivery to me such of his effects detained at the fort I shall feel that you have conferred a special obligation on,

Very respectfully, your friend,

JNO. W. WILMER.

Case of the Messrs. Day, Colemans, De Bell, Carper and others, concerned in the murder of Union soldiers.

William B. Day was arrested about the 27th day of November, 1861, by a cavalry company in General McCall's division at Dranesville, Va., and having been brought to Washington was committed to the Old Capitol Prison. He was charged with having been an open and unrelenting secessionist, and that he with others in August last awaited in ambush the coming of some Federal pickets near Dranesville and murdered two of them, wounding another. Brigadier-General Porter informs the Secretary of State in a letter dated the 17th of January, 1862, that an order was made by Major-General McClellan, commanding, that all the prisoners in custody suspected of having participated in the murder in August last of the U. S. pickets near Dranesville, Va., be held until a trial could be had in their cases and that the evidence in each case found be reported to him.* The said William B. Day remained in custody at

*Extract from Porter's letter here omitted. See p. 1292 for letter entire.

the Old Capitol Prison February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

John T. Day was arrested about the 27th of November, 1861, by a cavalry company in General McCall's division at Dranesville, Va., and having been brought to Washington was committed to the Old Capitol. He was charged with having been an open and unrelenting secessionist, and that he with others in August last awaited in ambush the coming of some Federal pickets near Dranesville and murdered two of them, wounding another. The said John T. Day remained in custody at the Old Capitol Prison February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

John Coleman, Charles W. Coleman and Philip W. Carper were arrested about the 27th of November, 1861, by a cavalry company in General McCall's division at Dranesville, Va., and having been brought to Washington were committed to the Old Capitol Prison. They were charged with having been open and unrelenting secessionists, and that they in August last awaited in ambush the coming of some Federal pickets near Dranesville, Va., and murdered two of them, wounding another. The persons mentioned above remained at the Old Capitol Prison February 15, 1862, when they were transferred to the charge of the War Department.

John B. Farr was arrested about the 27th of November, 1861, by a cavalry company in General McCall's division at Dranesville, Va., and having been brought to Washington was committed to the Old Capitol. He was charged with having been an open and unrelenting secessionist; a member of a secret committee who made it a business to seek out the Union men of Fairfax County, Va., and by threats forcing them to abandon their property and leave the State; also a member of the home guard; in that capacity that he with others in August last awaited in ambush the coming of some Federal pickets near Dranesville and murdered two of them, wounding another. The said John B. Farr remained in custody at the Old Capitol Prison February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

John T. De Bell was arrested about the 27th November, 1861, by a cavalry company in General McCall's division at Dranesville, Va., and having been brought to Washington was committed to the Old Capitol Prison. He was charged with having been an open and unrelenting secessionist, and that he with others in August last awaited in ambush the coming of some Federal pickets near Dranesville, Va., and murdered two of them, wounding another. The said John T. De Bell remained in custody at the Old Capitol Prison February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

R. H. Gunnell was arrested about the 27th day of November, 1861, by a cavalry company in General McCall's division at Dranesville, Va., and having been brought to Washington was committed to the Old Capitol Prison. He was charged with having been an open and unrelenting secessionist, and that he with others in August last awaited the coming of some Federal pickets near Dranesville and murdered two of them,

wounding another. The said R. H. Gunnell remained in custody at the Old Capitol Prison February 15, 1862, when in conformity with an order of the War Department of the preceding day he was transferred to the charge of that Department.

James [W.] Farr was arrested about the 27th day of November, 1861, by a cavalry company in General McCall's division at Dranesville, Va., and having been brought to Washington was committed to the Old Capitol Prison. He was charged with having been an open and unrelenting secessionist, and that he with others in August last awaited in ambush the coming of some Federal pickets near Dranesville, Va., and murdered two of them, wounding one. The said James [W.] Farr remained in custody at the Old Capitol Prison February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

These persons [George G. and Richard Coleman] were arrested at Dranesville, Va., by order of Brigadier-General McCall December 6, 1861, and committed to the Old Capitol Prison. They were charged with having in conjunction with a party of citizens of Dranesville assassinated several U. S. soldiers doing picket duty and with mutilating their bodies. The said George G. and Richard Coleman remained in the Old Capitol Prison February 15, 1862, when they were transferred to the charge of the War Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

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CAMP PEIRPOINT, VA., *November 27, 1861.*

Capt. H. J. BIDDLE,
Assistant Adjutant-General, McCall's Division.

SIR: In obedience to orders I started from this camp yesterday with my regiment at 9 o'clock in the evening for the purpose of marching on Dranesville. * * * I arrested six of the citizens of Dranesville who are known to be secessionists of the bitterest stamp. The names of the citizens taken are as follows: John T. Day, M. D., Dranesville; R. H. Gunnell, Great Falls, Va.; John T. De Bell, C. W. Coleman, Dranesville; W. B. Day, M. D., Dranesville; J. B. Farr. Upon my return some miles from Dranesville a fire was opened upon the head of the column from a thick pine wood. Assistant Surgeon Alexander was seriously wounded and Private Joel Houghtaling was badly wounded and I had my horse killed. Surgeon Stanton received a ball in his overcoat and his horse was shot twice. The woods were instantly surrounded and the carbineers dismounted and sent into the woods. We killed two and captured four, one of whom is shot twice and is not expected to live. Private Houghtaling is I fear mortally wounded. * * *

I am, sir, very respectfully, your obedient servant,

GEO. D. BAYARD,
Colonel First Pennsylvania Regiment Cavalry.

—

HEADQUARTERS MCCALL'S DIVISION,
Camp Peirpoint, November 27, 1861.

Brig. Gen. ANDREW PORTER, *Provost-Marshal, Washington.*

GENERAL: Herewith are forwarded to be delivered to you eleven prisoners taken by our cavalry in a dash at the secession picket at

Dranesville, viz, two cavalrymen, three infantry soldiers; five secessionists of known activity in furnishing supplies to rebel forces or taken in arms, the details of which arrests will be furnished in the report of the officer concerned. One of the prisoners is said to be a South Carolina officer and aide-de-camp.

By direction of Brigadier-General McCall:

H. J. BIDDLE,
Assistant Adjutant-General.

[Inclosed list of prisoners.]

W. D. Farley (captain and aide to General Bonham), First South Carolina Volunteers; F. de Caradene, lieutenant Seventh South Carolina Volunteers; Private F. Hildebrand, Thirtieth Regiment Virginia Volunteer Cavalry; Private A. M. Whitten, Thirtieth Regiment Virginia Volunteer Cavalry; P. W. Carper, Seventh Regiment South Carolina Volunteers.

Citizens, &c.—John T. Day, M. D., Dranesville; R. H. Gunnell, Great Falls, Va.; John T. De Bell, C. W. Coleman, Dranesville; William B. Day, M. D., Dranesville; J. B. Farr.

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The following is a list of the citizens that attacked four of our men on Lowe's Island, killing two of them, and stripped and left them so that the hogs ate them: *a* Dr. William B. Day, *a* Dr. John Day, Thomas Carper, John Coleman, Gilson Jenkins, Samuel Jenkins, *a* Thomas Coleman (who now has one of the pistols taken at that time), James Farr, *a* Philip Carper, James Carper and Stephen Farr. They are all residents about Dranesville. This information was furnished by three of Mrs. Coleman's negroes who came into Camp Griffin November 26, 1861.

The above is a copy of a paper furnished by John Hawkshurst, member of the Union Legislature of Virginia from Fairfax County, now residing at first house this side of Lewinsville on road from Langley. Mr. Hawkshurst goes to Wheeling to attend the Legislature to-morrow. The negroes referred to he states were sent into Washington from General Hancock on November 27.

H. J. BIDDLE,
Assistant Adjutant-General, McCall's Division.

[Indorsement.]

HEADQUARTERS ARMY OF THE POTOMAC,
Washington, November 30, 1861.

Respectfully referred to Brig. Gen. Andrew Porter.

The general commanding desires the circumstances investigated as far as the men now in custody of the provost-marshal are connected with the alleged murder, and if the matter of allegation can be proved he desires the men brought to trial for the murder.

By command of Major-General McClellan:

JAS. A. HARDIE,
Lieutenant-Colonel and Aide-de-Camp.

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WASHINGTON, D. C., *December 3, 1861.*

Brigadier-General PORTER.

DEAR SIR: I was arrested a short time ago at my house in Dranesville in bed and for what charge I do not know unless it was for feeding

a These four men were among the prisoners sent in from McCall's division on 27th instant. Thomas Coleman, captured wounded, lies dead in the hospital.

the Confederate pickets. I keep a house of public entertainment and was compelled to feed them or be arrested. I also fed some of General McCall's men when in Dranesville, and came very near being arrested by the Confederates for that. None of the exiles from Fairfax can say that I had anything to do with driving them out of the county or to have them arrested. To the contrary was always opposed to it. I have a brother-in-law who had to leave his sick wife and four little children whom I have supported up to time of my arrest. I have never been in arms against the United States at any time. I have a wife and three little children at home, with no person to do anything for them. The prisoners taken with me know that I could not get a pass to go through the Confederate lines to their army. Anything you can do for me will be thankfully received. I want to be able to go home when the army advances again.

Your obedient servant,

CHAS. W. COLEMAN.

HEADQUARTERS MCCALL'S DIVISION,
Camp Peirpoint, Va., December 6, 1861.

Brig. Gen. ANDREW PORTER, *Provost-Marshal.*

GENERAL: Herewith are transmitted to be held in custody and disposed of as may be directed by the commanding general two prisoners, viz: George Coleman and John [Richard] Coleman, taken at the house of John Gunnell, a squire and noted secessionist. * * * Herewith are also sent two colored men, the property of John Gunnell, named David Johnson and John Jackson, whose disposition is to remain with the family but who were brought in as being available as laborers in the support of the enemy.

Very respectfully,

GEO. A. MCCALL,
Brigadier-General, Commanding Division.

OLD CAPITOL PRISON, *Washington, January 1, 1862.*

Hon. W. H. SEWARD:

I have now been confined in prison for nearly two months and for what charge I have not been able to learn. It is true I fed the Confederate pickets, and what would have been the consequence had I refused? I keep a public house. The meals were called for by the pickets who paid for the same with their own money. You can see I was compelled to do it. I never left my home at the advance of the Union troops as a good many of my neighbors did. I remained at home hoping that I would be left inside the Union lines and free to express my sentiments. This I failed in. I know a good many Union men in the upper part of Fairfax and lower part of Loudoun Counties who are waiting patiently and praying for an advance of the Union army. Mr. Gracey, of the New York Thirty-fourth, who was wounded on Lowe's Island near Dranesville, was left at my house for two weeks and was attended to by me, who afterward made his escape from Fairfax Court-House and got back to Washington, can tell you whether he thinks me a Union man or not. When General McCall was in Dranesville in October he could only find four men in the village and I was one of that number; and if I had been such a rebel I would not have been found in the village at that time, hearing that he was advancing two hours before he arrived.

Whoever reported me it has been guess work with them, and nothing would give me more pleasure than to meet them on trial. I would also refer you to the Union men's families who were left by their husbands to avoid being arrested whether they ever knew me to have anything to do with having Union men arrested or their property taken from them. I was abused by the Confederates for feeding some of General McCall's men and for selling him 100 bushels oats, threatening to arrest me for doing it, and I was also refused a pass to go through their lines to get provisions. If you will grant me the liberty of taking the oath of allegiance to the United States and to remain in the lines I will do it until my home is in the Union again.

Your obedient servant,

CHS. W. COLEMAN.

[Indorsement.]

DEPARTMENT OF STATE, *Washington, January 13, 1862.*

Respectfully referred to Brig. Gen. Andrew Porter with a request that unless there are well-founded reasons to the contrary the prisoner may be released upon the usual conditions. Please report to this Department.

E. D. WEBSTER,
Clerk.

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WASHINGTON, D. C., *January 3, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: As the daughter of a good and loyal citizen of the United States I beg you will give attention to the following statements:

On the night of the 27th of November, 1861, the U. S. troops entered the village of Dranesville, Fairfax County, Va., and seized my father who was then in his bed upon suspicion of disloyalty and brought him to this city and placed him in the Old Capitol Prison where he is still in custody. Being a resident of Washington myself I solicited Mr. Carpenter (correspondent of the New York Tribune) to procure me a pass which your honor very politely granted. Upon the occasion of my visit my father assured me in the presence of the said Mr. Carpenter that his sentiments have always been those of loyalty to the Government, and his feelings are sorely wounded to think that he should thus suffer upon a false accusation, and he assured me that nothing would give him more pleasure than to be permitted to swear allegiance to the Government he has always loved. Furthermore he has a family—a wife and young children depending upon him for support and protection—who have been left exposed to outrage and want with no one to care for them.

So far as I can learn no individual has preferred any charge against him. I presume he would remove his family to this city if liberated. Now, sir, with these facts I beg and implore that you will give speedy attention to his case; and for the sake of humanity, for the sake of the cause of the Union, for the sake of his health which is declining from confinement and grief, for the sake of his helpless and unprotected family, for the sake of God, I trust your honor will grant him an immediate release.

Submitting the above I remain, sir, your obedient servant,

KATE FARR.

[Indorsement.]

DEPARTMENT OF STATE, *Washington, January 6, 1862.*

Respectfully referred to Brigadier-General Porter with a request that he will examine this case and report whether there is any well-founded reason why the prisoner should not be released upon taking the oath and making the usual stipulations.

By order of the Secretary of State:

E. D. WEBSTER.

[OLD CAPITOL PRISON,] *January 6, 1862.*

Hon. SECRETARY OF STATE, *Washington, D. C.:*

I was for a time here confined as prisoner of war. My relation is now changed. I belong to Colonel Stone's staff, the Sixtieth Virginia Regiment, and as surgeon went with the militia when called out under a requisition of the governor. I performed duty as such at the Junction, and upon our own wounded near the battle-ground, and rendered service on Tuesday to your wounded soldiers in connection with Doctor Smith of the regular service, a fact I omitted to state in a letter* to General Porter.

Yours, respectfully,

WILLIAM B. DAY.

HDQRS. CITY GUARD, PROVOST-MARSHAL'S OFFICE,
Washington, January 13, 1862.

Brig. Gen. ANDREW PORTER, *Provost-Marshal.*

GENERAL: I have the honor to report that on the 4th instant there was received at this office a communication signed Kate Farr addressed to the Hon. William H. Seward, Secretary of State, and by him referred to you with his request indorsed thereon that you would examine the case of John B. Farr therein mentioned and report whether any well-founded reason existed why said Farr should not be discharged from custody upon taking the oath of allegiance, &c.

The communication aforesaid sets forth substantially that the writer, Kate Farr, is the daughter of John B. Farr, of Dranesville, Va., who was seized by the U. S. troops on the night of 27th of November at Dranesville upon suspicion of his disloyalty, and was brought to this city where he has ever since been confined in the Old Capitol Prison; that she procured a pass to visit her father in said prison and was there assured by him that he had always been a man of loyal sentiments, and that his feelings were deeply wounded to think that he must there thus suffer from false accusation, he also assuring her that nothing would give him greater pleasure than to swear allegiance to the Government he had always loved; that her father has a wife and young children depending upon him for protection and support, and that she had not known of any charge having been made against him, and finally that for reason of the above-recited facts and other causes she asked that her father be discharged from custody.

On the 27th day of November last eleven prisoners were received at these headquarters sent in from General McCall's division, with the following accompanying dispatch.† Upon the receipt of the prisoners

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*Not found.

† Omitted here. See Biddle to Porter, November 27, 1861, p. 1285.

aforesaid means were early taken to procure and collect the evidence in their cases individually and collectively, and as far as concerned J. B. Farr resulted as follows:

William Tyson, citizen of Langley, Va., stated that he was postmaster at Beach Grove, Va., from which place he was driven by the rebels about two months before Farr's arrest, and that just previous to his leaving he was told by John Hurst, a secessionist, that John B. Farr was one of the guerrilla party which waited in ambush in August last near the Potomac, a short distance from Dranesville, for a company of Union soldiers who had crossed over from Maryland at that point, said party attacking and firing on the Union soldiers, killing two or three and wounding another who was taken by them to Dranesville, where a glorification was held by the secessionists over their achievement. Tyson further stated that of his own knowledge said Farr was an active secessionist and very bitter against Union men.

Nelson Voorhes, of Dranesville, Va., stated that he knew John B. Farr as a very rabid secessionist who had been very active in obtaining information for the rebels, and was a member of the rebel home guards of Dranesville.

Nathaniel Hanery, of Dranesville, stated that he knew John B. Farr to be a secessionist who voted against the Union at the May election and used all his power to persuade others to do likewise; that Farr was a member of a committee which met at Fairfax Court-House for the purpose of inquiring into the opinions of citizens of Fairfax County and with the view of driving out such men as were found to be favorable to the Union; that among others who were thus driven out were two brothers named Gould and John Lester, a merchant, all of whom with their families were compelled to leave, while their property was all either destroyed or confiscated.

Amos T. Berdle stated that he knew John B. Farr; had heard him say that he would kill the damned Yankees wherever he could catch them; that they had no business there at all; that Farr voted for secession and did all he could to persuade others to do the same.

Thomas T. Johnson, of Fairfax County, Va., stated that John B. Farr was a notorious secessionist, having voted that ticket and was a member of the rebel home guards; that he was one of the committee which met at Fairfax Court-House having for its object the hunting up, persecution and expulsion of Union men; that he (Johnson) was told by J. B. Farr that he (Farr) had heard he was a Union man, and that if such was the case he (Johnson) had better be leaving.

Henry Bishop, of the same county, stated that Farr was a notorious secessionist.

William Waters, same county, stated that Farr was a notorious secessionist, and was reported to have taken an active part in aiding the rebels and in persecuting Union men.

Daniel L. Borden stated that he was arrested the day after Ellsworth was killed by John T. Day, John B. Farr and others and was told by them that if he (Borden) went to Washington to join the Union army his property would be burned and his family massacred.

Such in brief is the evidence against Farr, the mere recital of which is sufficient to establish the groundlessness of his pretension to be a good and loyal citizen of the United States. But the case does by no means rest here. It has been stated by several different persons from Dranesville and vicinity whose statements are on file in this office that that same guerrilla party of which John B. Farr is stated to have made one member did some time in the month of August last proceed

from Dranesville in the night to a place near Sandy Landing, and there laid in ambush for a number of U. S. soldiers who had crossed over from the Maryland side of the Potomac whom they fired upon, killing two or more and wounding one, which last was taken by said party to Dranesville, where a glorification was held by them and numerous other secessionists of that place, the company being made jolly with whisky purchased with money taken from the rifled pockets of the murdered soldiers. That these soldiers after thus being killed were robbed of arms and other things about their persons, among the rest a letter from one of their wives, and were also stripped of their clothing, which was afterward given to negro slaves owned by the men who thus savagely performed these sacrilegious acts and by said slaves was worn, while the dead and plundered bodies were left unburied on the field to be eaten up, as they were, by the rebels' hogs; meantime the letter being publicly read and the other things shown as relics of their horrid chivalry.

Should it be hereafter claimed by Farr that he was not one of this party of murdering, plundering, savage robbers, and should it turn out that he was not with them on that particular occasion, it would by no means relieve him from the well-sustained charge of most outrageous and active participation in systematic and long-continued persecution of men and their families, driving them from the soil which they owned in the State of Virginia and committing their hard-earned property to devouring flames or rebel confiscation. It does not and will not relieve the said Farr from his acts as a member of that self-constituted committee in whose secret conclaves were made edicts against such men in Fairfax County as were guilty only of the crime of being friendly to the American Union, destroying their property, breaking up their homes and families, driving them from the State, and finally culminating in August last in scenes of fiendish barbarity, no matter by whom executed, scarcely paralleled in the civilized world,—Union soldiers shot down by these men in ambush, their pockets rifled of precious mementoes, their bodies stripped to furnish clothing for their negro slaves, and left unburied to be eaten up by hogs, while the money taken from them was made to contribute intoxicated madness to their bitter hate of the Union, and thus fit and prepare them for that Dranesville carnival of bestial joy over their brutal accomplishment of savage barbarity.

What cares such a man for an oath of allegiance, even if proof were not furnished (as it is) by the testimony on file that several of these same men who were arrested with Farr had said at different times that no such oath possessed a shadow of sacredness in their estimation? I am unable, general, to find in the case of Farr any extenuating circumstances attending his course, not even the poor and unsatisfactory excuse of a rebel soldier volunteering in the service and then acting under orders. Farr was a citizen, not called to take up arms by civil or military authority, but was animated alone by his own brutal instincts, to gratify which he marked out voluntarily his own pathway of cruelty and crime, continuing to follow it until arrested by the strong arm of military power.

I therefore respectfully suggest that said John B. Farr be not released from custody, but that he be held until a military court can afford him trial for his manifold crimes.

All of which, general, is most respectfully submitted by

Your obedient servant,

E. J. ALLEN.

HDQRS. CITY GUARD, OFFICE OF THE PROVOST-MARSHAL,
Washington, January 17, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I had the honor to receive from you with your request indorsed upon each for examination and report upon the respective cases therein mentioned three several communications * signed respectively by the following persons named, to wit: Kate Farr on behalf of J. B. Farr, William B. Day on behalf of himself, Charles W. Coleman on behalf of himself.

I also had the honor on the 13th instant to make a report to you in the case of said John B. Farr, but while making up said report I had not in my mind the order made by Major-General McClellan November 27, 1861, commanding that all the prisoners in custody suspected of having participated in the murder in August last of two U. S. pickets near Dranesville, Va., be held until a trial could be had in their cases and that the evidence in each case found be reported to him.

I have the honor here to repeat what was stated in the report made to you in the case of J. B. Farr—that some time during the month of August last a midnight attack which had been previously planned by several of the citizens of the village of Dranesville and vicinity was by them made upon a squad of Union pickets who were on duty at Lowe's Flats, near Dranesville, killing two and wounding one, and afterward committing upon the dead bodies such acts of inhuman and sacrilegious nature that they will challenge the civilized world to furnish a parallel.

The following are the names of the persons now under arrest and confined at the Old Capitol Prison who are suspected with a large array of evidence against them of the murder and acts of barbarity aforesaid: John B. Farr, John T. Day, William B. Day, Charles W. Coleman, John T. De Bell, R. H. Gunnell, John Coleman, Philip Carper and James Farr. In view therefore of said order of the commanding general I beg most respectfully to return without further report the three communications aforesaid inclosed herewith.

I have the honor to remain, very respectfully, your obedient servant,

A. PORTER,
Brigadier-General and Provost-Marshal.

HEADQUARTERS DEPARTMENT OF THE POTOMAC,
Washington, January 30, 1862.

Brig. Gen. A. PORTER, *Provost-Marshal.*

GENERAL: The commanding general directs that the following-named prisoners, viz, John T. De Bell, case reported by E. J. Allen January 14, 1862; Dr. William B. Day, case reported by E. J. Allen January 17, 1862; John B. Farr, case reported by E. J. Allen January 13, 1862; Dr. John T. Day, case reported by E. J. Allen January 18, 1862; C. W. Coleman, case reported by E. J. Allen January 24, 1862; R. H. Gunnell, case reported by E. J. Allen January 25, 1862; Philip W. Carper, case reported by E. J. Allen January 25, 1862; John Coleman, case reported by E. J. Allen January 25, 1862; James W. Farr, case reported by E. J. Allen January 27, 1862, who stand charged with the murder of Federal pickets in August last and with persecuting

*See *ante.*

Union men in and near Dranesville be each and all of them kept in close confinement until such time as they can be tried by a military commission for the crimes with which they stand charged. * * *

I am, general, very respectfully, your obedient servant,

S. WILLIAMS,
Assistant Adjutant-General.

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COMMISSION RELATING TO POLITICAL PRISONERS,
Washington, March 24, 1862.

W. P. WOOD, Esq., *Superintendent, &c.*

SIR: You will please discharge James W. Farr [and] John B. Farr * * * prisoners confined in the Old Capitol Military Prison, on their taking the oath of allegiance to the Government of the United States.

Very respectfully, yours,

JOHN A. DIX,
EDWARDS PIERREPONT,
Commissioners.

—

COMMISSION RELATING TO POLITICAL PRISONERS,
Washington, March 24, 1862.

W. P. WOOD, Esq., *Superintendent, &c.*

SIR: You will please discharge George G. Coleman and Richard Coleman, prisoners confined in the Old Capitol Military Prison, on their giving their paroles of honor that they will render no aid or comfort to the enemies in hostility to the Government of the United States.

Very respectfully, yours,

JOHN A. DIX,
EDWARDS PIERREPONT,
Commissioners.

—

COMMISSION RELATING TO POLITICAL PRISONERS,
Washington, March 25, 1862.

W. P. WOOD, Esq., *Superintendent, &c.*

SIR: You will please discharge R. H. Gunnell and John T. De Bell, prisoners confined in the Old Capitol Military Prison, on their taking the oath of allegiance to the Government of the United States.

Very respectfully, yours,

JOHN A. DIX,
EDWARDS PIERREPONT,
Commissioners.

—

I, James W. Farr, of Dranesville, Va., do solemnly swear that I will support, protect and defend the Union and Constitution and the Government of the United States as established by that Constitution against all enemies whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same any ordinance resolution or law of any State convention or legislature to the contrary notwithstanding; and further that I do this with a full determination, pledge

and purpose without any mental reservation or evasion whatsoever; and further that I will well and faithfully perform all the duties which may be required of me by law. So help me God.

JAMES W. FARR.

Sworn to and subscribed before me this 25th day of March, 1862.

JOHN A. DIX,
Major-General.

[NOTE.—John B. Farr, R. H. Gunnell and John T. De Bell also subscribed to the same oath and were discharged.]

HEADQUARTERS PROVOST-MARSHAL'S OFFICE,
Washington, D. C., May 5, 1862.

Colonel TOWNSEND, *Assistant Adjutant-General.*

SIR: Dr. William B. Day, a civilian, is confined in the Old Capitol Prison and is held to answer very serious charges, and his release was refused by the commission (Judge Pierrepont and General Dix) on any terms.

I have the honor to be, colonel, very respectfully, your obedient servant,

W. E. DOSTER,
Major and Provost-Marshal.

WAR DEPARTMENT, *Washington, D. C., May 20, 1862.*

PHILIP W. CARPER, *Old Capitol Prison, Washington, D. C.*

SIR: I have to acknowledge the receipt of your letter of the 15th instant,* and to inform you in reply that your case has not been considered either with reference to an exchange or to a discharge from the military custody of the United States for the reason that you are held in confinement on the charge of having engaged in an irregular or guerrilla mode of warfare. Under these circumstances your application to be released on parole to return to your home in Fairfax County, Va., or for any other purpose cannot be granted.

Respectfully, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

CITY OF WASHINGTON, *June 4, 1862.*

Hon. P. H. WATSON.

DEAR SIR: Dr. John [T.] Day, William [B.] Day† and Charles [W.] Coleman have at your suggestion and upon the advice of Mr. Mackall and myself consented to take the oath of allegiance to the United States. I respectfully ask that you order the release of John Day and Charles Coleman upon their taking the oath above stated. And so far as Dr. William Day is concerned he has left the matter entirely with Mr. Mackall and myself; he is willing to take the oath at our request, and we will give bond in the sum of $20,000 that the said Dr. Day will observe all his obligations.

I am, sir, yours, respectfully and truly,

JOHN S. HOLLINGSHEAD.

[Indorsement in pencil.]

Release of John [T.] Day and Charles Coleman ordered.

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*Not found.

†Old Capitol prison records show that Day was released by exchange July 15, 1862.—COMPILER.

WAR DEPARTMENT, *Washington, D. C., June 4, 1862.*

WILLIAM P. WOOD, *Superintendent of the Old Capitol Prison.*

SIR: You will release from custody Dr. John [T.] Day and Charles [W.] Coleman on their taking the oath of allegiance to the United States, Judge Pierrepont having recommended their release upon this condition. You will make return of your proceedings in these cases, indorsed hereon to the provost-marshal, that the proper entry may be made upon the records of his office.

By order of the Secretary of War:

P. H. WATSON,
Assistant Secretary of War.

WAR DEPARTMENT, *Washington, D. C., June 12, 1862.*

E. D. WEBSTER, *State Department.*

SIR: The Secretary of War desires to be informed of the grounds upon which Philip W. Carper* is held a prisoner of State. Also whether he is one of the number whom the commission recommended to be released on taking the oath of allegiance.

Yours, very respectfully,

P. H. WATSON,
Assistant Secretary of War.

Case of George W. Jones.

George W. Jones, of Iowa, former Delegate in Congress from Michigan and Wisconsin, U. S. surveyor-general, U. S. Senator from Iowa, and late minister resident from the United States at Bogota, New Granada, was arrested in New York by an order of the Secretary of State on the 20th day of December, 1861. His arrest was a precautionary measure to prevent his carrying into effect a purpose he had repeatedly professed that he entertained—of going South to join his fortunes and his efforts with those of the rebels. In a letter dated Bogota, New Granada, May 17, 1861, addressed by Jones to Jefferson Davis, of Mississippi, President, &c., as his "noble and very dear friend," Jones dwells at length upon his sympathy with Davis and his cause; his admiration of the system of slavery; his hatred of all friends of freedom, and his own wrongs in being compelled by public opinion to emancipate nine slaves during his residence in the Territory of Iowa. He says:

> You may well say as you do in your letter to me that you "know you (I) will sympathize with us (you)." How can I feel other, dear old friend, college mate and colleague, than sympathy for you and the people whom you represent on such an occasion? Born in what they tauntingly call a free State (Indiana), brought up in Missouri, and educated there and in Kentucky, and having resided for the last thirty-four years in Michigan, Wisconsin and Iowa, I cannot but be well acquainted with the principles, feelings and actions of the parties to the contest which is now going on in my beloved country.
>
> When I went to Wisconsin, then Michigan, I took with me my servants whom at their request I purchased, they having been born in Illinois and made slaves under the ordinance of 1787. Abolitionists who like Doty, Bronson, Burnett, *et al.*, came to my house to share my hospitality told my slaves that they were free, and actually made the ignorant but happy Paul to believe he was free and to bring suit for himself and his sister Charlotte, both of whom you may recollect as they waited on you when you visited us. I had a vexatious and long law suit with Paul but triumphed over him and his abolition advisers. I served in Congress as Delegate from Michigan

* Old Capitol prison records show that Carper was sent South for exchange, July 30, 1862.—COMPILER.

and Wisconsin two years each, and was then beaten for the third term by Doty because I served as a second in the Cilley and Graves duel and was a slave-owner. In 1841 I was removed from the office of surveyor-general of Wisconsin and Iowa by General Harrison's administration through Doty's influence as the then Delegate simply because I was a Democrat and sympathized with the South; no single objection having been made against me of any other character. Mr. Polk, God bless him, restored me in 1845, and put out the long-legged black Republican Jim Wilson, of New Hampshire, who had superseded me. I was transferred from the surveyor-general's office in December, 1848, to the U. S. Senate, and driven therefrom by the Abolitionists in 1859, no other objection having been made to me save that I was a follower of the South and a "dough-face" for such men as yourself, Clay and other Southerners. If therefore I had no other reason for sympathizing with the South the bad treatment which I have received at the hands of Northern Abolitionists would have made me do so.

Further on in the same letter he says:

My prayers are all regularly offered up for the reunion of the States and for the peace, concord and happiness of my country. But let what may come to pass you may rely upon it as you say that neither I nor mine will be found in the ranks of our (your) enemies. May God Almighty avert civil war, but if unhappily it shall come you may—I think would without doubt—count upon me and mine and hosts of other friends standing shoulder to shoulder in the ranks with you and our other Southern friends and relatives whose rights like my own have been disregarded by the abolitionists. I love Wisconsin and Iowa for the honors conferred by them on me and because I served them always faithfully; but I will not make war with them against the South whose rights they shamefully neglected.

He concludes this long letter by saying: "The dissolution of the Union will probably be the cause of my own ruin as well as that of my country, and may cause me and mine to go South." Jones states in this letter that his latest advices from the United States were of the date of February 22, 1861, so that he had barely heard of the installation of his correspondent as President of the insurgent Confederacy. Fearing, however, that his letter might not reach its destination he sent a copy by a subsequent mail accompanied by a letter dated Bogota, May 23, 1861, in which he says:

It will not be many months, I guess, before my successor shall present himself here. I shall then return home immediately to try and so arrange my financial matters as to be enabled to save my delightful residence as a home for my noble and beloved wife and our children. Should I fail in that I know not what I shall do or whither to look for another, for I shall not be willing to continue at Dubuque or in Iowa or the North.

I wish I had taken John M. Bass' advice a few years ago and had sold off the most of my then valuable property and gone down to Louisiana, Mississippi or Texas and had purchased a cotton plantation as he did on credit, paying for it in a few years thereafter. Now my property is unsalable and I apprehend it will grow worse if the reunion of the States be not speedily effected. To cap the climax the dissolution of the Union will absolutely blast all my hopes. If Breckinridge or Lane had been elected business and prosperity would have soon revived, and besides I would doubtless have been retained here. * * * I want you to write me and to give at length your views and opinions of the present and prospective condition of the country and advise me what to do. Your letter shall be confidential entirely if you wish it. I have, dear Jeffie, as your wife calls you, more confidence in your opinion than in that of any living man. The secession of the States leaves us National Democrats of the North who stood by you in a deplorable condition, and but that I know you could not do otherwise I should feel hard toward you for leaving us to the mercy of abolitionism. Even Crittenden's amendments if all adopted would allay the storm but for a short time. The equilibrium should never have been broken up between the free and slave States, and I said and knew that twenty years ago.

As the mails were very irregular at that period in New Granada he had not sent off his letter before he concluded to send a further missive; and he therefore opened the envelope and inclosed a note dated Bogota, May 27, 1861, in which he comes to the point as follows:

MY DEAR FRIEND: As I have not been able to send off my letter to you I open it to write you a few lines and to make an earnest appeal to you as my old and valued

friend and as the President of the Southern Confederacy in behalf of my only brother, General Augustus Jones, who resides at Columbus, Colorado County, Tex., and who I judge from the tenor of the inclosed letter from his charming young Virginia wife has become reduced in his pecuniary circumstances. I wish you, my dear friend, to provide some office for him, either in Texas, at the seat of Government of your new Confederacy, or anywhere else.

On the 1st day of August, 1861, Jones addressed a letter to Hon. I. E. Morse, New Orleans, in which he avows the same purpose of adhering to the cause of the insurgents, as follows:

I expect my successor, Allen A. Burton, of Kentucky, every day, and will leave on the next day after his arrival, being exceedingly anxious to return home to my family, my sons having left them to come down South to fight for the maintenance of the Constitution, the laws and the rights of the people of the South, as I intend to do if required to fight at all and it be possible for me to leave my family and my private affairs, now almost in a ruined state in consequence of the crisis.

In various letters from members of Jones' family to him they allude to his proclivities and his probable determination to identify himself with the cause of the rebels. April 9, 1861, C. S. D. Jones, son of George W., writes to his father from New York giving an account of a visit he had made to the State Department, and an interview he had with Mr. Sanford, then just appointed minister to Belgium. It seems that Jones had made application to Doctor Mackie and Mr. Sanford to retain his position at Bogota. Young Jones describes Doctor Mackie as cool, and is surprised at discovering Mr. Sanford, "instead of being *muço fino* to be nothing more than a well-educated Yankee." Mr. Sanford it seems had been at Bogota and young Jones had also been there afterward, and evidently had his envy excited by hearing the Bogotans speak of Mr. Sanford as a fine gentleman, while he emphatically avers that "he is nothing more than a pretty smart Yankee, no more to be compared with a Southern gentleman than Hyperion to a Satyr;" and again, "It strikes me that he had very little of the fine gentleman about him. He did not trouble himself about you, I feel pretty sure."

The young man then adds:

Oh how deeply I regret that your poverty ever made you intimate to Sanford or Mackie that you would like to be retained. You ought to resign and come home if they do not send your successor soon. You owe it to your principles and friends in the South. Of course you know it by this time that the cotton States have seceded and that your old friend Jeff. Davis is President of the Southern Confederacy. All hail to it I say,—although I loved the Union dearly,—but I hate abolitionism and love the Southern people. Come home, and let's move South and help them fight for their independence. The last news is that Old Abe will commence a war on the South. God protect us if he does. I feel a conviction that I shall fight for the South. Come home soon. * * * I had not time to get you a pair of holsters made so I send you a pair of the common kind for those French pistols Mr. Matthew is to send. They are the best extant. You must keep them for our revolution, if we are to have one precipitated by those damnable abolitionists.

On the 16th of June, 1861, the same C. S. D. Jones wrote to his father from Dubuque setting forth his views of persons and public sentiment there, and saying:

As long as you were in the Senate or in a good office these fellows and those like them were very great friends of yours. But now things are changed. When you come home you will know these things more fully. What I wish to impress upon you now is that you must leave Dubuque or sink down and sacrifice your principles as no man of honor could ever think of doing. This is to express the hope that you will not allow first impressions or promises or inducements offered to you when you get to New York or Washington to compel you to make avowal of sympathy (if you have any) for Abe Lincoln and his war upon the South—that you will not do as Douglas and the rest of the semi-abolitionists at the North have done. I wish to advise you to keep all the money you have till you get home. Don't pay Corcoran or any one else a cent till you have come home and seen for yourself. You will need

more money here than you imagine. If you are opposed to the war and in favor of Southern independence you must be circumspect and extremely careful till you arrive at home and get your accounts settled. Doctor Mackie is a very miserable Black Republican I assure you.

On the 31st of July, 1861, the same son writes to his father from Dubuque, giving an account of the battle of Bull Run, and says:

I expect a very speedy recognition of Southern independence by all the great powers at an early day. *Viva la Confederacion!* Jeff. Davis was very conspicuous during the battle, riding on a white horse. He commanded the center, Beauregard the right, and General Johnston the left. God bless them all and their people is my heartfelt prayer. How much I wish that we could have been there to share in the glory of that day. George went to Nashville about the 26th of May last with my approbation. He was engaged for a little time in drilling recruits but is now staying with Col. B. R. Johnson.

On the 6th of August, 1861, he again writes to his father from Dubuque, saying:

This will be most probably my last letter to you before our next separation, which I trust an identity of principle and interest will render unnecessary. * * * With reverence I say it, I think I see the finger of the Almighty in the battle of Manassas, in your going to Bogota and in Mr. Seward's doing you the eminent favor to recall you. I regard this act as the greatest favor to you that he could have done possibly—not the transfer to a mission worth $50,000 a year could have been half so desirable and honorable in my mind. Thus you will not suffer the disgrace of having served Lincoln's abolition Government for pay when your sense of honor and lifelong principles condemned it as disgraceful. * * * I'd rather this minute accept with joy the most abject misery and poverty than be the favorite Pennsylvania contractor under Cameron and support the war or go to this war with the brightest epaulettes that ever were worn, or support it (the war) in any way. * * * I hope you will not pay Corcoran any money; at least not until you come home and pay your taxes.

On the 14th of August, 1861, he wrote to his father from Dubuque, saying:

The Chicago Tribune that came last night contained the inclosed slip which I send that you may take a salutary hint from Mr. Faulkner's case.* You cannot be too cautious, even hypocritical, if you are anti-Lincoln or anti-abolitionist in order to get your accounts settled and come safely home with your dues.

On the 8th of September he writes these words:

You cannot be too cautious and discreet about your political expressions, at least till after you leave Washington—that is if you are opposed to Lincoln's truculent policy against the South.

On the 25th of September he writes from Cincinnati these words:

You ought to keep whatever money is due you in drafts on New York till you get home and see the condition of affairs there. * * * I understood before I left home that orders had been received to fill up Vandever's regiment immediately, and I suppose that this meant impressment. However, I did not wish to aid in this war even by getting a substitute if I were drafted, so I am here.

On the 10th day of July, 1861, Jones' wife wrote him a letter from Dubuque in which occurs the following passage:

Our beloved country is in a terrible condition and we know not what to say or do. I am sick of this war. It is fairly grinding to me and I wish an end was put to it in some way; anything better than bloodshed; but it seems that such leaders of the Administration as the Blairs are for the war and nothing else. I hope the South will make a desperate effort upon them ere long, and succeed, if they continue the cry of war as they do now.

On the 25th of August she wrote him again from the same place saying:

The Government have given orders to suppress the papers that are against Lincoln's cause and I reckon the Herald will be stopped here. You cannot form an

* See arrest of Charles J. Faulkner, p. 463, *et seq.*

idea of the state of affairs. Men that were thought decided in their opinions have changed and there is no confidence placed in any one. * * * He (Colonel Heath) is in debt, and if he was not so busily engaged in going to fight for abolitionists (though he says for the Union; that is gone forever) he would be put in jail, so little do they care for him. * * *

The First Company of Iowa Volunteers returned here on Friday morning and had a grand reception, a breakfast prepared for them at the Washington Square. The streets and almost every business place were decorated with evergreens, flowers, banners, &c. I did not go down town for I do not countenance anything for this war. I beg of you, my beloved husband, to be careful of what you say. We have cautioned you enough in our letters, written some time ago, but you cannot be too careful. It will be time enough to make your sentiments known after you settle with the Government, get your money and come home. * * * If you get what is due to you when you get to Washington I shall be content. Do not pay it out to Corcoran or any one until you reach home. You can send them what you can spare. * * * We hear occasionally from George, who is in Nashville and thereabouts; he says that he is perfectly happy and will not move from there until the war is over and then only to visit, for that is his adopted country. * * * Be careful what you say or do and get home to me as soon as you possibly can. * * * When you get here he (Charles) will leave here, I reckon, for he hates most of the people, and it will be much better for him to do so. * * * Judge Pollock told Colonel Heath the other day that he heard you had left Bogota several months ago and had joined the Confederate Army. He said if we knew General Jones to be a Union man (that is against the South) we would elect him Governor. We do not say what we think of your politics, and be careful what you say until you get home.

These extracts from the letters of his wife and son, showing that they were fully prepared to assume with confidence that he would unhesitatingly join his fortunes with the rebel cause and would heartily approve the course of his sons in doing the same, served to give confirmation and emphasis to his own treasonable declarations. Jones in his correspondence generally adds further weight to the evidence furnished by his wife and son of his long-cherished and habitual sympathy with the feelings and purposes of the conspirators who originated the rebellion. His letters to Jefferson Davis disclose the treason he was then contemplating. He had just learned the first movements of the rebellion, the secession of five or six States, the formation of a pretended Confederacy and the inauguration of his correspondent as President thereof at Montgomery. He, a minister of the United States, hastened to give the rebel chief not only assurances of his sympathy, which had been anticipated, but also of his approbation, adherence and aid. His recognition of the rebel Government was immediate and his call for political reward from it for his family equally prompt. To give Davis assurance of his sincerity he wrote him a history of his life to show that his views and feelings had always harmonized with the interests on which the rebellion was founded. There is not in either of his letters to Davis a single word of dissent, disapprobation, remonstrance, reproach, admonition or caution in regard to his treasonable course; but unqualified sympathy, approbation and adhesion. The same is true of his letter to Morse.

The said Jones remained in custody at Fort Lafayette February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Deparment.—*From Record Book, State Department, "Arrests for Disloyalty."*

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DEPARTMENT OF STATE, *Washington, December 19, 1861.*

Hon. S. P. CHASE, *Secretary of the Treasury.*

SIR: As this Department has proof of the disloyalty of G. W. Jones, late U. S. minister to New Granada, I will thank you to direct that the payment of any moneys due to him in that character be suspended.

I have the honor to be, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, December 19, 1861.*

General ANDREW PORTER, *Provost-Marshal, Washington.*

GENERAL: I will thank you to cause George W. Jones, late U. S. minister to New Granada, who is understood to be now in this city, to be arrested and taken to Fort Lafayette, N. Y., in charge of a trustworthy person.

I am, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, December 19, 1861.*

JOHN A. KENNEDY, *Superintendent of Police, New York:*

George W. Jones, ex-U. S. Senator and ex-U. S. minister to Bogota, left here in the 5 o'clock train to-night. Arrest and convey him to Fort Lafayette.

WILLIAM H. SEWARD.

NEW YORK, *December 20, 1861.*

His Excellency ABRAHAM LINCOLN,
President of the United States, and his Cabinet:

I respectfully and earnestly ask permission to return to Washington City under my parole of honor to ascertain there why I have been arrested here, and to answer to whatever charges may have been preferred against me. On the 3d or 4th of November I took and subscribed to the usual oath as bearer of Judge Barton's dispatches to support the Constitution of the United States.

I am, very respectfully, &c.,

GEO. W. JONES.

OFFICE OF SUPERINTENDENT OF POLICE,
New York, December 20, 1861.

Lieut. Col. MARTIN BURKE, *Fort Hamilton.*

SIR: I am directed by the Honorable Secretary of State to deliver ex-Senator George W. Jones, late minister to Bogota, into your custody for safe-keeping. You will please send me a receipt for his body per bearer.

Very truly, yours,

JOHN A. KENNEDY,
Superintendent.

DEPARTMENT OF STATE, *Washington, December 23, 1861.*

JOHN A. KENNEDY, Esq.,
Superintendent of Police, New York.

SIR: Your letter of 21st instant* inclosing letters taken from George W. Jones at the time of his arrest has been received.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

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*Not found, but see extracts from Jones' correspondence preceding.

DEPARTMENT OF STATE, *Washington, December 28, 1861.*
BEN. M. SAMUELS, Esq., *Dubuque, Iowa.*

SIR: Application has been made to this Department by the Hon. James Harlan for permission for you to see the correspondence of George W. Jones, a prisoner now confined in Fort Lafayette. In reply I have to state the rules at present adopted by the Department forbid compliance with your request.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

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DEPARTMENT OF STATE, *Washington, January 10, 1862.*
Hon. JAMES W. GRIMES, *U. S. Senate.*

SIR: Your letter of the 7th instant* requesting information in regard to the ground upon which George W. Jones was arrested has been received. In reply I am directed by the Secretary of State to say that he was arrested upon a charge that while holding the position of minister of the United States in New Granada he was engaged in treasonable correspondence with Jefferson Davis and other persons engaged in a conspiracy against this Government.

I have the honor to be, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

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WAR DEPARTMENT, *Washington, February 21, 1862.*
Lieut. Col. MARTIN BURKE,
Fort Lafayette, New York Harbor.

COLONEL: You may release† on the 22d day of February instant the following-named prisoners confined in Fort Lafayette upon their engaging upon their honor that they will render no aid or comfort to the enemies in hostility to the Government of the United States. * * * George W. Jones. * * *

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

—

FORT LAFAYETTE,
New York Harbor, February 22, 1862.

We, the undersigned, do solemnly promise upon our word of honor that we will render no aid or comfort to the enemies in hostility to the Government of the United States.

GEO. W. JONES.
[AND 35 OTHERS.]

Witness:

HARRY C. EGBERT,
First Lieutenant, Twelfth Infantry.

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*Not found.

† See p. 240 for Burke to Thomas, notifying him of the release of 36 prisoners, including Jones, in accordance with this order.

WAR DEPARTMENT, *Washington, March 3, 1862.*

Hon. JAMES W. GRIMES, *U. S. Senate.*

SIR: The Secretary of War directs me to acknowledge your letter of the 31st ultimo* and its inclosures to the Secretary of State asking that copies of the intercepted letters of George W. Jones, of Dubuque, Iowa, may be furnished to you, and to state in reply that for reasons affecting the public welfare he feels it to be his duty respectfully to decline complying with your request at the present time.

I have the honor to be, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

DEPARTMENT OF STATE, *Washington, March 31, 1862.*

Hon. JAMES W. GRIMES, *U. S. Senate.*

SIR: Your letter of this date† and its two inclosures relative to the intercepted correspondence of Mr. George W. Jones has been duly received. In reply I have the honor to inform you that the subject shall be brought before the Secretary of War, to whom all these papers were transferred† on February 14, 1862.

I have the honor to be, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

DEPARTMENT OF STATE, *Washington, January 16, 1863.*

E. R. MEADE, Esq.

DEAR SIR: I received the note which you addressed to me on the 14th instant informing me that you have been retained by George W. Jones, of Iowa, to institute proceedings against me for damages growing out of his recent arrest and imprisonment, and in consideration of courtesy and mutual convenience suggest that if it should be agreeable to me I might refer you to attorneys in New York who could enter an appearance for me and thereby dispense with personal service of process. I thank you very sincerely for the consideration which you have manifested in this respect, and pray you to be assured that it is duly appreciated.

I have to state in reply to your suggestion that the matter involved is an official one, and I am not at liberty to unite or favor the proceedings which you regard it as your duty to institute. For this reason I must leave you to conduct the affair in your own way. Your letter is marked personal, which is very proper so far as you are concerned, but the same consideration which I have before mentioned has obliged me to regard it as a public one, and that communication together with this answer has thereupon been submitted to the President of the United States.

I am, dear sir, your very obedient servant,

W. H. SEWARD.

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*Not found.

† Not found. None of the papers referred to can be found among the records in the War Department.

Case of F. M. Ellis.

Ellis was arrested by order of Major-General McClellan December 20, 1861, and committed to the Old Capitol Prison on the charge of being a spy. The only information on file in the Department of State relative to Ellis appears as an indorsement upon a returned order granting permission for one H. D. Turner to visit the prisoner, which reads as follows, viz:

HEADQUARTERS CITY GUARD,
OFFICE OF THE PROVOST-MARSHAL, *Washington, January 16, 1862.*

Respectfully referred to Hon. F. W. Seward, Assistant Secretary of State.

The prisoner, F. M. Ellis, by order of Major-General McClellan, is being held in close confinement on the charge of being a spy for the rebel Government.

A. PORTER,
Brigadier-General and Provost-Marshal.

The said F. M. Ellis remained in custody at the Old Capitol Prison February 15, 1862, when he was transferred to the charge of the War Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

HEADQUARTERS PROVOST-MARSHAL-GENERAL,
ARMY OF THE POTOMAC, *March 18, 1862.*

Hon. E. M. STANTON, *Secretary of War.*

SIR: I have the honor to report that I received on yesterday from the War Department—it being referred to me for report—a communication signed F. M. Ellis, and by Ellis addressed to yourself, which communication I return herewith appended; that in the case of F. M. Ellis I have to report that in September last Ellis was introduced to me by General R. B. Marcy, chief of the staff of Major-General McClellan; that he represented himself as having been in the employment of General Mansfield in the secret service of the Government, and was by me employed to operate in Virginia in the secret service of General McClellan; that at the time I employed Ellis in the early part of September he was not possessed, as I believe, of any pecuniary wealth, but on the contrary was pressed for small sums for everyday purposes; that within the short space of about three months, and mostly within the time of his last trip to Virginia, made in November, he became suddenly possessed of nearly $4,000, which I found upon his person in the shape of Treasury notes made payable to his own order, and money; that he made three trips to Richmond while in my employ, declining to make another after he had returned from the last and had been North to New York City and State, perfecting as he represented arrangements to go again to Richmond; that he declined going after his return from New York in November because he considered it would be dangerous for him to do so, about which he said nothing on his return from Richmond from his last trip but the contrary.

That on the first trip made by Ellis to Richmond he became acquainted with, and, if his own report can be credited, was taken into the bosom of confidence by the leading officers at Richmond of the rebel Government, this trip being made in the month of September; that in October last he made a second trip to Richmond, taking with him by my consent and with the approbation of Secretaries Seward and Chase and Major-General McClellan a quantity of bank-note paper for the rebel Government, as by supply of that to the Secretary of the Treasury of the rebel Government Ellis could better deceive them as to his real character,

and thus obtain what he was sent for—the most interior of their designs; that on the starting upon his third trip he was allowed the privilege of taking more bank-note paper but he declined, representing that he had now (then) become so well known to the rebel Government, and the privilege of carrying letters to and fro having been allowed to Ellis (all such letters passing through and being examined at this office) that he did not care about taking bank-note paper, although it was well known that he could sell it to the rebels for 100 per cent. more than New York value, and he was allowed to have what he could thus make besides his salary; that it afterward turned out that his object for so declining to carry anything which had my approval was that he had engaged to the rebels to carry for them cases of surgical instruments and other articles which he did carry and without my knowledge and which he could not have obtained permission to carry if it had been known to me.

That on his return trip from Richmond in November he received various sums of money from different persons to bring North to their friends and bankers; that among other sums received he was intrusted by Mr. A. H. Herr, of Harper's Ferry, to bring to Baltimore, and for bringing which he received of Mr. Herr $10, a package containing the very large sum of $19,971; that instead of delivering this large sum as agreed to the bankers of Mr. Herr, Baltimore, Ellis opened the package and took therefrom all which was in a convertible shape, such as coupons, &c., and money, appropriating the same to his private use, retaining the drafts and bills of exchange which were payable to order until he was arrested some twenty days after his declining to go South on the fourth trip; that said Mr. A. H. Herr became alarmed about his money, it being nearly all he was worth, and went from Harper's Ferry to Baltimore to see about it; that being a Union man he received aid from Major Tyndale, at Sandy Hook, and traced Ellis to this office, where he developed to me the fraud of Ellis; that upon consultation with General McClellan his arrest was ordered and Ellis taken into custody, when upon his person were found the notes, drafts, bills of exchange and money equal to the amount given in his charge by Mr. Herr, and in addition about $4,000 as of kinds before stated; that Ellis was placed in custody at the Old Capitol Prison, where he afterward signed an order to deliver to Mr. Herr the drafts, bills of exchange and money realized from the sale of coupons, &c., equal in amount to the package given by Herr to Ellis at Harper's Ferry—$19,971; that afterward Ellis provided for the payment of several smaller sums which he had retained from other persons whose friends had intrusted Ellis by allowing me to sell for him part of the Treasury notes (which he claims in the communication hereto attached was invested in from motives of patriotism) for the purpose of paying over the money in the several sums thus so long fraudulently withheld; that Mr. Herr stated—which statement was made in writing, and is now on file in this office—that on the occasion of his intrusting Ellis with the package of money at Harper's Ferry Ellis told him that he was going to return back to Richmond where he had been offered and had accepted an office or situation of valuable character under the rebel Government; that Herr further stated that Ellis said to him on the same occasion that his friends little knew the part he was playing in this "grand drama;" that Ellis told him that that was his fourteenth trip from Washington to Richmond and back; that he (Ellis) had heard of Herr as being a Union man; that he (Ellis) had no doubt of the final success of the South, but after and not without a desperate struggle.

That Ellis was until lately and for some time a resident of New Hartford, N. Y., near Utica, where his mother and sisters reside; that the

Rev. H. W. Read, of the Treasury Department, was from New Hartford and has relatives there, among others a brother, James Read, who writes to his brother here under date of January 7 and later dates saying that when Ellis was there (New Hartford) last, after his last return from Richmond, he was boasting how much more he had made out of the rebels than he did out of our Government; that he (Read) thought Ellis was a traitor and spy, and requesting his brother in the Treasury Department to caution the President as Ellis would do anything for money.

That Ellis as I have since learned went to visit our camps on the Virginia side of the Potomac at two different times just before starting to Virginia each time, which act of his was strictly and constantly forbidden to any and all of my operatives whose field of action was within the enemy's lines, leaving no doubt upon my mind that Ellis was what he has acknowledged himself to be—a traitor and a spy; that when to his own admission is added the other corroborating testimony there is every reason to believe that Ellis was not only a most barefaced swindler and cheat but that he was really in the employ of the rebel Government, from whom he must by his own showing have received large sums of money; that during his term of employment by me had he been ever so prudent, which he was not but very extravagant, he could not have legitimately and honestly saved over $500; that as already recited he entered my service for the Government in September in debt and without any money, and left it in November or early December—having made large expenditures about his person and something for his friends—with nearly $4,000 in his pocket besides the fraudulently-kept money, &c., of Mr. Herr, $19,971.

I respectfully submit that Ellis is one of the most dangerous men who could be found, and the interests of the Government sternly demand that he should be held while the rebellion lasts, and that he should be tried for the gross and glaring wrongs and traitorous acts which he has committed, and which might have turned the destinies of a mighty nation. That the money except what has been paid out for account of Mr. Ellis by his own orders and the amounts paid to himself, together with the Treasury notes, have been handed over to the superintendent of the Old Capitol Prison, William P. Wood, esq.

All of which is respectfully submitted by your obedient servant,

E. J. ALLEN.

HOUSE OF REPRESENTATIVES,
Washington, March 27, 1862.

E. D. WEBSTER, *Secretary of Commission.*

SIR: Among the persons confined in the Old Capitol Prison on suspicion of infidelity to the Government is Mr. F. M. Ellis. He is a townsman of mine, and came here last summer partly on my recommendation to engage in the spy service, for which his friends deemed he had a peculiar fitness. I had known him for two or three years previous. His character for loyalty, integrity and morality I had never heard questioned up to the time of his arrest. He served some time under the direct orders of General Mansfield with great acceptability and usefulness. He was subsequently under the orders of Major Allen, and made three trips to Richmond with great success. He was desired to go the fourth time, but declined for the reason that he did not deem it safe to do so. He was soon after arrested on the order of the provost-marshal, on what charge neither he nor I ever knew.

I saw Mr. Ellis frequently while he was in the spy service, and I never observed anything in his conduct which could justify a suspicion of unfaithfulness to the Government. He showed me his private papers after his last return from Richmond which he had collected together in a scrap-book to preserve as a relic or trophy of his success. This he exhibited freely to his friends. He would hardly have done this if he thought the papers it contained would furnish any evidence of treasonable conduct. That book taken in connection with the reports he made from time to time to the secret-service department will I think furnish conclusive evidence of his innocence. In his behalf I ask that he may have a speedy examination. He has relatives in New Hartford, N. Y., among others a mother-in-law of infirm age, who are dependent on him in a measure for support. If he is innocent, as I believe he is, he should have the earliest opportunity to vindicate himself. As you have known me well for many years I need not furnish any references as to my character.

Yours, truly,

R. A. SHERMAN.

[Indorsement.]

I need hardly say that I have the utmost confidence in the judgment of General Sherman. He knows thoroughly the facts which he states.

R. CONKLING.

COMMISSION RELATING TO POLITICAL PRISONERS,
Washington, March 28, 1862.

W. P. WOOD, Esq., *Superintendent, &c., Washington.*

SIR: You may discharge Frank M. Ellis, a prisoner confined in the Old Capitol Military Prison, on his taking the oath of allegiance to the Government of the United States and engaging that he will return to the State of New York and will remain in said State or the New England States and will not leave the same without permission from the Secretary of War.

Very respectfully, yours,

JOHN A. DIX,
EDWARDS PIERREPONT,
Commissioners.

I, Frank M. Ellis, of New Hartford, N. Y., do solemnly swear that I will support, protect and defend the Union and Constitution and the Government of the United States as established by that Constitution against all enemies whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any State convention or legislature to the contrary notwithstanding; and further that I do this with a full determination, pledge and purpose without any mental reservation or evasion whatever; and further that I will well and faithfully perform all the duties which may be required of me by law. So help me God. And that I will return to the State of New York, and will remain in said State or the New England States and will not leave the same without permission from the Secretary of War.

FRANK M. ELLIS.

Sworn to and subscribed before me this 28th day of March, 1862.

EDWARDS PIERREPONT.

Case of Michael Thompson and Lewis L. McArthur.

Michael Thompson* was arrested in Washington December 21, 1861, by order of Brigadier-General Porter, provost-marshal, and committed to the Old Capitol Prison. The charges against Thompson were that he was a spy; that he was closely connected with the principal rebel sympathizers and spies in Washington; that he has been engaged in sending important information of a military and naval character to the rebels, and that plans for ciphers evidently concocted by him with reference to a continuance of such treasonable practices were found in his possession. The said Michael Thompson remained in custody at the Old Capitol Prison in Washington February 15, 1862, when in conformity with an order of the War Department of the preceding day he was transferred to the charge of that Department.

This person [Lewis L. McArthur] was arrested in Washington, D. C., December 21, 1861, by order of the Secretary of State and committed to the Old Capitol Prison. He was charged with being implicated with one Michael Thompson of Washington in collecting and forwarding information for the benefit of the insurgents. Fourteen letters found on board of the captured schooner Lucretia addressed to persons in the insurrectionary States were proven to be in the handwriting of McArthur, and a rebel flag was found concealed in his trunk. The said Lewis Linn McArthur remained in custody in the Old Capitol Prison February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

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WASHINGTON CITY, D. C., *December 21, 1861.*

HON. WILLIAM H. SEWARD, *Secretary of State.*

SIR: To-day I was arrested and am now confined in the Old Capitol as a prisoner of state. Since coming here I have received intelligence that a secession flag was found in my trunk. I deem it prudent to make the following statement in order that the matter may be made clear: When the seceded States first—or about that period—attempted to establish their own government I was at Irving College, Manchester, Md. A number of the students requested me to make a flag in order that it might be displayed to the public. I complied with their request, made the flag and hoisted the flag in the campus. The president of the college ordered me to take it down. I obeyed and since that time the flag has been lying in my trunk, only two persons having seen it since. M. Thompson saw it but once and then he ordered me to destroy it. It was a relic to me and I refused to obey. He doubtless supposed I had destroyed it. I never intended to use the flag for any rebellious purposes. I am, sir, perfectly willing to make oath to the above statement if need be.

Trusting that your honor may promptly receive and duly weigh this statement, I remain your very humble servant,

LEWIS LINN MCARTHUR.

* In connection with these cases see case of Mrs. Greenhow, p. 561, *et seq.*

HDQRS. CITY GUARD, PROVOST-MARSHAL'S OFFICE,
Washington, D. C., January 9, 1862.

Brig. Gen. A. PORTER, *Provost-Marshal, Washington, D. C.*

GENERAL: I have the honor to report that on December 21, 1861, Michael Thompson, attorney at law of this city, was arrested and confined in the Old Capitol under the following circumstances: On the arrest of Mrs. R. Greenhow August 23, 1861, the fragments of a note to her from one G. Donellan were found in her stove, which showed that it had but recently been destroyed. This Donellan had formerly been employed as a clerk in the Department of the Interior. He was then engaged with her in forwarding treasonable communications to the rebels and is now in one of the departments of the rebel Government at Richmond. A copy of the above note is subjoined:

PRIVATE.] SATURDAY MORNING, *July 20, 1861.*

Mrs. R. GREENHOW, *Present.*

MADAM: I depart this morning regretting my inopportune absence; however, there is something to convey which I trust may prove valuable at least. Colonel Thompson, the bearer, a true South Carolina gentleman, will be happy to take from your hand any communication and obey your injunction as to disposition of same with dispatch. It may not be too late immediately you return to ascertain something important regarding the movements of the two or three next succeeding days, and I apprehend there will be something worth dispatching. Colonel T[hompson] will verbally inform you of the extent of my information now and what I conjecture will be done in order to acquaint you of what will be communicated.

Very respectfully,

G. DONELLAN.

On finding the above letter I perceived the necessity of ascertaining who Colonel Thompson was, and consequently directed operations to this end, detailing one of my operatives to attend to this. In the investigations thus rendered necessary my operative became acquainted with a Mrs. Phelps, from whose own avowals to him proof was obtained of her treasonable sentiments and intentions. She also expressed herself particularly anxious to apprise the Charleston people of the supposed destination of Du Pont's fleet. Our operative, passing himself as a Georgia secessionist, said he would make a determined effort to convey said information, and that he should succeed if she would introduce him to some of our friends here who were right on Dixie. She replied that Col. Michael Thompson, a South Carolina lawyer in her confidence, was all right. She offered personally to introduce our operative to him, which the latter declining she gave him a letter of introduction, telling him to speak plain to Thompson as he (Thompson) could be trusted.

Shortly afterward our operative was informed by Mrs. Phelps that Mr. Thompson was very anxious to see him and had asked her if she was sure her Georgia friend (my operative) was not a spy on them, "as," said Mr. Thompson, "the Government detectives are trying all those games." He also remarked that she ought to be very careful whom she trusted, &c. Not deeming it policy at that time that my operative should thus become personally acquainted with Thompson an excuse was at that time made to Mrs. Phelps setting forth the urgent necessity of my operative to return South, and with expressions of deep regret on his part that he could not at that time become acquainted with Col. Michael Thompson he left Mrs. Phelps on his supposed return to the rebel States.

Having thus found that Michael Thompson, attorney at law, 432 G street, was to be relied on as safe to talk with on treasonable subjects and also for forwarding correspondence with the rebels the conclusion

was easily arrived at that he was identical with Colonel Thompson, the South Carolina gentleman spoken of in the letter previously inserted in this report from G. Donellan to Mrs. R. Greenhow. "Shadows" were consequently placed upon his person, and this process soon developed his close and intimate connection with all the active and leading rebel sympathizers in this city, among whom were W. T. Smithson (alias Charles R. Cables), Doctor Van Camp,* Lewis L. McArthur, &c.

On the 19th of December last the Navy Department sent to this office a package of letters taken from the schooner Lucretia. Evidence has been adduced proving that said package was to be sent within the enemy's lines at the first opportunity. In this package were found letters from the said Michael Thompson to parties in the rebel States to wit: Martin Wallace, Young's Store, Laurens District, S. C.; Jesse Thompson, Chattanooga, Tenn.; Dr. C. P. Woodruff, Woodruff's Post-Office, Spartanburg District, S. C.; Franklin Thompson, esq., Lamar, Marshall County, Miss.; Ellis Thompson, esq., Young's Store, Laurens District, S. C.; Messrs. Young & Simpson, Laurens Court-House, S. C., signed with his initials in cipher; William A. Maury, esq., attorney at law, Richmond, Va.; two letters, one signed in cipher (M. Thompson); General Jacob P. Chase, Warrenton, Fauquier County, Va.; Messrs. Newton & Hall, attorneys at law, Bastrop, La.; Messrs. Matthews & McFee, Bastrop, La.; Messrs. Barrow & Pope, Baton Rouge, La.; F. B. Stubbs, esq., Monroe, La.; W. A. Compton, esq., attorney at law, Bastrop, La.; agreement to procure land patent for Margaret O. Kilkreuse, Carroll Parish, La.; four certificates for land patents addressed to different persons South.

Eight of the preceding letters, the agreement and certificates, were inclosed in a cloth envelope directed to William A. Maury, attorney at law, Richmond, Va. Five letters inclosed checks payable to William A. Maury. William A. Maury is a cousin and son-in-law of Lieutenant Maury, late of the U. S. Navy, and a brother of Rutson Maury,† arrested in Cleveland, Ohio, in the act of taking a mail to the rebel States, now confined in Fort Lafayette. In the letter in the above list addressed to his brother, Jesse Thompson, Chattanooga, Tenn., Michael Thompson narrates the circumstances of his nephew's leaving his law office to enter the rebel army in such a manner as to leave no doubt as to his secession proclivities. Though cautiously worded the undercurrent is obvious throughout. Occasionally it rises to the surface, as when he writes of the "outrages perpetrated upon the Confederate prisoners in this city," and of his nephew leaving for Virginia "one fine Sunday morning, remarking that he would return in company with Beauregard and Davis if he did not get killed." Though knowing his nephew's intention to leave he took no efficient measures to prevent their being carried out. In the letter addressed Franklin Thompson, esq., Lamar, Miss., he asks, "Where is your son who so nobly distinguished himself in the battle of Fort Sumter?" In the package of letters thus seized were several addressed to persons in the rebel States in which treasonable sentiments were avowed and important military information contained.

Subsequently to his arrest on being examined at this office he absolutely refused to state who were the parties engaged in carrying these mails to the rebel States, or to whom he delivered these letters to be conveyed South. On his examination at this office he refused to take the oath of allegiance to this Government. After his arrest his person,

* See case of Van Camp, p. 561.
† See case of Maury, p. 1041.

house and office were searched and the following treasonable do obtained, to wit: A letter from G. Donellan (mentioned commencement of this paper) addressed to said Thompson, prc writer and recipient to be on intimate terms. When examinec office Mr. Thompson admitted that he was an acquaintance of I In the desk of Lewis L. McArthur, a law student and confident of Thompson's, was found secreted a plan for a new cipher handwriting of Mr. McArthur, signed by Thompson in ciphe: The object of certain signs used in this cipher is stated to be–

To mislead and confound the impertinent scoundrel into whose hand: improperly fall, and who might desire to read, decipher, understand anc State and individual secrets. I think this the easiest alphabet for us, ; same time the most difficult for the enemy to decipher.

Many of the characters contained in the ciphers found in Thc house are similar to the characters in the cipher used by Mrs. G in her correspondence with the rebels. There was also foun possession of Thompson other letters of which the following are c

WASHINGTON, *July* .

MY DEAR MRS. THOMPSON:

Please say to your husband that from the morning papers and the extra being circulated the Southern Army were not apprised of the marching General Scott, who by the by forwards 7,000 axes to clear a road in t. Beauregard. I send you the extra Star, as you may not have yet ob General Lee taught General Scott to survey roads in the rear of the enemy Mexico. This strategy may be resorted to by Scott now if Beauregard is that 15,000 men have already advanced in his rear. A good sober-mind delphian was raving at our house this morning about the Stars and Stripe jerked off the mask that conceals naked covetousness, and he assured m North had no institution to bind them together while the South had the cord of slavery; therefore the North would be utterly disintegrated if secei tolerated at all.

Affectionately,

I

From the handwriting of this letter I have no doubt but writer is Mrs. Henry S. Schoolcraft.

DECEMBER 1

Colonel EMPTY:

Barely time to write a word or two; to delay were to run hazard of delay c I shall only say what I have said before; all that you do and that our go has done are understood in the right quarter and appreciated. I had hoped to write him a full business letter, but the messenger has come for my lett: I am ready. I inclose a cipher; as you will perceive it is different from your even can be used on same principle. The trouble and risk of yours wa etition of the same character in the same word, by means of which any cipher can always be worked out. This risk I obviate. I hope it will rea(safely.

Yours, sincerely,

THOMAS JOHN RAYI

In short the evidence in this case substantiates the followin That he has endeavored to create among rebels false impressi cerning our treatment of rebel prisoners, thereby increasing mosity felt toward this Government by its deluded citize stimulating their resistance to legitimate authority; that he wa to his nephew leaving this city for the purpose of joining the reb but though perfectly able to do so took no means to prevent hi tions being carried out; that he refused to take the oath of alle that he is closely connected with the principal rebel sympathiz spies in this city, such as William Smithson, Doctor Van Can

* Thomas John Rayford was in fact Col. Thomas Jordan, of the Confedera See p. 564, case of Mrs. Greenhow.

Phelps and Mrs. Greenhow, and also with other rebel emissaries who were in this city but are now within the lines of the enemy, such as G. Donellan; that he is strongly recommended by them as a safe, confidential and reliable agent for carrying out their treasonable designs, especially for sending important military and naval information to rebels; that accordingly he has been engaged in sending such information, and that plans for ciphers evidently concocted by him with reference to continuing such treasonable practices were found in his possession; that, bound as he is to the insurgent States by every tie of blood, of honor, of sentiment, of society and of interest both personal and political,—a man of subtle intellect, finished education, practical energy, polished manners and attractive address,—he is too dangerous to be permitted to go at large conveying important information to that enemy which we keep an army in the field to subdue. I therefore respectfully recommend as a military necessity that Michael Thompson be kept in close confinement until the conclusion of the war.

All of which is respectfully submitted by your obedient servant.

E. J. ALLEN.

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HDQRS. CITY GUARD, PROVOST-MARSHAL'S OFFICE,
Washington, D. C., January 9, 1862. (Received 11th.)

Brig. Gen. A. PORTER, *Provost-Marshal, Washington, D. C.*

GENERAL: In accordance with the request of the Hon. William H. Seward, Secretary of State, directed to you and requesting you to report on the case of Lewis Linn McArthur, law student and confidential clerk of Michael Thompson, I have the honor to report that the said McArthur was arrested and confined in the Old Capitol under the following circumstances, to wit:

When engaged in the arrest of Michael Thompson on December 21, 1861, my operative noticed the similarity of some writing on the desk of his law student (McArthur) to certain treasonable correspondence signed by Michael Thompson found on the steamer Lucretia in course of transmission to the rebel States. McArthur on being asked if the said writing was his replied in the affirmative, on which his arrest was immediately effected. An examination of the correspondence above mentioned demonstrated that fourteen of the letters found on board the Lucretia and directed to parties in the rebel States were in the handwriting of McArthur, signed by Michael Thompson, their contents being unquestionably treasonable. On searching McArthur's desk a paper was found in his handwriting signed by Thompson in cipher (∃. 4.)—a plan for a new cipher. The object of certain signs used in it is stated to be—

> To mislead and confound the impertinent scoundrel into whose hands it might improperly fall and who might desire to read, decipher, understand and pry into State and individual secrets. I think this the easiest alphabet for us, and at the same time the most difficult for the enemy to decipher.

On a search of McArthur's trunk a rebel flag was found therein. The following extracts are from two unfinished drafts found in his desk in his handwriting addressed to his grandfather:

> I hope, however, that this state of things will soon change. Indeed I am perfectly satisfied that we are on the eve of great political developments which will put a veto on this war and hurl the abolition fanatics from their thrones. The ultras will carry the day in Congress and the issue of this war will be slavery or no slavery. The masses of the people will never acquiesce in that.

This draft goes no further. In the other draft we are informed that the country is—

"Rent with civil feuds and drenched with fraternal blood," all through the fanaticism of the highest officers of the civil Government. Pride, reverence, patriotism and even policy are all set aside in order that the "liberty of the white man may be swallowed up in that of the negro."

All of which in plain language means this, that the highest officers of the Government are abolition fanatics; that they will be hurled from their thrones or expelled from office; that the people will not support the war, which will necessitate the demands of the rebels to be complied with. This is the change for which he hopes.

From the preceding facts I infer that McArthur's sympathies and sentiments are without a doubt treasonable, and that from the fact that his employer and friend Thompson, who was actively engaged in collecting and forwarding information of the movements of our armies to the rebels, had confidence sufficient in McArthur's devotion to the rebel interests to intrust him with the responsible position of amanuensis or confidential clerk, it may be safely affirmed that McArthur had full knowledge of the criminal correspondence and proceedings of M. Thompson, A. Van Camp, G. Donellan, Mrs. R. O'N. Greenhow, Mrs. Phelps, W. T. Smithson (alias Charles R. Cables) and other rebel spies and emissaries, and was privy to and cognizant of their designs, and that to the full extent of his ability and opportunities he has aided and assisted in their treasonable operations. That his opinions and personal relations are such that he would if permitted undoubtedly continue this treasonable course. I would therefore respectfully recommend that Lewis L. McArthur be kept in close confinement until the termination of the war, or until our armies are so far advanced that he can do no injury to this Government.

I herewith inclose his application to the Hon. William H. Seward, Secretary of State, which the latter requests to be returned to that Department accompanied by your report on the same.

All of which is respectfully submitted.

Very respectfully, your obedient servant,

E. J. ALLEN.

[Memorandum.]

General Porter, provost-marshal, advises McArthur be kept in confinement until the close of the war to suppress the rebellion.

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HDQRS. CITY GUARD, PROVOST-MARSHAL'S OFFICE,
Washington, D. C., January 24, 1862.

Brig. Gen. A. PORTER, *Provost-Marshal, Washington, D. C.*

GENERAL: On January 9, 1862, I had the honor to report to you on the case of Michael Thompson, in which I recommended that "as a military necessity Michael Thompson should be kept in close confinement until the conclusion of the war." Under the date of January 22 the Secretary of State makes the inquiry of you whether since the above report was made any reason had been discovered for modifying the recommendation therein made. So far from any such reason having been discovered additional evidence has been received at this office since the above report was made proving beyond a reasonable doubt that Michael Thompson has been in direct co-operation and complicity

with the most notorious and influential traitors and spies. In justice therefore to this Government, whose whole energies and resources are taxed to put down this rebellion; in justice to the men composing our Army who have sacrificed all the amenities and comforts of life and at great pecuniary and personal sacrifice have come forward to offer all they have, even life itself, for that which to them is dearer than life; in justice to the people at large who have shrunk from no sacrifice required of them in the faith that means thus furnished would be unsparingly used for the punishment of traitors and consequent suppression of treason, I cannot recommend that such efforts should be neutralized and such sacrifices of millions made useless by a mistaken clemency to a few proved traitors and spies. I can therefore only reiterate more strongly my previous recommendation that as a military necessity Michael Thompson be kept in close confinement until the conclusion of the war.

I herewith inclose the application of J. V. Douglass to the Hon. William H. Seward, Secretary of State, which the latter requests to be returned to that Department accompanied by your report on the same.

All of which is duly submitted.

Very respectfully, your obedient servant,

E. J. ALLEN.

Case of the Crew of the Royal Yacht.

Thomas Chubb was arrested on board the rebel armed schooner Royal Yacht, which was captured by the U. S. frigate Santee in Galveston Bay, he being one of the crew of that schooner. Having been sent to New York Chubb with his companions who were captured at the same time was by order of the Secretary of State dated December 23, 1861, committed to Fort Lafayette. Lieut. Col. Martin Burke reported by letter February 4, 1862, to the Secretary of State that "Chubb of the Royal Yacht has been released on his parole of honor by order of the honorable Secretary of the Navy."

H. N. Duble was arrested on board the rebel armed schooner Royal Yacht, which was captured by the U. S. frigate Santee in Galveston Bay November 8, 1861. Having been sent to New York Duble with the crew of the Royal Yacht was committed by order of the Secretary of State dated December 23, 1861, to Fort Lafayette. Duble was charged with disloyalty to the United States Government and with being in active sympathy with the rebels. The said H. N. Duble remained in Fort Lafayette February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

Ira G. Rogers was arrested on board the rebel armed schooner Royal Yacht, which was captured by the U. S. frigate Santee, he being one of the crew of that schooner. Having been sent to New York Rogers with the balance of the crew captured at the same time was by order of the Secretary of State dated December 23, 1861, committed to Fort Lafayette. An order was issued from the Department of State dated February 1, 1862, directing Colonel Burke, commanding at Fort Lafayette, to release Rogers on his taking the oath of allegiance. He was accordingly released February 6, 1862.

Ambrose Snow was arrested on board the rebel armed schooner Royal Yacht, which was captured by the U. S. frigate Santee in Galveston Bay, he being one of the crew of that schooner. Having been sent to New York Snow with his companions who were captured at the same time was by order of the Secretary of State dated December 23, 1861, committed to Fort Lafayette. The said Ambrose Snow remained in custody at Fort Lafayette February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

Joseph F. Frisbee was arrested on board the rebel armed schooner Royal Yacht, which was captured in Galveston Bay by the U. S. frigate Santee, he being one of the crew of that schooner. Having been sent to New York Frisbee was by order of the Secretary of State dated December 23, 1861, committed to Fort Lafayette. He remained in custody at Fort Lafayette February 15, 1862, when he was transferred to the charge of the War Department.

John E. Davidson was captured on board the rebel armed schooner Royal Yacht, which was captured by the U. S. frigate Santee in Galveston Bay November 8, 1861. Having been sent to New York Davidson together with the balance of the crew was committed to Fort Lafayette December 23, 1861, by order of the Secretary of State.—*From Record Book, State Department, "Arrests for Disloyalty."*

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COMMISSION RELATING TO STATE PRISONERS,
New York, April 10, 1862.

Lieut. Col. MARTIN BURKE, U. S. Army,
Commanding Fort Lafayette, New York Harbor.

COLONEL: You will please transfer the following prisoners, viz: Thomas C. Saunders, James S. Hughes, George Baker, George Hale, John Greenough, J. Kelly, Joseph D. Smith, Robert Redman, from the list of state prisoners to that of prisoners of war.

Very respectfully, yours,

JOHN A. DIX,
EDWARDS PIERREPONT,
Commissioners.

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COMMISSION RELATING TO STATE PRISONERS,
New York, April 10, 1862.

Lieut. Col. MARTIN BURKE, U. S. Army,
Commanding Fort Lafayette, New York Harbor.

COLONEL: You will please transfer the name of Henry N. Duble from the list of state prisoners to that of prisoners of war.

Very respectfully, yours,

JOHN A. DIX,
EDWARDS PIERREPONT,
Commissioners.

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WAR DEPARTMENT, *Washington, May 31, 1862.*

H. N. DUBLE, *Prisoner of War, Fort Lafayette, N. Y.*

SIR: The Secretary of War directs me to acknowledge the receipt of your letter of the 26th instant asking to be paroled in order that you

may effect your exchange, and to inform you that arrangements have been made for a general exchange of prisoners which precludes the necessity of special action in your case.

Very respectfully, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

Cases of Mrs. C. V. Baxley and Septimus Brown.

Mrs. Baxley* was arrested in Baltimore about the 30th of December, 1861, by Deputy Provost-Marshal McPhail and committed to the Greenhow Prison in Washington and from thence conveyed to the Old Capitol. She was charged with being a spy and with having lately been to Richmond, Va., with letters to Jefferson Davis and others. When arrested concealed upon her person were found numerous letters which she brought from Richmond; also a commission appointing a Doctor Brown, of Baltimore, a surgeon in the rebel army. John L. Brown writing from headquarters of General Franklin's division, near Alexandria, Va., January 2, 1862, says of Mrs. Baxley: "This woman is the strongest kind of a secessionist. She made her brags to me some five months ago that she had sent some 200 guns to the Southern army." In numerous letters addressed by Mrs. Baxley to the Secretary of State since her imprisonment she admits having carried the letters above referred to to Jefferson Davis, and refers to the communications with General Winder, Mr. Benjamin and other leading rebel authorities, and admits having procured the commission for Doctor Brown by personal application, and as a consideration or reward for the safe conveyance of letters, &c., to the chief of the rebel Government. The said Mrs. C. V. Baxley remained in custody at the Old Capitol in Washington February 15, 1862, when she was transferred to the charge of the War Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

HEADQUARTERS, *Baltimore, December 29, 1861.*

Col. W. W. MORRIS, *Commanding Fort McHenry.*

COLONEL: Please receive and retain in custody as a prisoner Dr. Septimus Brown.

By order of Major-General Dix:

WM. H. LUDLOW,
Major and Aide-de-Camp.

HEADQUARTERS, *Baltimore, December 30, 1861.*

General R. B. MARCY, *Chief of Staff.*

GENERAL: In the temporary absence of Major-General Dix I have the honor to inclose a copy of letter to Brigadier-General Porter sent with the prisoner, Mrs. Baxley, this afternoon. Among other papers found on the person of Mrs. Baxley and which have been sent to General Porter is a commission as surgeon in the rebel army for Dr. Septimus Brown, of this city. The journal kept by Mrs. Baxley and which is also among the papers sent to General Porter is in the form of a daily

* In connection with this case see case of Mrs. Greenhow, p. 561, *et seq.*

letter to this Septimus Brown and would clearly indicate the obtaining of this commission as the great object of her journey to Richmond. Doctor Brown* has been arrested and is now in the custody of Colonel Morris at Fort McHenry.

What is the pleasure of the major-general commanding the Army in reference to him? There is no evidence that he sought the commission. He does not seemingly come within the action of the circular order of the Headquarters of the Army of December 16 as he has neither come nor been brought into our lines from Virginia.

I am, respectfully, your obedient servant,

WM. H. LUDLOW,
Major and Aide-de-Camp.

[Inclosure]

HEADQUARTERS, *Baltimore, December 30, 1861.*

Brig. Gen. ANDREW PORTER, *Provost-Marshal, Washington.*

GENERAL: In compliance with special instructions this day received from the Headquarters of the Army I send to you as a prisoner to be held in your custody Mrs. Catherine V. Baxley. The papers found on her person and all the circumstances connected with her arrest will be given to you by the provost-marshal of Baltimore, by whom she was arrested.

By command of Major-General Dix:

WM. H. LUDLOW,
Major and Aide-de-Camp.

GOVERNMENT PRISON, *Washington, January 3, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Simply to gratify what I considered a pardonable curiosity—the desire to see Jeff. Davis—I undertook the now difficult and dangerous trip to Virginia by what I am told you are pleased to term the "underground railway." I carried with me nothing in the world but a few friendly letters packed it is true in my bonnet. I was not trusted with state papers. I am not fitted to be, being very nervous, impulsive and frank; in other words I never calculate.

I reached Richmond after numerous difficulties and delays on the thirteenth day of my departure from Baltimore City—sick, weary and most heartily wishing myself at home. I was of course introduced to the President, and foolishly asked of him the favor of an appointment to a surgeoncy in the Confederate Army for a friend in Baltimore who was quite innocent of the honor intended him. The President strange to say granted the favor asked, and I very unwisely though urged by friends not to do so left for Baltimore with the commission hidden on my person. I brought with me a large number of letters but the commission was the only one I believe that you would term of treasonable import.

I have given you I believe a fair exposition of my quixotic expedition. But it is not so much for myself I would plead but for Dr. Septimus Brown, the gentleman I have gotten into trouble. He had nothing to do with the matter. Why make him responsible for my folly?

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* No papers relating to this prisoner have been found except those appearing in this case and the recommendation for his continued detention in Dix to Stanton, February 20, 1862, Vol. I, this series, p. 738. See order for his discharge April 8, 1862, p. 1321.

True I had rather not be confined as I have a child depending on me for guidance and care, just, too, at that age when a child most needs and requires a parent's guiding and restraining hand.

Now, sir, I do not ask mercy; I simply ask for justice. I have heard that William H. Seward was a hard and heartless man, permitting nothing to stand in the way of his boundless ambition; sacrificing alike on the altar of that ambition friends as well as foes, acting always upon the principle that the end justifies the means. Now, sir, I do not believe any such doctrine. I believe there is no man without some good impulse, and surely a woman and a mother pleading to you need not plead in vain.

The "leopard cannot change its spots;" I cannot to save my neck shriek "Union;" but I will go home and meddle no more with edged tools. You can fight hereafter without my aid or intervention.

Respectfully,

C. V. BAXLEY.

WASHINGTON, *January 5, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: As nearly as I can remember the following is a true statement of all I have done. I was very anxious to see Jeff. Davis and I determined at any and every risk to do so. I asked friend after friend for letters of introduction. All tried to dissuade me, and positively refused aid or sanction to what they termed my mad freak. At length I succeeded in obtaining simply a letter of introduction, and one of recommendation in favor of a friend for whom I determined (on my own responsibility) to ask a favor of Mr. Davis. I had two requests to prefer—one for a cadetship for my son, the other the one above named. I carried with me a number of letters from friends to friends, sisters, mothers and relatives generally, any one of which I have since been informed could have gone safely by flag of truce.

I had two or three letters for the President, not one containing over a dozen lines—simply letters of greeting from old friends having no bearing whatever on this unhappy war. These I termed my dispatches simply to expedite if possible my trip to Richmond. I could not help feeling amused myself at the gullibility of the people South as well as North. I was made quite a lion of because I was really supposed to have brought important papers to Jeff. General Winder waited on me (my advent having I suppose been heralded) and conducted me (for which I owe him a grudge) somewhat unceremoniously into the presence of His Honor.

Now, Mr. Seward, you are a public man, a business man and a statesman, and is it not reasonable to suppose if I had had in my possession documents of any importance whatever I should have presented them immediately upon my arrival; whereas I reached Richmond on Sunday morning, had letters for the wife of the Belgian minister, a Baltimore lady whose family I knew, drove there, made myself as comfortable as possible, for I was fatigued and sick. On Monday morning wrote a note to ex-President Tyler to call on me as I wished him to introduce me. Mr. Tyler did not get my note, and about 1 o'clock I was waited on by General Winder. It happened very well, though he was not very polished, else probably I should have had to wait a day or two longer, and I was quite as anxious to get home as I had been to get there.

Well, I was introduced to the President, gave him his letters and preferred my requests.

Rebel or not he is certainly a gentleman. Chatted a while very pleasantly, laughed at the account I gave of my many discomfitures and remarked: "You suffered and run all those risks to see that arch rebel Jeff. Davis? Well, in consideration of so much devotion no reasonable request can be denied you." He sent the letter of recommendation before named with his own indorsement to the Secretary of War and a commission was made out and furnished in a few days afterward, Mr. Benjamin remarking to me at the time: "Mrs. Baxley, this is gunpowder should it fall into the wrong hands." A motive of pride, however, induced me to risk it. To say I regret having done so would be superfluous. My conduct has gotten a really innocent person into trouble and that without my own imprisonment is a punishment, for he had often positively assured me that he would not leave Maryland.

I brought quite a number of friendly letters back with me, some of which were marked at the custom-house at Norfolk and some not. I am confident that with the exception of the commission I had nothing of a treasonable character. I had only one sealed letter which the party begged me to deliver to Isaac McKinnon, of Baltimore, only a business letter he assured me. Mr. Deputy Provost-Marshal McPhail got that. I presume he made himself acquainted with its contents. I have no knowledge of the positions, generals, plans of attack or intentions of either Army and this I am willing to subscribe to in the presence of God and before any magistrate or judiciary in the land. I have decidedly and emphatically seen quite as much of the elephant as I desire, and as England assumed I promise from this time forward to be a non-interventionist.

Mr. Seward, I have appealed to you in your capacity of statesman. I now appeal to you as a man. Liberate me, for God's sake. But I would not be selfish; if you must have one victim retain me and liberate Doctor Brown, who I am sure would not have accepted the honor intended. Mr. Seward, my poor little boy came here from Baltimore Saturday night and I begged, wept, prayed and implored he might be allowed to spend the night with me, but was denied. He is looking like a poor little outcast. Liberate me and let me go home to him. I shall die here. Reason is even now tottering. I was angry and indignant at the treatment I experienced at the hands of the deputy marshal and his satellites and made boasts of what I had done [and] what I would do. They were but empty, idle boasts. I have no means to do with, for I even pledged a portion of the remains of other and happier days to defray the expenses of my trip, was partially robbed on the way and obliged to borrow to pay my expenses home. Now, sir, you know all.

Respectfully,

C. V. BAXLEY.

OLD CAPITOL PRISON, *March 10, 1862.*

HON. EDWIN M. STANTON, *Secretary of War.*

SIR: Predicating my application for a release upon your letter which appeared in the papers early in February, announcing that all political or state prisoners who would subscribe to the form of parole as published would be released, I subscribed to the same and forwarded to you through the provost-[marshal] on February 24 or 25. It is urgent, sir, I should be released. I have a child thrown by my incarceration

upon the charities of a cold, unfeeling world. My child is entirely dependent upon me for everything. For the past two or three weeks, young as he is (but fourteen years old), he has in order to be nearer me (though he is allowed to see me but once a week for fifteen minutes) been acting in some capacity to a party who furnishes the sutlers. A child who until now has been tenderly nurtured and cared for, [he] came to see me on Saturday in such trim I could scarcely recognize him—dirty, neglected, sick and so thin and careworn—every vestige of my once bright, happy boy gone. My heart ached, and so would yours have done could you have seen him and heard his exclamation, "Ma, if you do not soon get out I shall die."

This, sir, is some of the bitter fruits of this women-hunting, women-imprisoning process, objectionable to nine-tenths of your own people. Search the Southern prisons from the Gulf Stream to the Potomac and should you find a woman prisoner, except in cases of larceny, murder, &c., call Southern[ers], as they should deserve, cowards. No, sir, the Southern man, gentle or simple, has too exalted an opinion of woman, her attributes and her mission to treat her other than as a woman. He never forgets that to her under God he owes his being.

I may possibly have said more than would seem politic or becoming, but a mother's feelings must plead my excuse. I know, sir, that your power ought to be but is not absolute; 'tis subordinates who hold the reins and wield the power, and while such is the case prayers and pleadings are alike vain and impotent. Use your prerogative, sir; open these prison doors and send forth the women and infants. Give us tangible, visual or mental evidence that your Government is what it assumes to be.

En attendant, I have the honor to subscribe myself, respectfully yours,

C. V. BAXLEY.

[Indorsement.]

MARCH 14, 1862.

Referred to Major Allen for report.*

By order of Secretary of War:

P. H. WATSON,
Assistant Secretary of War.

OLD CAPITOL PRISON, *March 14, 1862.*

DEAR DOCTOR: I do not know how you are affected by this confinement but to me 'tis intolerable. Within the past two weeks through representations made by the superintendent, to whom we appealed and who I believe has at least a suspicion of soul, having been born South, we have been permitted to exercise for half an hour three times a day in the filthy yard thronged by contrabands and surrounded by sentries. Still it is in the open air. I do wish you would write, if but two or three lines, and give to the party who hands you this. It can reach me as this is sent.

Day before yesterday we were informed by Superintendent Wood that in all probability we should be sent to some of the Northern fortresses. The idea of being sent North is death to me. I'd rather they'd shoot me at once. The news from Manassas scared a good many of the cowardly fools whom we are well rid of into taking the oath of allegiance to this magnanimous Government, but our men of stamina have rejected their overtures with scorn. Whilst walking in the yard I addressed sotto voce in passing inquiries to several of our Maryland

* Report of Allen, if made, not found.

boys who had just been brought in and find as I supposed it (the evacuation) a strategic affair on the part of our Army. The boys looked pretty rough and rusty—a little depressed at their capture but in good health; say we are not whipped and not going to be.

I do not see why they keep you incarcerated; you have done nothing. I am the mischievous rebel that has done all the mischief. They ascribe to me a marvelous power and capacity of mischief. I'll be even with them yet. Why do you not make use of the means in your power to get out and try to reach Dixie? The way is open. True there is risk, but "nothing risked nothing won." See Doctor Thomas, who would introduce you to the President and Secretary Benjamin; or the better one to see would be Doctor Bealle.

I did write to Seward and since to Stanton, but 'tis useless; they've got too much against me. The commission is not all. Mrs. Rose Greenhow and myself were the first females brought to this old Union rat trap, but our number is gradually increasing. The first accession was Mrs. Morris, still with us; the next a Mrs. J. Barton, alias Mrs. McCarter; [she] still sports her male attire—can't help herself. Then a party were brought here who were released in two or three days. Then Mrs. Morris, of Baltimore, who is likely to remain with us; then two young ladies captured at Dranesville or thereabout who said they were sorry, promised amendment, took the oath and God speed them. I am always glad when we get rid of a craven. Colonel Thompson is out at last. Schley will get out this evening. We have quite a sprinkling of Marylanders here and some from Baltimore City. Strange to say every lady now under arrest and with but three or four exceptions have been Marylanders.

Your situation is far preferable to mine. You are in Baltimore near your friends where your wants and comforts can be ministered to by friends. Whilst my condition is pitiable in the extreme I almost wish that death would come to my relief; but these devils shall not have the pleasure to know how much I feel. I tax every power and every nerve to bear up, but 'tis indeed a terrible tax. The indignities we are continually subjected to is a disgrace to people calling themselves civilized to permit. But I will not repine; every dog has his day. Our turn will come anon. I'll stick to the old Merrimac while there's a plank to her deck, and when she goes to pieces or sinks I'll go with her. I saw her and examined her thoroughly and felt sure she would be able to weather the gale.

Good night, for as usual I have an intolerable headache.

C. V. B[AXLEY.]

COMMISSION RELATING TO STATE PRISONERS,
Washington, April 1, 1862.

Brig. Gen. JAMES S. WADSWORTH, &c., *Washington.*

GENERAL: If they consent you will please convey * * * Mrs. C. V. Baxley, prisoners at present held in the Old Capital Military Prison in this city, beyond the lines of the U. S. forces into the State of Virginia and release them upon their giving their written parole of honor that they will not return north of the Potomac River during the present hostilities without permission of the Secretary of War.

Very respectfully, yours,

JOHN A. DIX,
EDWARDS PIERREPONT,
Commissioners.

HEADQUARTERS, *Fort Monroe, Va., June 2, 1862.*

We, the undersigned, late prisoners in the Old Capitol at Washington, do pledge our word of honor that in consideration of our being set at liberty beyond the lines of the U. S. Army we will not return north of the Potomac River during the present hostilities without the permission of the Secretary of War of the United States.

C. V. BAXLEY.

NOTE.—Mrs. Rose O'N. Greenhow and Mrs. Augusta Morris also signed this parole and were sent South with Mrs. Baxley.

COMMISSION RELATING TO STATE PRISONERS,
New York, April 8, 1862.

Col. W. W. MORRIS, *Commanding Fort McHenry.*

COLONEL: You will discharge from custody the following state prisoners on the conditions herein specified, viz: * * * Dr. Septimus Brown on his parole of honor to render no aid or comfort to enemies in hostility to the United States and to hold no correspondence with any person in the insurgent States except in portions of said States occupied by the U. S. forces. * * *

We are, very respectfully, yours,

JOHN A. DIX,
EDWARDS PIERREPONT.
Commissioners.

Case of William M. Hill.

William M. Hill was arrested January 8, 1862, by the U. S. marshal of Iowa at the city of Des Moines on an order of the Secretary of State dated December 28, 1861, and was conveyed to Fort Lafayette. The charges against Hill were disloyalty to the United States Government and treasonable correspondence with the rebels. The following extracts are taken from a letter written by Hill for publication in the South.* After writing the above letter and during the summer of 1861 Hill made a visit to Virginia, by some means having obtained permission to pass the Confederate lines, and was absent several weeks. The said William M. Hill remained in custody at Fort Lafayette February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

DES MOINES, IOWA, *December 17, 1861.*

DEAR KASSON: Since writing you the other day I have positive information that the counsel for the defendant furnished to the clerk the names which he placed in the box from which the jury which is to try Hill was drawn. The most notorious and rabid secessionists in the State are on the jury, and his conviction on any state of facts is absolutely impossible.

I have talked with Sells and others who concur in the opinion which I have heretofore expressed to you, to wit, that the indictment should

*Omitted here. See p. 1323 for this letter.

be nollied and the accused committed to military custody. His absolute discharge will exasperate the loyal people of the State and embolden the secessionists. I find that it will be impossible for me to make any preparations to assist in the trial of the cause, and if any counsel is assigned you will confer a favor by naming some other man to the Attorney-General.

I will not forget, however, your kindness in this matter. Mrs. W.'s health is quite feeble. The baby is doing finely. Mrs. Goodwin is now with us.

Truly, &c.,

THO. F. WITHROW.

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DES MOINES, *December 25, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington.*

SIR: At the November term of the U. S. district court for the district of Iowa one William M. Hill, a citizen of this State, was indicted and presented by the grand jury charging him with treason. The indictment was based more particularly on a letter written by him, a printed copy of which I send herewith, with a statement of the case clipped from the editorial columns of the Iowa State Register.

The accused will not be found guilty though of his guilt there can be no question. There is a large secession element in the jury selected to try him. I am convinced that the accused intends to go South as soon as he is released and that he will be able to give the rebels much valuable information. His acquittal would be a severe blow to the cause of the Union in our State. Traitors of whom we have many will be emboldened.

Under the circumstances I believe it would be better for the Government to enter a nolle and have him committed to military custody by order of the State Department.

I am, sir, very respectfully, your obedient servant,

H. M. HOXIE,
U. S. Marshal, District of Iowa.

P. S.—I also inclose a letter from Hon. S. J. Kirkwood, governor of this State.

[Inclosure No. 1.—Extract from Iowa State Register.]

INDICTMENT FOR TREASON.

Soon after the commencement of the present term of the U. S. district court in this city information was filed against Capt. William M. Hill, of Magnolia, Harrison County, Iowa, charging him with certain treasonable words and acts. A warrant was thereupon issued by Judge Love and U. S. Marshal H. M. Hoxie proceeded to Harrison County to make the arrest. He found Mr. Hill at home, served the warrant and started on his return to Des Moines. In Magnolia and in Council Bluffs there were threats by secessionists that they would rescue Hill from the custody of the marshal, but fortunately for them the attempt was not made and the prisoner was brought safely to this city.

A portion of the information upon which the arrest was made was substantially as follows: Hill was formerly a resident of Monroe County, Va. He has resided in Harrison County five or six years, during which he held we think for two terms the office of clerk of

the district court. Last summer he concluded to visit his old home in Virginia; by some means obtained permission to pass the Confederate lines and was absent from this State several weeks.

During his absence a letter came to his address from the Dead-Letter Office in Washington which upon examination proved to have been one which he had written to the Union Democrat, a secession paper in Monroe County, Va. It had been stopped by some U. S. officer and sent to the Dead-Letter Office, where, falling into the hands of some traitorous employé, it was remailed to Hill. Instead of reaching the hands of its author, however, it was in his absence opened by his deputy J. L. Deforest, a loyal Union man, its contents made known to others and finally published at length in the Magnolia Republican. Subsequently a private letter written by Mr. Hill found its way to the Dead-Letter Office in Washington, and falling into proper custody there it was sent to the U. S. officers of this State for their consideration.

These and other matters were put into tangible shape, the warrant issued and the arrest made as we have above stated, and on Monday last after a careful examination of the case a bill of indictment was found by the grand jury against Mr. Hill for treason and his trial assigned for the 7th of January next, at a special term of the U. S. district court to be held in this city. He has retained as his counsel Messrs. C. C. Cole and S. V. White. The prosecution will be conducted by W. H. F. Gurley, U. S. district attorney.

The following is a copy of the letter sent by Hill to Virginia, and returned to Magnolia:

CLERK'S OFFICE, *Magnolia, Iowa, May 14, 1861.*

EDITOR UNION DEMOCRAT, *Union, Monroe County, Va.:*

Some good friend from my far-off paternal home sends me your paper. Whoever caused my name to be placed upon your book cannot be a submissionist, else the patriotic and Southern Rights sentiments breathed through your editorials would be suppressed. Continue to forward your paper to my address, and when I am informed of the amount due on subscription the same will be sent you. The Democrat is a welcome visitor. First among the exchanges and correspondents it is opened and read because it hails from the land that is dear to me, hallowed by the recollection of youthful days, passed amid the mountain sceneries that overlook your beautiful town; the thoughts of aged parents, relatives and friends in the Southern clime, with whom I journeyed as youthful days pleasantly fleeted away. All, all makes the tidings from my paternal home eagerly sought after and interesting.

Truly, Mr. Editor, these are exciting times. The old ship of state that has carried us safely through storms and perils is drifting rapidly toward the breakers. Yea, she has struck and must go to pieces never again to be reconstructed.

Who has brought this dire calamity upon us? Not the conservative men of the South, nor the conservative voters of the North. The demons in the shape of Black Republicans and Abolition rulers have so misled the excitable masses of the North by such doctrines as set out in Uncle Tom's Cabin and such as taught by Beecher, Greeley, &c., that the fanatics believe they are doing God's service to wage a war of extermination against the Southern slave-holders. Yes, Mr. Editor, the black-hearted fanatics have caused the dark clouds of war to hang over us, and this once peaceful and happy Union to be deluged with the blood of relatives and friends, and the Union destroyed.

Conservative citizens in this portion of the West justify the course the South is taking and condemn this Black Republican Administration for waging this unholy and unjust war upon the South. All over the Northwestern States are thousands and tens of thousands of Union-loving Democrats who say amen and God speed you in your noble work in driving back the hordes of unprincipled Abolitionists who bide the calling of a sectional Administration to plunder the citizens of the South. Never let them pollute your sacred soil.

In the opinion of a majority of the citizens of the Northern States, and perhaps of a majority of this town and my adopted county, the foregoing are entire secession sentiments. I know I am pronounced a traitor by the negro worshipers, but my opinion is given now as has been given since I have resided in the State. I have

fought the Abolitionists through each canvass with pen and tongue, and shall continue on, though my office and press are threatened by the friends of the renowned John Brown.

I am not alone with regard to the views expressed concerning our national difficulties. The conservative Democracy are with me. I give your readers an idea of the views of the conservative Democrats of the Northwest. I clip from The Council Bluffs Bugle, a leading Democratic paper, which I make a part of this communication. I indorse it, as every conservative man North will. (Here follows an extract from the Bugle.)

* * * * * * *

I clip another editorial from The New York News, which represents the faithful of the State who have ever faithfully battled against negro equality and for the rights of the Southern States. (Here please state that in this communication follows a printed extract from The New York News.)

* * * * * * *

I find words local and will bid your readers farewell. Not a company nor a volunteer will leave Western Iowa to obey the call of Lincoln to battle with the Southern troops. The Government has called the troops stationed at Fort Randall and Fort Kearny and leaves our frontier exposed to the invasion of the hostile Indians. Volunteer companies are being formed for home protection. The Government stopped the transportation of all provisions down the Missouri River. This act is arousing the masses against the Government and making friends for the cause of the South.

A thousand cheers for the Monroe volunteers! In their ranks I see the names of a brother and relatives. May they cover themselves with glory in this struggle and be an ornament to the State and the Southern Confederacy.

I have spun out this communication too long and perhaps it should go, if at all, on the outside of the Democrat.

WM. M. HILL.

Mr. Windell, if you think the foregoing would interest your readers, give it a place in your paper, after correcting bad spelling, &c. If desired I may correspond occasionally.

[Inclosure No. 2.]

DES MOINES, *December 25, 1861.*

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington City.

SIR: Mr. Hoxie, U. S. marshal for this State, informs me he has written you in regard to one Hill indicted for treason in U. S. district court of the State and whose case is set for trial at a special term of said court to be holden at this place on the 7th day of next month.

I have information on which I rely that a large number of the jurors selected by the deputy clerk for the trial of said cause are in sympathy with the rebels. I have personal knowledge that such is |the| fact as to one or two of them. Under these circumstances a conviction is at least doubtful and I should regard a failure to convict as a misfortune. An acquittal would embolden men who are silent only from fear to speak out against the Government.

I state what I believe to be facts, and would suggest if within the rule upon which you have heretofore acted that Hill be removed from the State by your order and imprisoned elsewhere under military authority. The evidences of his guilt will as I hear from Marshal Hoxie be sent to you by him. Permit me also to suggest the necessity for some change in the law for the selection of jurors and the empaneling of juries. I am of opinion that the sympathies of many of the district as well as higher judges are at least doubtful. Their clerks, selected by themselves, are of like sympathies, and from these causes our courts instead of being as they should be, a support to the Government and a terror to traitors, are made points of attack against the one and a shield to the other.

I have the honor to be, very respectfully, your obedient servant,

SAMUEL J. KIRKWOOD.

DEPARTMENT OF STATE, *Washington, December 28, 1861.*

H. M. HOXIE, Esq., *Des Moines, Iowa.*

SIR: Arrest and convey to Fort Lafayette, N. Y., William M. Hill as soon as he is discharged from civil custody under the present indictment against him in the U. S. district court in Iowa.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

FORT LAFAYETTE, N. Y., *January 19, 1862.*

Hon. WILLIAM H. SEWARD, *Department of State, Washington.*

DEAR SIR: Since confined here I have been informed that you would learn from the accused* statements and facts which led to the arrest and confinement of persons in this fort. This was truly gratifying news to me, believing that when heard I will be released. I herewith hastily condense my statement.

Last spring my wife left Magnolia, Iowa (my residence), to visit her friends in Virginia. Shortly after her arrival the civil war broke out in Western Virginia and the mails were stopped. She could not return home, neither could I receive any communication relative to her return or safety. I was informed through the medium of the press that no citizen of the North could pass Wise's or Floyd's lines, all being held as spies and their enemies. To aid me in passing these armies—to pave my way through them—to reach my family and return with them home I composed a sympathizing letter directed to a little county paper published in the county where my family had gone to visit, designed to allay any prejudices against me and to accomplish the object already stated.

I did pass the armies, met my family and in forty days from the time I left I was at my home in Iowa.

This letter was returned from the Department in my absence and was published in several papers in the State, commented upon and exaggerated. Some charged that I had left my judicial office, all my property and a part of my family to join the rebellion. Thus I was misrepresented and also my motives by designing men who envied me the office of clerk of the district and who represented that I could not nor did not intend to return to Iowa.

Under these circumstances I was not surprised that I was indicted, having no opportunity to explain the designs and motives in writing a sympathetic letter to my wife's friends in Virginia. The U. S. district court appointed a special term to hear my case. I gave bail for my appearance and at the time appointed I appeared in court. The U. S. attorney after being apprised of the circumstances and the evidence against me entered a nolle prosequi in my case and I was discharged. (It was at the sacrifice of much of my means that I procured counsel (of attorney) and traveling witness 400 miles to defend the civil action against me.)

Shortly after my discharge I was arrested by your honor's order and confined in this fort. I respectfully state further and hope by them and the proof thereof [you] will honorably discharge me from confinement. Not a citizen of Western Iowa who is acquainted with me and the circumstances under which the imprudent letter was written but will petition for my release. I can obtain the proof and petitions of thou-

* See Seward to Keyes, p. 151.

sands who know me and my loyalty. I can obtain the prayer of Judge Love, U. S. judge of Iowa; Mr. Gurley, U. S. attorney, and H. M. Hoxie, U. S. marshal, who are acquainted with all the evidence against me and who will plead that I have already been punished enough for my imprudence in writing the letter referred to.

I have ever been a loyal citizen. Nothing in this world could have induced me to take up arms against my Government or give aid and comfort to the enemy. All I possess in this world is in my adopted State. I have no interest nor affinity in the South. I can obtain the prayers of nearly all the jury summoned in my case; also every Government witness petitioning that my design was not to injure the Government, and thousands of citizens who know my loyalty. The State Flag, a newspaper I published during the last campaign, I can produce as other evidence that I have charged and blamed the ultras of the South with being the instigators of all our troubles.

With these facts stated by the high judicial authorities of Iowa and all others I have named may I not fondly hope to soon meet my family again (to whom I am fondly attached, and who are now among strangers without parental care)? If my loyalty is questioned I will readily take a solemn obligation to do and perform every act the Government may make incumbent upon me in this or any other crisis. Could I be released on parole? If so I can obtain an exchange to amply satisfy my Government, and to this end I will give such security as may be required.

I desire remaining at this place the length of time I am confined rather than at Fort Warren. I await an answer with much suspense.

Humbly, your servant,

WILLIAM M. HILL.

DES MOINES, *January 27, 1862.*

Hon. W. H. SEWARD, *Secretary of State, Washington.*

SIR: I inclose herewith a card clipped from the columns of the Iowa State Register, which was rendered proper by the attacks of certain disloyal newspapers.

Hill is the leader of a class of our citizens who reside near the border of the State of Missouri that are detrimental to the Union cause.

Since returning a civil action has been commenced against me to recover $1,000 forfeiture under the provisions of the Iowa habeas corpus act for disregarding a writ which was served upon me while on my way to Fort Lafayette. Steps are being taken by C. C. Cole, one of Hill's attorneys, who is a sympathizer with the leaders of the rebellion, to procure the release of Hill. I respectfully suggest the propriety of consulting His Excellency Governor Kirkwood and the State officers of this State before issuing any order for the release of said William M. Hill.

I am, sir, very respectfully, your obedient servant,

H. M. HOXIE,
U. S. Marshal, District of Iowa.

[Inclosure.]

CARD FROM MARSHAL HOXIE TO THE PUBLIC.

The numerous false statements which have been put in circulation by a disloyal press concerning my conduct in the arrest and transfer of William M. Hill to Fort Lafayette render a brief recital of the facts at least proper.

Hill was indicted by the grand jury at the last term of the U. S. district court for the western division of the district of Iowa for treason against the Government. His offense as I am informed consisted in writing letters to the rebels, of which the following is a sample:*

Without entering into details it is sufficient to say that the fact that he wrote the above letter and others is established beyond dispute and is not denied by him. His trial was set for the 7th of January and a special jury was drawn and summoned for the purpose. On Thursday, the 3d day of January, 1862, I received from the post-office in Des Moines an official notification from the district attorney who was then in Washington of his purpose to enter a nolle in the case pursuant to instructions received from the Attorney-General of the United States. On Saturday, the 5th of the same month, I received an order over the signature of William H. Seward, Secretary of State, bearing date of December 28, 1861, commanding me to arrest and convey to Fort Lafayette William M. Hill as soon as he is discharged from civil custody under the present indictment against him in the U. S. district court in Iowa. On the 8th of January I received a letter from the Assistant Secretary of State, bearing date of January 2, 1862, advising me that the order above referred to had been issued.

I did not stop to make inquiries as to the new light of which the State Department was possessed or the reasons upon which this new action was based. My duty as an officer to execute the order seemed clear and I resolved to do it. On the evening of the 8th I made the arrest at the Des Moines House in this city and immediately started for Fort Lafayette. There was nothing unusual or remarkable in the manner in which the arrest was made. The prisoner was in the office of the Des Moines House when arrested. He quietly made such arrangements for the journey as were necessary, and when he left the office some time after he was taken into custody other persons who were there during the entire time noticed no unusual occurrence.

On the 10th we were met on the cars of the Mississippi and Missouri Railroad by the deputy sheriff of Scott County, who served upon me a writ of habeas corpus, issued by Judge Linderman of the county court upon the application of James Grant, an attorney. Without immediately determining in my own mind what course to pursue I proceeded to Davenport and delivered my prisoner to the jailer of the county for safe-keeping until again demanded. After consulting with those whose advice I deemed it proper to ask I resolved to disregard the writ as has been repeatedly done by other marshals having the custody of military prisoners. I demanded the prisoner of the jailer, received him and went on my way. On the 16th of January I delivered him to the commandant of Fort Lafayette, as his receipt now in my possession attests. At no time was any unnecessary hardship practiced upon the prisoner.

The above statement has been rendered necessary by rumor and newspaper articles of which the following is a sample:

[Extract from The Davenport Democrat and News.]

MORE OF THE HILL KIDNAPPING CASE.

From one of our citizens who has been traveling in Illinois we gather a few items concerning the movements of the scoundrel Hoxie and his kidnapped prisoner, Cap-

*See p. 1323 for Hill's letter written to the Union Democrat of Union, Monroe County, Va., which is here omitted.

tain Hill. It appears that Hoxie was afraid of an attempt at rescue if he did not put a long distance between himself and the place of his theft, and therefore hired a conveyance and pushed on to Viola, in Mercer County. Here our informant saw them Saturday morning. Hill was in chains and was compelled to lie down on the floor with a guard over him. Our informant inquired into the nature of the offense and was told that Hill was a runaway military prisoner who had been captured in a house of ill-fame in Davenport. Subsequently, however, Mr. Hill gave our informant the particulars of the arrest and Hoxie's villainy.

During the recital Hoxie threatened his prisoner with severe punishment if he did not shut his mouth. Mr. Hill said that all he asked for was his rights guaranteed to him under the Constitution of the United States—a fair and impartial trial—but that now he was beyond the reach of his friends he had no hopes of being heard until the Government reached his case, which may be in a month, and perhaps not in a year. Hoxie told our informant that he must keep a close mouth in Davenport regarding what he had seen and heard, but the scamp mistook his man when he undertook to frighten our informant into silence. What surprises us is that Mr. Hill should so tamely submit to the outrage of being carried off after having been released by course of law from the custody of the marshal. Hoxie in Hill's presence acknowledged that he stole his prisoner from the jail—at least so our informant says. Hill would have been justified in letting daylight into Hoxie and then returning to stand his trial, and he should have done just that very thing. From what we can learn the proper tools for his release were offered him by more than one individual during the morning the party tarried in Viola.

These paragraphs contain but a single truth. I was in Viola on Saturday morning. Hill was not in chains and never had been. He was not compelled to lie down on the floor. No one was told that Hill was a runaway military prisoner who had been captured in Davenport, but the bystanders were told that he had been indicted as a traitor and that I held him a military prisoner under an order from the President to deliver him to Fort Lafayette. I did not threaten to inflict severe punishment upon him or in any other way restrain his statements. The charge that he had been cleared of crime by a jury of his countrymen is simply false.

The only action that has ever been taken in his case was by the grand jury which indicted him. The Attorney-General saw proper to nolle that indictment and discharge him from civil custody for reasons which were doubtless satisfactory to him. The proper Department issued the order to take him into military custody and I executed the order. General Banks refused to obey a writ of habeas corpus issued by Chief-Justice Taney and General Dix—not only refused to obey a writ issued in a similar case, but issued an order for the arrest of the attorneys who sued it out. I held Hill as a military prisoner, and with such examples did not feel disposed to stop and discuss with every pettifogger between Des Moines and Fort Lafayette the power of the Commander-in-Chief and those acting under his orders to disregard the writ, when it is sought to be interposed in revolutionary times for the relief of such prisoners. It was my business to obey an order issued by the proper Department in the manner authorized by approved precedents, and not to discuss constitutional law and the powers to be exercised by the Government when engaged in a contest with domestic traitors, the issue of which involves the very existence of the Government.

I arrested Hill and took him to Fort Lafayette and have nothing to regret in connection with the transaction. If any similar orders shall be directed to me in the future they will be as promptly executed. If secret sympathizers with or open partisans of traitors can draw any consolation from this assurance they are entirely welcome to it.

H. M. HOXIE.

FORT LAFAYETTE, N. Y., *February 7, 1862.*

Hon. WILLIAM H. SEWARD, *Department of State, Washington.*

DEAR SIR: Some three weeks since I was informed that you would hear the statements of those confined here relative to charges of the Government against them. Thus understanding I made mine condensed in a space that would make it understood. I am well aware of the pressing and urgent business under your charge, all of which is more urgent than mine, and you may have not reached my case or my letter may not have reached you, and thus anticipating I hope you will pardon my calling up my case and troubling you again.

You are aware that the U. S. attorney (Gurley) of Iowa after advisement with your Department of State dismissed the civil process against me satisfied that there was not a citizen of the State of Iowa who could find me guilty of the charge after the circumstances surrounding the case.

I have in my former letter stated why the imprudent letter was written by myself to a friend in Virginia, namely: My family were there on a visit; I could not hear from them and was informed that I could not pass the armies to reach them and return with them to my home in the West. I published The Harrison County Flag (Iowa) and took a strong part against Davis *et al.* and their efforts to break up the Union and the party to which I was attached. Many copies of my paper went to Virginia. I knew I had made enemies there, and the letter written was to reach my family and to allay for a time the prejudices against me as a citizen of the North.

I regret the aim to dissolve the Union and this rebellion. I have no interest in the South; never expect to reside there. All I have in this world in the way of property is in my adopted State, and there, too, I have a young family among strangers and must be suffering for the want of parental care. I wish I could forward you a copy of the letter. In it I am sure you could see no treason.

I hope you will find it convenient to refer to U. S. Judge Love, U. S. Attorney Gurley and U. S. Marshal Hoxie, of Iowa, for the proof of my statement of my case. I am willing to readily subscribe to the oath of allegiance in as binding terms as may be required. I have spent more than one-half of all my means in defense of the civil charges against me from which by the instructions of the Government I have been acquitted. It seems hard indeed after all my battles and sacrifice of my limited means and discharge from the accusation against me that I am confined here and undergoing another punishment for writing an imprudent letter only, for which I have already suffered much; but I will submit patiently hoping when my case is reached I will be released by taking the oath. I await.

Respectfully, your obedient servant,

WM. M. HILL.

DES MOINES, *February 12, 1862.*

W. M. HILL, *Fort Lafayette.*

SIR: I have seen a letter addressed to a number of State officers by you in which you say that I am willing to interpose in your behalf in your efforts to procure a discharge from Fort Lafayette. Justice to yourself as well as myself requires that you should understand my position clearly. Those claiming to act as your friends have attempted through the secession press of this State to fill the public mind with

false statements concerning my conduct in connection with your arrest, and your attorney claiming to act under your instructions has instituted one civil suit against me and proposes to try his hand at another. A criminal prosecution was even attempted and failed. To ask any interference on my part under these circumstances is exacting too much of human nature and I shall therefore decline to interfere in your case.

Respectfully, &c.,

H. M. HOXIE,
U. S. Marshal, District of Iowa.

WASHINGTON CITY, *February 16, 1862.*

[WILLIAM M. HILL.]

DEAR SIR: I have this morning received yours* of the 12th instant, addressed to the entire delegation in Congress. I will lay it before them to-morrow morning and advise you of their action. I have no doubt, however, but you will be released very soon under the recent order of the President. I may say for myself that I have seen and conversed with the U. S. attorney for Iowa on the subject of your arrest and confinement, and will say frankly that his statements agree substantially with your narrative.

I have no doubt but General Jones† will also soon be released. Should you have the opportunity say to him that I have conversed with Mr. Seward in relation to his case very recently. I send by this mail some Iowa papers for you and him.

Yours, &c.,

JAS. HARLAN,
[*U. S. Senator.*]

DES MOINES, *February 16, 1862.*

W. M. HILL, Esq.

DEAR SIR: A letter has been received by the governor addressed to him and other State officers, myself included, asking a recommendation from us for your release. While I might under ordinary circumstances be in favor of granting your request, it is proper for me to say that your legal adviser in this city having commenced proceedings in court to recover damages from the U. S. marshal of this State for doing his duty in arresting and conveying you to Fort Lafayette you can hardly expect any interference from us in your behalf while that prosecution is pending.

Very respectfully,

F. W. PALMER.

DES MOINES, IOWA, *February 20, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Has the President ever made a formal order suspending the privileges of the writ of habeas corpus? If he has will you be kind enough to cause a copy to be sent me. I make the application as the attorney of H. M. Hoxie, U. S. marshal, against whom an action is now pending to recover the forfeiture provided by statute for disregarding a writ of habeas corpus. The action was brought by William M. Hill, who was recently by your order consigned to Fort Lafayette.

Very respectfully,

THO. F. WITHROW.

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*Not found.

†See case of George W. Jones, p. 1295.

FORT LAFAYETTE, *New York Harbor, February 23, 1862.*
Hon. EDWIN M. STANTON, *War Department, Washington.*

DEAR SIR: I had fondly hoped that your recent proclamation would have reached my case and that I would have been released as a political prisoner. Some forty prisoners were discharged from this fort yesterday whose misdemeanors and offenses were of more magnitude than the one I am supposed to have committed. My misdemeanor is writing a sympathizing letter to friends in Virginia from Iowa, my adopted home. For this, too, I have been tried before the civil authorities of my State and honorably acquitted. I refer you to U. S. Attorney Gurley, of Iowa (who is now in Washington), and Senator James Harlan from Iowa.

I am willing to subscribe to the reasonable requisition of your proclamation or to take the oath of allegiance, and if required give any other obligation or security that may be required. All my property and interest is in a loyal State, where I expect to remain the residue of life. May I hope to hear of my release by return mail.

I am, very respectfully, your obedient servant,

WM. M. HILL.

FEBRUARY 24, 1862.

I, William M. Hill, of Magnolia, Iowa, a prisoner confined in Fort Lafayette, N. Y., hereby make application to be released from custody on my parole of honor to render no aid or comfort to the enemies in hostility to the Government of the United States, in accordance with the terms of Executive Order, No. 1, of the War Department, dated February 14, 1862, in reference to political prisoners.

WILLIAM M. HILL.

SENATE CHAMBER, *Washington, February 26, 1862.*
The SECRETARY OF WAR.

SIR: We respectfully request that William M. Hill, a citizen of the United States residing in Iowa now in confinement at Fort Lafayette on an order as it is said emanating from the Secretary of State on account of suspicion of disloyalty, may be discharged from custody and permitted to return to his family.

Your obedient servants,

JAS. HARLAN.
JAMES W. GRIMES.

WAR DEPARTMENT, *Washington, March 3, 1862.*
H. M. HOXIE, Esq., *U. S. Marshal, Des Moines, Iowa.*

SIR: I have the honor to acknowledge the receipt of your letter of the 27th of January last, which was addressed to the Secretary of State, and also a letter from Thomas F. Withrow, esq., your attorney, relative to the suspension of the writ of habeas corpus in the State of Iowa. In reply I inclose a copy, authenticated, of an order* which was issued by the President on the 6th day of December last addressed to Major-General Halleck, commanding the Department of the Missouri, suspending the execution of the writ of habeas corpus within his command. I

*Omitted here; see p. 1334; also see Vol. I, this series, pp. 230, 231, for correspondence relating to suspension of the habeas corpus act in General Halleck's department.

have also to inform you that by an order which was issued from this Department on the 9th day of August, 1861, the State of Iowa was included within the Department of the Missouri.

I am, sir, &c.,

E. M. STANTON,
Secretary of War.

—

WAR DEPARTMENT, *Washington, March 3, 1862.*

H. M. HOXIE, Esq., *U. S. Marshal, Des Moines, Iowa:*

What are the names of the attorneys who have commenced proceedings against you for refusing to obey a writ of habeas corpus? Answer by telegraph.

E. D. WEBSTER.

—

FORT LAFAYETTE, N. Y., *March 3, 1862.*

General JOHN A. DIX, *Baltimore, Md.*

DEAR SIR: Unless I can get a parole for a few days I will not be able to offer my evidence explaining the circumstances under which I wrote a letter in which there is seeming aid and comfort to the rebellion. At that time I was aiming only to get my family through the lines of Wise and Floyd to their home. I had no thought of committing the act of treason against my Government. No one thought then the rebellion would assume such magnitude. The letter was returned to my address and pilfered from the post-office by an enemy, published in a paper that has ever aimed to traduce my humble name and character. I have read the copy. It is not all my production. I can get evidence of this at my home. I wrote my wife in Virginia advising her how to pass the armies. This was directed to some postmaster to forward to her. In that letter to the postmaster I may have flattered his views for the same designs.

Nearly every citizen of Iowa who is acquainted with my case would petition for my release. Thousands of devoted Union men have expressed their astonishment to me of the course pursued in my case. If you cannot consistently release me I ask to be remanded to my district? I will give good bond and go before a grand jury and ask that my case be investigated and will not depart until I am honorably discharged. I send you a copy of the order* of my release before I was arrested by the marshal; also some comments of newspapers showing the facts of the marshal's acts. I am not accountable for the course pursued by some of the newspapers of my State. They censure some of the Government officers. I wish it had been otherwise. It has been no advantage to me; but it is no fault of mine.

I hope, general, you will excuse my earnest and anxious demeanor. I have no one to present my case. While I fear the same persons who have formerly misrepresented me may do so again, all I ask is the evidence from the capital of Iowa (Des Moines) and from Magnolia, my home. My importance is not to be compared to Mr. Brounlen. While he is a public man of ability, I am an humble, quiet citizen. Yet he received his liberties after the civil action was dismissed against him. Hon. F. W. Palmer and the marshal are against my release because of the suits pending against the marshal. The marshal procured my arrest. You can see his designs.

I remain, general, your obedient servant,

WM. M. HILL.

* Not found.

WAR DEPARTMENT, *Washington, March 8, 1862.*

Maj. Gen. H. W. HALLECK, *Saint Louis, Mo.*

GENERAL: I inclose herewith for your information a letter* from H. M. Hoxie, esq., the U. S. marshal for the district of Iowa, relative to proceedings which one C. C. Cole, who is represented to be a sympathizer with the persons in insurrection against the authority of the Government of the United States, has commenced against him for declining to obey a writ of habeas corpus while in the execution of an order from the Secretary of State. The State of Iowa is in your military department. The President by an order addressed to you on the 6th day of December last suspended that writ therein.

With a view to this arrest you will adopt such proceedings as you may find necessary to protect officers who perform whatsoever duties are required of them by the Executive. It is presumed that the arrest and detention of Mr. C. C. Cole would have a salutary effect. An order addressed to the U. S. marshal at Des Moines, Iowa, will without doubt be properly executed.

I have the honor to be, &c.,

E. M. STANTON,
Secretary of War.

—

WAR DEPARTMENT, *Washington, March 10, 1862.*

Hons. JAMES HARLAN and JAMES W. GRIMES, *U. S. Senate.*

GENTLEMEN: I have the honor to acknowledge the receipt of your letter of the 26th ultimo, requesting that "Mr. W. M. Hill, a citizen of the United States residing in Iowa now in confinement at Fort Lafayette on an order as it is said emanating from the Secretary of State on account of suspicion of disloyalty, may be discharged from custody and permitted to return to his family."

In reply I have the honor to state that Mr. Hill is held upon what appears to be conclusive evidence that he not only sympathized with the enemies in hostility to the Government of the United States but that he was actually engaged in affording aid and comfort to them in the character of a spy. It is presumed, however, that in making this request you may have been actuated by a knowledge of facts of which this Department may not be aware. I will consequently thank you to state the reasons upon which your application is founded.

I have the honor to be, &c.,

E. M. STANTON,
Secretary of War.

—

SENATE CHAMBER, *Washington, March 13, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: We have the honor to acknowledge the receipt of your letter of the 10th instant concerning the imprisonment of William M. Hill, of Iowa, at Fort Lafayette. We are informed that Mr. Hill was indicted by the grand jury of the U. S. district court for Iowa, but that Hon. W. H. F. Gurley, U. S. district attorney for Iowa, after consultation with the Attorney-General of the United States entered a nol. pros. in the case on the ground that there was not sufficient evidence to convict Mr. Hill of treason.

*Omitted here. See Hoxie to Seward January 27, with its inclosures, p. 1326.

Although at the beginning of the rebellion Mr. Hill's sympathies may have been with the enemies of the Government we do not believe he has been guilty of any act of treason, and from the best information we have now before us we believe him to be in sympathy with the Government and that he has been sufficiently punished for any improper acts of which we have any knowledge.

Your obedient servants,

JAS HARLAN.
JAMES W. GRIMES.

—

SAINT LOUIS, *March 15, 1862.*

H. M. HOXIE, Esq., *U. S. Marshal, Des Moines.*

SIR: I had authority to declare martial law in Iowa but have never exercised it. I have made and send herewith an order in relation to Hill in order to protect you so far as I can. I must have immediately a full report of the facts of the case in order to justify me in this proceeding. Unless this is given and it is satisfactorily stated that it is necessary for public good to exercise this power the order will be revoked.

I am inclined to think from your letter to Secretary Seward* that this difficulty has grown out of some newspaper quarrel. If so I shall have nothing further to do with it. I permit the newspapers to abuse me to their hearts' content and I advise you to do the same. It is, however, a very difficult matter where they assist and encourage the enemies of our Government in this unholy rebellion.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General.

[Inclosure.]

SAINT LOUIS, *March 15, 1862.*

H. M. HOXIE, Esq.,
U. S. Marshal, District of Iowa, Des Moines:

By virtue of authority conferred on me by the President of the United States I direct that you do not release William M. Hill without the proper orders from these headquarters, the privilege of the writ of habeas corpus being suspended in regard to said Hill. You are authorized to disregard the writ or process of any civil court which may have been or may be issued for the release or production before the court of the body of the prisoner.

H. W. HALLECK,
Major-General.

—

FORT LAFAYETTE, N. Y., *March 17, 1862.*

General JOHN A. DIX,
Hon. Judge PIERREPONT,
Commissioners, Washington City.

GENTLEMEN: I have aimed to forward to you the evidence of my trial and acquittal in my State and district of the accusation of treason, the same charge under which I am held here as a political prisoner. I am hopeful that this evidence with evidence in my behalf is before you.

I will reiterate though that I am only accused of writing a sympathizing letter to friends in Virginia long before the rebellion assumed

*Probably refers to copy of Hoxie to Seward, January 27, *ante.*

the magnitude it has (May, 1861). This imprudent letter, too, was written while my wife was there on a visit, and pleading for a way or passage through the armies of Virginia to her home in Iowa. The letter was designed to pave my way through the armies who would otherwise have denied me a passage, and would in my opinion have been held as a spy and refused me passage and prevented me returning with my wife to my home in a loyal State. With much difficulty I made the journey and returned to my home and office.

The citizens of my State and the legal tribunal through which I have been made to pass with this mistaken charge against me have judged that I committed an imprudent act only, and all have been surprised that I have been made to bear the punishment I have, and all would without distinction of party speed the day of my release. Had not the marshal of the State with seeming malicious and speculative designs filed the information against me and urged my prosecution the Government or no one else would have judged I had designed to commit treason against my Government, nor would my humble and quiet position as a citizen ever been noticed by legal or Government counsel. I may be all wrong in so referring to the marshal of Iowa, but the journals of the State I have sent you expose his illegal acts in my prosecution for which he has been sued (but not at my request or will). His exposition has brought him and a few of his friends down upon my incarcerated head and they are again misrepresenting me. I am thankful I am not to pass under their judgment, but under yours, who will judge me as I deserve.

I have aimed to forward you letters of Messrs. Harlan and Grimes, Iowa Senators, who have been made acquainted with my offense and who have made written request to the War Department for my release (since your appointment). I refer you to them; also to U. S. Attorney Gurley for Iowa, now in Washington; to U. S. Judge Love of Iowa, who judged me not guilty of treason; who tried me and honorably acquitted me. I wish I could refer you to the opinion of the press and the almost unanimous [voice] of the citizens of Iowa in my favor. But I must not intrude more upon your time. I have asked in case you cannot immediately discharge me to send me to my State and district, where I will ask a bill being found and a trial before those who are well acquainted with my loyalty; where I will neither ask to challenge a juror nor introduce a witness, nor depart until my title to freedom is clear. I have asked, too, for a parole to seek my liberty through an exchange of some grade designated by the Government—to secure my liberty and return to my office, my home and suffering family. I have asked to renew my pledge of loyalty by taking the oath of allegiance. I have no interest in Virginia nor in this rebellion. All I possess is in Iowa, my home. I must be excused for presenting my own case. I have no acquaintance to plead for me nearer than Iowa.

With hopes to hear from you soon, I remain, gentlemen, humbly, yours,

WM. M. HILL.

FORT LAFAYETTE, N. Y., *March 18, 1862.*

Hon. EDWIN M. STANTON, *War Department, Washington.*

DEAR SIR: Senator Harlan and Senator Grimes, of Iowa, kindly sent me your letter addressed to them concerning the charges against [me] and my release.

I am much surprised to learn that I am charged with disloyalty, aiding and comforting the enemies and even [being] a spy. Whoever has made these accusations against me has done me great injustice. The only act of error and imprudence I have committed was in writing a letter to Virginia while my family were there to enable me to pass the armies and get my family home. Had I not resorted to flattery, sympathy and deception I would likely have been incarcerated in a Southern prison as a spy in my endeavors to get my family home. I repeat again frankly and honestly and truthfully that was all that induced me to write at all to Virginia, and this letter, too, was written long before the rebellion assumed the magnitude it has (May, 1861), since which time and before I have acted the part of a loyal citizen in a loyal district and State, having no communication with the South nor desiring any; and living content a thousand miles from the South how unreasonable it is that I can be charged as a spy. If I was a traitor or desired the success of the rebellion I would have remained in Virginia, but I have no interest there nor any in the South nor in the rebellion. All my interests are in Iowa, and I would I could refer the Department to the citizens of my district and get their truthful verdict as a loyal citizen.

I know I have been much wronged in this prosecution by the marshal of the State, who with a few others for the per diem and fees and through seeming malice have made me suffer for many months in this prison while my family are among strangers. For the truth of this hasty assertion I refer your honor to my trial and acquittal under charge of treason in the U. S. court of Iowa, to U. S. Judge Love and U. S. Attorney Gurley.

To get me confined here the marshal kidnapped me—stole me from the custody of an officer who had served upon him the sacred writ of habeas corpus for my release. Thus I have been misrepresented and thus denied the benefit of the habeas corpus writ, and, too, after having been acquitted of the same charge that stands in your Department.

I have asked to be discharged. If refused I ask to be sent to my district where I will ask the finding of a bill (if possible to indict me for treason) and will faithfully abide the decision of my State.

There is not one citizen of my State who is acquainted with my case but will say I have been much wronged and would plead for my release. Surely I have been punished already more than my offense justifies. For the safety of my family and myself I did write only a sympathizing letter. That too may have been altered as I never have seen it since it was published. If my case is with the commissioners I hope this will be given them.

With great hopes and respect, I await and submit my liberty to your good will.

Very obediently,

WM. M. HILL.

FORT LAFAYETTE, N. Y., *March 23, 1862.*

General JOHN A. DIX,
Hon. EDWARDS PIERREPONT.

GENTLEMEN: I have before me honorable Secretary Stanton's letter of the 20th informing me that my case (state or political prisoner) was referred to you and that my release depended upon your decision. I have aimed to get the evidence in my favor (sufficient I think to discharge me) before you, though I am not certain it is now before you. The great distance from my home, from friends, and the difficulties of communication and presenting my case with that light and truth I would wish

prompted me again to refer to other evidence in case you have not received my letters or that they are not sufficient for my discharge.

At my former trial for the crime and offense of writing the unfortunate letter I had evidence to prove that the person who abstracted the letter from the post-office—the editor who published it—had materially altered the wording of it. (They are revengeful enemies.) When I was discharged by the U. S. court from further prosecution by the entering of a nolle the jurors and Government witnesses signed an entry to the effect that my prosecution was unwise, unnecessary, and calculated not to result in any good in the cause of the Government.

This resolve by those who know me well, the circumstances under which this letter was written, and my loyalty, together with the record of my acquittal and discharge, I have written to the clerk of the U. S. court at Des Moines, Iowa, to send you. If you have not received them reference is made to Mr. Gurley, U. S. attorney of Iowa, who is now in Washington. Senators Harlan and Grimes, of Iowa, have been made acquainted with my case. I hope it may be convenient for you to refer to them.

It seems some one has done me the injustice to accuse me of aiding, comforting, and even accuse me of acting as a spy to the rebels. I have not written at all or communicated with any one South for eighteen months except the letter designed to aid me in meeting my family. I reside too in a loyal State where all my interest is centered, a thousand miles from a rebellious district. My loyalty is not doubted by any citizen of my State who knows me; nor would my imprudence ever been noticed or my little property sacrificed or I been for many months incarcerated had not personal enemies promoted it all and magnified my offense.

I wish I could inform you how much the marshal of Iowa is censured by the citizens of the State for his malicious persecution. He first commenced my troubles and it is said to get his per diem and mileage from the Government. He has been sued for his violation of right in my prosecution and I know he and his friends are doing all they can to misrepresent me. I will not again give my excuses and apologies for writing at the time I did. My motives I have stated, and whatever wrong I have done I surely have received my just punishment already. It is my anxious wish to be sent to my district, where I will urge a trial in case I am not readily released. I wish I could be informed who made the charges against me and upon what grounds.

I am, gentlemen, your humble servant,

WM. M. HILL.

—

WASHINGTON, *March 24, 1862.*

WILLIAM M. HILL, Esq., *Fort Lafayette, N. Y.*

DEAR SIR: The Iowa delegation in Congress have this day united in requesting your discharge from confinement. I have no doubt our request will be complied with.

Your obedient servant,

JAMES W. GRIMES.

—

COMMISSION RELATING TO STATE PRISONERS,
New York, April 8, 1862.

Hon. EDWIN M. STANTON, *Secretary of War, Washington.*

SIR: We have the honor to inform you that we have had under consideration the case of William M. Hill, of Iowa, and respectfully rec-

ommend that he be discharged upon taking the oath of allegiance to the Government of the United States, stipulating that he will do no act hostile or injurious to the Government of the United States, and that he will release all claims against the U. S. marshal for the district of Iowa growing in any manner out of his arrest and confinement and particularly in disregarding the writ of habeas corpus.

Very respectfully, yours,

JOHN A. DIX,
EDWARDS PIERREPONT,
Commissioners.

—

FORT LAFAYETTE, N. Y., *April 10, 1862.*

General JOHN A. DIX,
Hon. EDWARDS PIERREPONT,
Commissioners.

GENTLEMEN: Deputy U. S. marshal informs me that you had requested him to say to me that you had agreed upon my release and that I would receive my discharge in a few days. I am not informed upon what conditions. I would rather have been sent to my State and district for trial, but will accept your conditions, as I anticipate them reasonable from the questions propounded while I was before you. I have a friend in the city from Iowa who is waiting to advance me some means and accompany me home. It would be of great convenience and pleasure to know the time I may expect my discharge, and if it is necessary for you to await further instructions from Washington. May I hope for an answer.

Very respectfully,

WM. M. HILL.

—

FORT LAFAYETTE, N. Y., *April 14, 1862.*

Hon. JAMES W. GRIMES, *U. S. Senate.*

DEAR FRIEND: I am under many obligations to you and Senator Harlan for the sympathy you have manifested for me, and for your kindness and efforts in releasing me from my unhappy confinement. Though I have troubled you much I will ask another favor of you.

Messrs. Dix and Pierrepont have recommended my release on the conditions that I dismiss suits commenced in Iowa against Mr. Hoxie, the marshal, and by taking the oath of allegiance. This I am willing to do. I informed you that Mr. Cole, who had formerly acted as my attorney, had no authority to bring these suits; that what he has done was without my authority or knowledge. I have not consulted with him, nor has he ever informed me of the bringing of these suits. I think Mr. Hoxie has done me great injustice, but I never thought of suing him, as I know litigation with a Government officer would only redound to my disadvantage. But to my request. I respectfully ask that you would personally refer to the War Department and see that the papers for my release are made out and sent on. Under the press of business the recommendation and application of the Commissioners may remain in the office days and weeks without being sent on.

I cannot be misinformed of the decision of the commissioners. It comes through Mr. Webster, the Secretary; also through U. S. marshal. I cannot think the Government will refuse to discharge me under these circumstances. If there is any refusal or any cause, will you please

inform me what can be the reason. You can reiterate the opinion of Mr. Gurley, U. S. attorney, who knows all about my case—my innocence of the charge against me. You can refer to my trial and acquittal, to my loyalty, the great distance I reside from the South, and that all my wrong consists in writing a sympathizing letter to my friends in Virginia, designed to get my family home through the armies. The letter of the Iowa delegation* for my release to the President can also be transferred to Mr. Stanton. I hope I may hear from you by return mail. I hope to be situated so I can repay you for your kindness.

Very respectfully, your obedient servant,

WM. M. HILL.

—

WAR DEPARTMENT, *Washington, April 26, 1862.*

Maj. Gen. JOHN A. DIX,
Hon. EDWARDS PIERREPONT,
Commissioners.

GENTLEMEN: The Secretary of War directs me to acknowledge your letter of the 9th [8th] instant * * * recommending that William M. Hill be released on taking the oath of allegiance and stipulating to release all suits and claims against the U. S. marshal, H. M. Hoxie, growing out of the execution of any orders in connection with his arrest. He approves your findings as above stated and directs that you carry into effect the decision in respect to William M. Hill upon the terms and conditions proposed.

Very respectfully, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

—

APRIL 28, 1862.

ROBERT MURRAY, Esq., *U. S. Marshal, New York.*

SIR: You will please bring before the commission to-morrow (Tuesday, April 29), at 11 a. m., the following-named prisoners confined at Fort Lafayette, viz, * * * William [M.] Hill.

By order of the commission:

E. D. WEBSTER,
Secretary.

—

COMMISSION RELATING TO STATE PRISONERS,
New York, April 29, 1862.

Lieut. Col. MARTIN BURKE, *Fort Lafayette.*

COLONEL: Mr. Hill having taken the oath of allegiance and engaged to relinquish all claims against the U. S. marshal for the district of Iowa growing in any manner out of his arrest and confinement you will please release him.

Very respectfully, yours,

JOHN A. DIX,
EDWARDS PIERREPONT,
Commissioners.

* Does not appear in the case.

Case of Messrs. Hunter and Hull.

Samuel Hunter was arrested by the military authorities near Sandy Hook, on the Upper Potomac, and sent by order of Major-General Banks December 25, 1861, to the provost-marshal of Washington who committed him to the Old Capitol Prison. The charges against Hunter were that in violation of the President's proclamation interdicting correspondence and commercial intercourse with the rebel States he went to Virginia in August, 1861, on a collecting tour for the firm of Hopkins, Hull & Atkinson, of Baltimore; that by representing the members of that firm loyal to the Confederate States he traveled with impunity through the insurrectionary States, and on his return brought with him various business and social letters to be delivered by him personally or mailed to parties in the North. Application having been made for the release of Hunter an order was issued from the Department of State January 22, 1862, directing the provost-marshal of Washington to discharge him on his taking an oath not to visit any of the insurrectionary States during the present war without consent of the Secretary of State, or do any act hostile to the Government of the United States. The said Samuel Hunter was accordingly released.

Robert Hull was arrested January 30, 1862, in Baltimore by order of the Secretary of State and committed to Fort McHenry and from thence conveyed to Fort Lafayette. The charges against Hull were that in violation of the President's proclamation interdicting communication with the rebel States he with his partners representing the firm of Hopkins, Hull & Atkinson doing business in Baltimore sent Samuel Hunter as their authorized agent to Virginia and the Southern States to collect moneys and accounts due the firm. The said Hunter upon his return having been arrested by the military authorities of the United States near Harper's Ferry, upon his person were found letters and certain correspondence implicating Robert Hull and his partners with being in sympathy with the rebels. It appears that the said Hunter while acting as agent of the said firm found difficulty in making collections, and in behalf of Messrs. Hopkins, Hull & Atkinson addressed the following letter to a firm in Richmond.* Mr. Hunter acting under the written authority of Hopkins, Hull & Atkinson assures their friends that that firm is "known to be loyal to the Confederate States." February 5, 1862, an order was issued from the Department of State directing the release of Hull on his taking the oath of allegiance and entering into stipulations to do no act hostile to the Government of the United States. This offer of release was declined, and in reference to it Hull wrote February 9, 1862, as follows:

> I was offered my release yesterday on taking the oath of allegiance, which I had respectfully to decline. Even if so disposed it would ruin me with nine-tenths of our customers who live in the South, but I had no idea of taking it under any circumstances.

The said Robert Hull† remained in custody at Fort Lafayette February 15, 1862, when in accordance with the order of the War Department of the preceding day he was transferred to the charge of that Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

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* Omitted here. For Hunter to Messrs. Meredith, Spencer & Co., September 23, see p. 1341.

† For Dix to Stanton, February 20, 1862, recommending Hull's retention among others as a dangerous prisoner, see Vol. I, this series, p. 738.

HDQRS. CITY GUARD, PROVOST-MARSHAL'S OFFICE,
Washington, D. C., January 7, 1862.

Brig. Gen. A. PORTER, *Provost-Marshal.*

DEAR SIR: In the case of Samuel Hunter, a prisoner confined in the Old Capitol Building, I have the honor to report as follows:

Said Hunter was sent here from General Banks' division on the 25th of December ultimo, having come into our lines from Virginia near Sandy Hook, Md. On examination at this office he stated that he was a native of Ireland; that he emigrated to this country about eleven years ago; that he had resided in Baltimore, Md., ever since he arrived in this country; that he was now twenty-one years of age; that he did not know whether he was a citizen of the United States or not; that he had never been naturalized and did not know whether his father ever had been or not; that he had been in the employ of Messrs. Hopkins, Hull & Atkinson, dry goods merchants, 258 Baltimore street, Baltimore, Md., for the last six years as clerk; that for the last year he had been engaged in collecting bills for goods sold by the above-mentioned firm; that on the 31st of August last he was requested by his employers to go South on a collecting tour; that he accordingly went as requested; that he took no letters or communications of any kind with him except his own simple accounts; that he went by the way of the Eastern Shore of Virginia, and had no difficulty in getting along, having stated who he was, what his business was, &c.; that having made a tour of considerable extent in the South he started from Richmond on the 19th of December to return to Baltimore; that he went by the railroad to Strasburg via Manassas Junction, thence to Winchester in an omnibus, thence to Charlestown by railroad, and thence to Harper's Ferry by private conveyance, where he arrived on the morning of the 24th of December; that he engaged a man there who raised a white flag and put him across the river into Maryland; that on landing on the Maryland shore he was taken into custody by the Union pickets and conducted to the headquarters of Major Tyndale, where he was searched and then sent to the headquarters of General Banks at Frederick, whence he was sent under guard to this city. Among the papers found upon the person and in the baggage of Hunter were the following:

BALTIMORE, *April 30, 1861.*

TO OUR CUSTOMERS AND FRIENDS IN EAST TENNESSEE, VIRGINIA AND ALABAMA:

The bearer of this, Mr. Samuel Hunter, is hereby authorized by us to attend to the settlement of our business in the above-mentioned States and to receipt for any money paid for our account, and his receipt will be good against us for the same.

HOPKINS, HULL & ATKINSON.

WYTHEVILLE, VA., *September 23, 1861.*

Messrs. MEREDITH, SPENCER & CO., *Richmond, Va.*

DEAR SIRS: You will do me a great favor by inquiring of the attorney-general or some other competent person whether there is a law or proclamation in Virginia or in the Confederate States prohibiting the payment of debts to Baltimore houses who are known to be loyal to the Confederate States. I have met with considerable objection on this account. Some of our best customers have an idea that it is a penal offense and have refused to pay the money on that account although they were anxious to do so. If there is no law or proclamation to the above effect, if you can get the attorney-general or other competent person to give you a few lines to that effect and inclose it to me it will promote my business very much. Our friends are all willing to pay their Baltimore debts but have doubts on the above subject. Please write me as soon as possible to care of Keebler & Pepper, Bristol, Va., what the attorney [-general] says about it; and if you can get me a few lines from him please do so. If you think fit you can just show him this letter.

Your early attention will much oblige yours, respectfully,

SAMUEL HUNTER,
For HOPKINS, HULL & ATKINSON.

RICHMOND, *October 21, 1861.*

Mr. SAMUEL HUNTER.

DEAR SIR: Yours of the 14th was received a day or two ago and I have seen the attorney-general and herewith inclose the law in regard to the collection of debts due Maryland. Your letter to Hopkins, Hull & Co. I will send so soon as an opportunity occurs, which is rare now. I have been able to hear but little from Baltimore for some time, and that little of very unsatisfactory character. Your first letter was received while I was out and so long after the time you wished me to write you to a certain point that I did not write you. Hope you may have success in your business operations. Write me when I can be of use to you.

Very respectfully, yours,

E. N. SPILLER.

Besides these letters there were found among the papers of Hunter sundry business letters from citizens of the South (mostly in reference to accounts in his hands for collection), and also a few social letters from citizens of the South to their friends in the North which Hunter was bringing within our lines for the purpose of mailing or delivering in person. It is perhaps due to Hunter to say that there were no papers found in his possession of a treasonable character any further than those above mentioned may come under that definition. Upon Hunter's person also was found $4,240 in Virginia bank bills which I have given up to Mr. Robert Hull on Hunter's order, taking the former's receipt therefor.

On the 1st of January the following document was received by mail at this office, post-marked Baltimore, Md.:

The undersigned, doing business in the city of Baltimore, desire to state that the debts due them being almost entirely in the South, and their only dependence either for living or paying their debts being the debts due them, and feeling it due to themselves as well as to their creditors to do all in their power to collect and secure their debts, sent their clerk, Samuel Hunter, who has been living with them several years and whom they know to be a man of the strictest integrity, to Virginia in August, 1861, with instructions to take with him no letters or correspondence, and to bring none with him on his return. The object of his trip was only to secure and collect the debts due us and to bring the money home with him so that we might be able to pay those to whom we were indebted here and in the North, who were then as now very urgent and pressing. Since his departure we have not written to him except on business, nor has he to us. He has been since his departure diligently engaged in attending to our business, and as we are satisfied to that only. On his arrival at Frederick, Md., a few days since he was arrested and taken to Washington and is now held a prisoner there.

As the trip on which we sent him was only on business as stated before, we respectfully ask that he be discharged.

HOPKINS, HULL & ATKINSON.

BALTIMORE, *December 31, 1861.*

The above firm are highly respectable, and I have no doubt that their statements may be implicitly relied on.

GEO. R. DODGE,
Provost-Marshal.

It is of course unnecessary for me to say that the whole mission of Hunter if not the agency of his employers in the matter was in direct contravention of the President's proclamation in regard to communicating with the rebel States, while it is for others also to define the penalty due such an offense. But the written intimation of Hunter in the South that his employers were known to be loyal to the Confederate States is a very serious aggravation of the matter. Here we have a case of a mercantile firm living and flourishing under the protection of the Federal Government confessing themselves through an authorized agent traitor to that Government, and openly bidding defiance to the ordinances of the executive officers by communicating with its enemies in arms through an agent alike faithful to their pecuniary interests and their traitorous designs.

I cannot see how the Government can secure proper respect for its ordinances or discharge its duty to the loyal people and the loyal and brave army enlisted in its support without in this case, as in all others of the kind, holding to strict account all the parties concerned in contraband communication with the enemy. I deem it my duty therefore on this occasion after a thorough examination of the case to recommend and urge not only that Hunter be held in custody until all occasion for his contraband agency is over, but that his three employers, Messrs. Hopkins, Hull & Atkinson, of Baltimore, the principals in this habitual contraband business, be arrested and so disposed of as to effectually prevent any further indulgence in their treasonable propensities.

All of which is respectfully submitted by your obedient servant.

E. J. ALLEN.

[Indorsement.]

Respectfully forwarded to Hon. W. H. Seward, Secretary of State.

A. PORTER,
Brigadier-General and Provost-Marshal.

DEPARTMENT OF STATE, *Washington, January 22, 1862.*

Maj. Gen. JOHN A. DIX, *Baltimore, Md.*

GENERAL: I will thank you to inquire and report to me the names in full of each of the persons composing the firm of Hopkins, Hull & Atkinson, doing business in Baltimore, and whether any of them are citizens of the United States, and if so which of them.

I have the honor to be, &c.,

F. W. SEWARD,
Assistant Secretary.

DEPARTMENT OF STATE, *Washington, January 22, 1862.*

Brig. Gen. ANDREW PORTER, *Provost-Marshal.*

SIR: Let Samuel Hunter, a prisoner confined in the Old Capitol Prison, be released on engaging upon oath that he will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State; and also that he will not do anything hostile to the United States during the present insurrection.

I am, general, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

BALTIMORE, *January 23, 1862.*

Maj. Gen. JOHN A. DIX.

SIR: Referring to the inquiry as to the firm of dry goods merchants here of Hopkins, Hull & Atkinson I have to state that Basil Hopkins, Robert Hull and Thomas W. Atkinson compose the firm. They are all citizens of the United States. The first-named, Hopkins, is known to be a Union man; the others are secessionists. They have a large number of accounts due them in the South.

Yours, respectfully,

GEO. R. DODGE,
Provost-Marshal.

DEPARTMENT OF STATE, *Washington, January 28, 1862.*

Maj. Gen. JOHN A. DIX, *Baltimore, Md.*

GENERAL: I am directed by the Secretary of State to request that you will arrest and convey to Fort Lafayette, New York Harbor, Mr. Robert Hull. You will please make a thorough examination of his person and the premises of the firm of Hopkins, Hull & Atkinson for treasonable correspondence. Please transmit all such of which you may take possessioi together with your report thereon to this Department.

I have the honor to be, &c.,

F. W. SEWARD,
Assistant Secretary.

—

HEADQUARTERS, *Baltimore, January 30, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Mr. Robert Hull, of the firm of Hopkins, Hull & Atkinson, has been arrested and will be sent to Fort Lafayette to-morrow with twelve others, political prisoners from Fort McHenry. His person and the premises were searched but no treasonable correspondence has been found.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

—

DEPARTMENT OF STATE, *Washington, February 5, 1862.*

Col. MARTIN BURKE, *Fort Hamilton, N. Y.*

COLONEL: Mr. Robert Hull, of Baltimore, who has recently been committed to Fort Lafayette, is a member of the firm of Hull, Hopkins & Atkinson of that city. In the course of the last summer this firm in defiance of the President's proclamation sent an agent to Virginia on business who must have surreptitiously passed through the military lines of the United States. On his return, however, he was arrested and confined in this city, and there was found upon him a correspondence by which the loyalty of his employers was compromised. The firm referred to then applied to Lord Lyons to ask for his release on the ground that he was a British subject, and he was released accordingly. It was then deemed advisable to arrest one of the principals, and Mr. Hull was selected for that purpose. You may, however, inform him that if he will take the oath of allegiance to the United States he will be set at liberty, and if he does take the oath you may release him.

I am, colonel, your very obedient servant,

WILLIAM H. SEWARD.

—

FORT WARREN, *Near Boston, May 7, 1862.*

Major-General DIX and Hon. EDWARDS PIERREPONT.

GENTLEMEN: I am a native citizen of the State of New York but have resided in Maryland for the last twenty-nine years. On the 30th of January last whilst in the legal prosecution of my business I was arrested by an officer professing to act under an order of the Hon. F. W. Seward, Assistant Secretary of State of the United States, and

forcibly taken to Fort McHenry, where I remained one night; then I was taken to Fort Lafayette by an armed force and treated on the route like a common felon. Remained there some fortnight or more and from thence removed to this place and kept as a prisoner ever since, without any charge having been made against me and without any legal warrant for my arrest. My house and place of business were searched without warrant and without oath; all of which was in violation of the Constitution of the United States, and particularly of the fourth article of "amendments to the Constitution."

I was on the 8th of February last tendered my release on condition of taking an oath of allegiance not required by law, which I declined. There is no provision of the Constitution or any law which requires of private citizens any such oath, and I object to being singled out and marked with suspicion by having any such oath imposed on me. I have never yet been informed as to what is charged against me and I am not conscious of having violated any law; therefore I do not want any amnesty nor will I give any parole or take any oath not required by the law of the land; but I claim as I have a right to do an immediate and unconditional release from my present unjust and illegal imprisonment. If I have done any act contrary to the laws of my State or of the United States I claim a speedy trial by my peers.

Very respectfully,

ROBT. HULL.

WAR DEPARTMENT, *Washington, D. C., May 15, 1862.*

Mr. ROBERT HULL, *Fort Warren, Boston Harbor, Mass.*

SIR: The Secretary of War directs me to acknowledge the receipt of your letter of the 8th instant* stating that you had declined being released on the terms offered by the commissioners and asking to be paroled thirty days, and to inform you in reply that your request cannot be complied with.

Very respectfully, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

FORT WARREN, *Boston Harbor, November 27, 1862.*

General L. THOMAS, *Adjutant-General, Washington, D. C.*

SIR: I have the honor to report that I have this day released the following-named prisoners in obedience to telegram† 26th instant, viz,

* * * Robert Hull. * * *

I am, sir, very respectfully, your obedient servant,

J. DIMICK,
Colonel First Artillery, Commanding Post.

Case of Arthur Brown.

Arthur Brown was arrested by order of the Secretary of State at Fairfield, Conn., by U. S. Marshal David H. Carr on the 7th of Feb-

*Not found.

†For Townsend to Dimick, November 26, 1862, ordering release of all the Maryland state prisoners, see Vol. I, this series, p. 748.

ruary, 1862, and committed to Fort Lafayette. He was charged with disloyalty and the strongest sympathy with the rebel cause. A letter said to have dropped from his pocket dated Richmond, December 31, 1861, and signed "F. C. P.," informed him that his proposition to purchase a fast steamer and go at privateering met with Jefferson Davis' most hearty approval. Advised him to come without delay to rebeldom by the way of Baltimore, where his friends would see him safe through the lines. The writer also suggests that he does not think it advisable to drop down to Africa, as there would be danger of capture before getting into Congo. The said Arthur Brown remained in custody at Fort Lafayette February 15, 1862, when he was transferred to the charge of the War Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

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WAR DEPARTMENT, *Washington, March 12, 1862.*

Lieut. Col. MARTIN BURKE,
Fort Lafayette, New York Harbor.

COLONEL: You may release Mr. Arthur Brown, a prisoner confined in Fort Lafayette, upon his giving his written parole of honor that he will render no aid or comfort to the enemies in hostility to the Government of the United States.

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

—

[FORT LAFAYETTE,] *March 15, 1862.*

I, Arthur Brown, of New York City, do hereby give my parole of honor that I will render no aid or comfort to the enemies in hostility to the Government of the United States.

ARTHUR BROWN.

Witness present—

HARRY C. EGBERT,
First Lieutenant, Twelfth Infantry.

Case of Mrs. Augusta Morris.

Mrs. Augusta Morris,* alias Miss Ada M. Hewitt, alias Mrs. Mason, was arrested by order of Major-General McClellan and confined in the Old Capitol Prison February 7, 1862. She was charged with being a spy in the employ of the rebels. The said Miss Hewitt, or Mrs. Morris, remained in custody at the Old Capitol Prison February 15, 1862, when in conformity with the order of the War Department of the preceding day she was transferred to the charge of that Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

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Information obtained by a thorough examination and study of the papers of Mrs. Augusta Heath Morris, otherwise Mason.

That on the 20th of January, 1854, she as Mlle. Augusta Heath Morris was married in Paris to John Francis Mason in the presence

*In connection with this case see case of Mrs. Greenhow, p. 561 *et seq.*; also case of Mrs. Baxley, p. 1315 *et seq.*

of Julian Taylor, of Virginia, and George W. Morris, of South Carolina, and all of the United States; that Mason has a mother (a Mrs. Mason) at or in the vicinity of Frederick, Md., with whom he seems to reside principally, and that his Parisian wife goes by the name of Mrs. Morris; that Mrs. Morris is a second Mrs. Greenhow, having been boarding in style at Brown's Hotel and been engaged principally it would seem in collecting information and communicating it to the enemy; that she has been in correspondence with Thomas John Rayford,* the rebel correspondent of Mrs. Greenhow, &c.; that Rayford for the purpose of misleading detectives has been in the habit of dating his letters as from New York City while writing from secesh; that he (Rayford) has called on Mrs. Morris at Brown's Hotel since she has been there; that Mrs. Morris left the Ebbitt House for Brown's Hotel under the auspices of a Mr. Elias M. Green, a Quaker; that since Mrs. Morris' sojourn at Brown's Hotel she has had more or less social intercourse with Mansfield T. Walworth, Major McClure, George A. Hanson, Capt. Fred. Buclock, U. S. Army, E. W. Belt, Upper Marlborough, Md., Mrs. and Miss Mackall, Mrs. Merrick, Hon. J. S. Rollins, Edward Loring, Mr. Lovejoy, &c., but with none of these parties does there appear to have been any intercourse but of a social nature; that she has a social correspondent at Frederick, Md., named E. A. Hanson; that she has a lady correspondent in New York named Mrs. Gildersleeve, who seems to be on very intimate terms with her socially; that she has a lady correspondent in Baltimore named Mrs. C. S. Wilson, in whose possession interesting correspondence might no doubt be found; that Daniel R. Kenney, of Point of Rocks, offered to see Mrs. Morris safe across the river on the 27th of July when she was at Frederick. He had just sent a note across to Mrs. Mason for her, showing that Mrs. Mason was probably at the time in Virginia; that Mrs. Morris corresponds socially with Lizzie Grant, Oswego, N. Y., Mrs. Johnson, Mrs. Syms, 300 Broadway, Mrs. Beaumont, Miss Price, Mrs. Walworth, Mrs. Gildersleeve, Mrs. Speed, her husband, &c.; that in a note to her at Brown's Hotel Mansfield T. Walworth spoke of a Mrs. R. being about to leave the city and wishing to see her; that in one of Rayford's letters to her he speaks of their cousin, Jane Elmford, being in co-operation with them in Washington, and hopes that she was not involved by the arrest of "[illegible]," probably W. T. S. (Smithson).† He also spoke of "poor [illegible]" (R. G.) as being a persecuted individual. He also speaks of a friend of theirs whom Nesmith, of Oregon, is after with resolutions of inquiry, thus giving a clue to said friend by communicating with Nesmith; that she (Mrs. Morris) has been informed by some faithful Maryland friends that Mrs. Baxley has been put in prison with Mrs. Greenhow to get all she could out of her. She asks Rayford for information about her (Mrs. B.)

There is nothing in the papers of Mrs. Morris or of himself to show any treasonable practices on the part of M. T. Walworth.‡ He appeared to be mixed up with Mrs. M. socially to some extent, like several other parties.

[E. J. ALLEN.]

*Rayford was Thomas Jordan, assistant adjutant-general to General Beauregard.
† See case of Smithson, p. 1354 *et seq.*
‡ See case of Walworth, p. 1351.

Copies of intercepted letters sent out of the Old Capitol Prison by Mrs. Augusta Heath Morris February 27, 1862.

[No. 1.]

PRIVATE.] OLD CAPITOL PRISON, *February 19, 1862.*

Dr. J. F. MASON,
Care Maj. T. G. Rhett, Asst. Adjt. Gen. of Johnston's Staff:
(To be forwarded.)

Two days after I laid my babe down to rest—the 7th of February, his birthday—I was arrested at Brown's Hotel—where I have lived ever since I have been in Washington—for giving information to the enemy. I write you this letter to let you know how futile was the attempt of your good mother to have me either arrested or exiled from the South; that I actually left the South, sent by General Joe Johnston and General Beauregard, and with the consent of the President, to go to Washington and see if my feeble efforts could be of use to them. I may not have been of use, but I am so dangerous, or so considered by this Government, that a military necessity compels them to arrest me, in the language of General McC[lellan]. He, however, arrested me too late. I already had gotten his plans, as laid before the military committee, from one of the members. It is true that your mother's voice did have some weight with General Winder who protested at my leaving the country; but he being politely informed to mind his own business I consequently left upon my mission. I left as an alien; but that stain will be removed from my child and we will have a claim on the Southern Government, and I shall be able to fight you and your mother from a fortress.

I hold in my possession the proof of your mother's constant communication across the river with Colonel Stone. I have two of our friends to bear witness to my conversation with Mrs. Buell when she said her (your mother's) property here was secure; it was all safe; the Government understood your position perfectly—to use her elegant phraseology, "that they were all right," meaning you and your mother. Then my conversation with the Secretary of State places it beyond a doubt that it is your mother that is the traitor and not I. Colonel W.'s was broken in and robbed. The Government had it closely investigated and the perpetrators punished. "Huntly" has not been touched. All this goes to prove that your mother's position is very well understood here by the Lincoln Government. I have understood from parties in Frederick that your mother wrote to Colonel Geary that she had committed an error in trying to fasten upon me the suspicion of having an intrigue with the commander at Point of Rocks. She told me to my face, "She must be a spy, for how else could she (I) have gotten across the river?"—that I had actually left the country as a spy for the Southern Government. Geary replied, "It was only Mrs. Mason's malignity," and he paid no attention to it, and he is now actually trying to get me released upon parole; but I will not come out upon that. I have worked for them ever since the war broke out, and will never yield until they do, and not even then.

I wrote you a letter from Leesburg, which is more than probable that you did not get as I waited in Richmond for the answer. I was detained at Fairfax to get my instructions some weeks, for the arrangements for my leaving were being made, and whilst there I saw Bradley T. Johnson. I believe he is my friend—at least he pretends to be, or from

policy, seeing that my friends were those that held all in their hand. I staid a day with him at the station. He was very kind to me and the children. He is a dear funny fellow. He tells me he told Mrs. Johnson the night before the fight at Manassas of me and my children, and she would be a friend to those children. When I told him of all my sufferings in Arkansas the tears rolled down his face. I had not the heart to tell him of all the unkind things your mother had said of his wife, but for fear my letter has failed to reach you I will tell you all she said of you.*

* * * * * * *

Your wife,

A. MASON.

[Newspaper slip inclosed. From Washington.—Special to The New York Herald.]

ARREST OF A FEMALE SECESSIONIST.

A lady calling herself Mrs. Morris, who came here from Richmond some time since alleging that she had been compelled to leave on account of expressions of sympathy with the North, was arrested to-day and locked up in the Capitol Hill Prison. She is charged with giving information to the enemy regarding the position and strength of the Federal troops and fortifications in and about Washington. Mr. Walworth, son of Chancellor Walworth, of New York, clerk in the Adjutant-General's Office, has also been arrested and imprisoned on charge of acting in complicity with her. This Mrs. Morris, who is a gay, dashing and sprightly widow, it will be remembered offered for $100,000 to explain the Confederate Army signals. This offer was not accepted but for prudential reasons it was deemed advisable to keep a strict watch upon her and the result has been her arrest, which took place at 4 o'clock this morning while she was in bed at her hotel.

[No. 2.]

Col. THOMAS JORDAN. (To be forwarded.) FEBRUARY 24, 1862.

MY DEAR FRIEND: I have written you twice since I have been in this charming place—once a private letter to you, another claiming your protection for Mrs. General Gaines, my friend. Some of our friends have written South that she is a spy for this Government. It is utterly false. In my letter I also spoke of the cabal formed against me by Mrs. Greenhow. She too has added her voice against Mrs. G[aines], and as I said she is drowned by mean ambition of being known [as the only one] in the good work and jealous of everything that surpasses her in loyalty and courage. She makes herself the echo of every evil rumor and she may injure Mrs. G[aines].

I have seen in the papers a speech alleged to have been made by Faulkner† at M———. I wrote you when I saw him at the hotel to tell the President to be careful of that man and not to trust him nor to give up Ely for him. He I assure you is no friend to the South. He is crafty and calculating. He has some voice in Virginia. This speech will do harm. He had I am confident a pretty good understanding with this Government before he left, so the Union men gave me to understand. Mr. Davis will understand him better than you will, for he knows him. I cannot describe to you the whole manner of this man,

* Omitted portions of these letters relate to unimportant family matters.

† See case of Faulkner at p. 463 *et seq.*

but it left the impression on my mind that he was not to be trusted. I was talking to him; I said "the President"—meaning Mr. Davis. He did not understand me. "O, Mr. Davis." "Yes," I replied, "President Davis. You have not yet gotten used to it. You know we have two Richmonds in the field." His whole tenor and manner showed that the fat turkeys and baskets of grapes presented by those Boston abolitionists had won his heart in spite of his allegiance to the South. His falsehoods about his kind treatment to the prisoners will be proved some day. He ought to be placed under arrest for it as Henry May was for his speech in Congress last summer.

All of my letters to you, so I have learned since I have been here, were opened on both sides of the river before they reached you, and those that were not mutilated by being opened were resealed and forwarded. That is the reason why so few reached you. Did the ones with McC[lellan]'s plans as given to the military committee reach you? Mrs. Lincoln gave Wycoff the message you saw when they arrested him to make him tell.

Their successes have completely deranged them. All that I am afraid of is that success is so powerful even in the eyes of great men; and so strongly does force impose upon men that I am afraid our friends here will grow lukewarm and forget we are right. I have great hopes of you if McC. will give you fight. "Nous ne brûlons que pour brûler les autres." You ought to see the attitude they are now assuming toward England. After you are subjugated they are going to whip all Europe, send an immense army to Mexico, to Canada and all over the world.

E. P. Bryan is here; was arrested on the 22d. He tells me you are gone with your chief. * * * I have written reams. Cannot you possibly get me an answer? They arrested a woman in men's clothes and brought her here. She will not take them off. She is either a spy for them (for she is a Yankee woman) or it's been done to degrade us and deter every respectable woman from raising her voice in our cause.

[No. 3.]

PRIVATE.] OLD CAPITOL PRISON, *February 19, 1862.*

Col. B. T. JOHNSON, *Present.*

MY DEAR COLONEL JOHNSON: * * * "A military necessity" compelled McC. to arrest me two weeks ago. I have excellent society, when I get a chance to enjoy it. It's solitary confinement; but trust to my French sagacity for that. Latude, the thirty years' prisoner in the Bastile, you know never saw any one (?). Greenhow enjoys herself amazingly. My friends, or our friends, have supplied me with every comfort. I have no fault to find, but on the whole rather like it—out of the way of scandal! I cannot work so well here as when free. I regret that. Frank kicks against the door. "Let me out, you damn Yankee, you." * * * Give it to Colonel Jordan. That's a good man, I love him very much. I thought old Bryan was here, but was agreeably disappointed to find it was only his cousin.

I now will write you what I desired to say. George Hanson tells me if you will send a power of attorney to any one your interest at all hazards shall be respected. The Union sentiment is dying out in F. Banks has your house. Also that Miss or Mrs. Robinson is making an effort to sell your house to foreclose a mortgage. You will understand what I mean. I am writing in great haste to give to the sentinel before

he is changed. He will not be on again for a week. You could buy up the whole regiment for $1,000. I am not at all low-spirited. You know I cultivate a cheerful spirit as a duty. I often think we are very much alike in some respects.

Our losses in Tennessee and Kentucky is a blow, but they have to fight a long death fight before our brave people are conquered. I am only afraid so powerful is success even in the eyes of superior men, and so strongly does force impose upon men despite the voice of conscience, that our friends here will forget we are right. If you are whipped and taken prisoner you will be brought here. They are making extensive preparations for your accommodation. This piece of paper Mason wrote his name on in my portfolio long time ago, and I have kept it as a souvenir. You know I have only his children to remember him by. Pardon this scrawl, but I write with a stick.

The sentinels, keeper, prisoners and officers are all kind. They only keep me here because they hate to part with me. * * *

Yours, &c.,

A. M.

Please forward the inclosed letter* to Doctor Mason.

COMMISSION RELATING TO STATE PRISONERS,
Washington, April 1, 1862.

Brig. Gen. JAMES S. WADSWORTH, *&c., Washington.*

GENERAL: If they consent you will please convey * * * Mrs. Augusta Morris, prisoners at present held in the Old Capitol Military Prison in this city, beyond the lines of the U. S. forces into the State of Virginia and release them upon their giving their written parole of honor that they will not return north of the Potomac River during the present hostilities without permission of the Secretary of War.

Very respectfully, yours,

JOHN A. DIX,
EDWARDS PIERREPONT,
Commissioners.

HEADQUARTERS, *Fort Monroe, Va., June 2, 1862.*

We, the undersigned,† late prisoners in the Old Capitol at Washington, do pledge our word of honor that in consideration of our being set at liberty beyond the lines of the U. S. Army we will not return north of the Potomac River during the present hostilities without the permission of the Secretary of War of the United States.

MRS. AUGUSTA MORRIS.

Case of Mansfield T. Walworth.

This person [Mansfield T. Walworth] was arrested February 7, 1862, in Washington, D. C., by order of Major-General McClellan and committed to the Old Capitol Prison. He was charged with being a spy‡

* Omitted as unimportant.

† Mrs. Greenhow and Mrs. Baxley also signed this parole and were sent South with Mrs. Morris.

‡ But see report of Allen in case of Mrs. Morris, p. 1346.

in the service of the rebels. The said M. T. Walworth remained in custody at the Old Capitol Prison February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

COMMISSION RELATING TO STATE PRISONERS,
Washington, April 1, 1862.

Hon. REUBEN H. WALWORTH, *Saratoga Springs, N. Y.*

SIR: Herewith I have the honor to inclose by direction of the commissioners, Major-General Dix and the Hon. Edwards Pierrepont, a copy of the order issued this day for the discharge of Mr. Mansfield T. Walworth from confinement at the Old Capitol Military Prison in this city.

I have the honor to be, &c.,

E. D. WEBSTER.

[Inclosure.]

COMMISSION RELATING TO STATE PRISONERS,
Washington, April 1, 1862.

W. P. WOOD, Esq., *Superintendent, &c., Washington.*

SIR: You may release Mr. Mansfield T. Walworth upon his taking the oath of allegiance and engaging upon oath that he will leave the city of Washington forthwith and repair immediately to his paternal home in Saratoga County, N. Y., and report daily therefrom to the Hon. Reuben H. Walworth, and that he will not leave the county of Saratoga nor hold any correspondence himself nor be engaged in any with any person in the States in armed insurrection against the authority of the Government of the United States without permission from the Secretary of War.

Very respectfully, yours,

JOHN A. DIX,
EDWARDS PIERREPONT,
Commissioners.

Case of W. W. Hedrick.

W. W. Hedrick, of Memphis, Tenn., was arrested in Chicago, Ill., February 8, 1862, and by direction of the Secretary of State was conveyed to Fort Lafayette. Hedrick was charged with being an agent of the insurrectionary Government to procure the printing of Confederate scrip or bonds and that in pursuance of his agency and authority he contracted for and had printed in Chicago a large number of bonds or scrip, and when arrested was about to proceed with them to the rebel States. On his person was found a large amount of money or scrip issued by authority of the so-called Confederate States, and of issues of the banks of the States in rebellion against the Government of the United States. The said W. W. Hedrick remained in custody in Fort Lafayette February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

U. S. MARSHAL'S OFFICE, *New York, April 9, 1862.*

Lieut. Col. MARTIN BURKE, *Commandant, Fort Lafayette.*

COLONEL: I have the honor to inclose orders for the release of William W. Hedrick. * * *

I am, colonel, very respectfully, your obedient servant,

ROBT. MURRAY,
U. S. Marshal.

—

I, W. W. Hedrick, of the city of Memphis and State of Tennessee, do solemnly swear that I will support, protect and defend the Union and Constitution and the Government of the United States as established by that Constitution against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any State convention or legislature to the contrary notwithstanding; and further that I do this with a full determination, pledge and purpose without any mental reservation or evasion whatsoever; and further that I will well and faithfully perform all the duties which may be required of me by law. So help me God.

WM. W. HEDRICK.

Sworn and subscribed to before me this 9th day of April, 1862.

EDWARDS PIERREPONT,
Commissioner.

—

DEPARTMENT OF STATE, *Washington, April 14, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: I have the honor to inform you that the commission relating to state prisoners at its session in New York discharged from confinement Mr. W. W. Hedrick, a prisoner who was arrested in Chicago, Ill. Mr. Hedrick applied to the commission for the restoration of a sum of money which was taken from him at the time of his arrest and transmitted to the State Department. The commission informed him that the order for restoration must be made by the Secretary of War. The package which is sealed and said to contain $700 in gold is still in my possession. Shall I return it and take his receipt therefor?

I have the honor to be, sir, very respectfully, your obedient servant,

E. D. WEBSTER.

[Indorsement.]

WAR DEPARTMENT, *April 18, 1862.*

Mr. Webster is directed to return the money as suggested within.

By order of the Secretary of War:

P. H. WATSON,
Assistant Secretary of War.

—

NEW YORK, *April 22, 1862.*

Received of Mr. E. D. Webster, secretary of the commission relating to state prisoners, two sealed packages addressed to William H. Seward, Secretary of State, Washington, D. C., and marked to contain, respectively, one the sum of $25 and the other the sum of $700, and which

upon examination appears to be the amount and the same taken from me at the time of my arrest at Chicago, Ill., by John C. Miller, esq., an agent of the Government of the United States.

WM. W. HEDRICK.

Case of William T. Smithson.

William T. Smithson, a banker of Washington City, was arrested on the 8th day of January, 1862, by order of the Secretary of State issued on application from the office of the provost-marshal. This person's treason was detected in the following manner: On the 19th of December, 1861, the Navy Department transmitted to the provost-marshal's office a quantity of contraband correspondence taken from the schooner Lucretia by the U. S. brig Perry near Alexandria, in which were found two letters addressed in some kind of cipher or character, and signed Charles R. Cables. One of these letters contained the following:

We can learn little or nothing about the intended movements of McClellan's army across the river. I believe the fellow is a coward, and will never attack you without he is forced to do it. I would like to see you rush down upon him, if you think it safe or best to do so. I think you could drive them back to their forts with ease, and with great advantage to the cause you are fighting for. But you know what is best. I have an important fact for you and it is important that you should look to it promptly. Johnson, of Tennessee, is here and he has a devil in him as large as an ox. He is entering into an arrangement with the President and Cabinet to furnish him with large sums of money to be used in the employment of men to go to Tennessee and Kentucky to burn bridges and mills and machine shops, and such like. These devils here are determined to destroy any vestige of property and to take the life of every citizen in Tennessee rather than not succeed with their fiendish purpose. Two meaner and viler devils never lived than Johnson and Etheridge. They are concocting all sorts of plans to get hold of Tennessee. Watch these devils closely. The Cabinet will give them any amount of money to enable them to carry out their plans. I send you a pamphlet touching up McClellan. Read it; it is rich. It will give you some "incite" also to matters and things as they are viewed by such men as the author, Ellet. Shall I continue to look after and supply our friends in B.? Expense falls heavily upon me in my present embarrassed condition. Everything I have after paying my debts is at the command of those you represent. If you should fail to succeed I don't wish to live any longer. I have given one friend in B. the money to buy the books you wrote for. My God, how I would rejoice to see you and your army in this city soon. Come ahead. I believe you can get here. Etheridge has gone to Kentucky to employ men to engage in bridge-burning on a large scale. Look to this matter all over the South, particularly in Tennessee, Kentucky and Virginia. * * * I suppose you receive our papers regularly. Troops continue to come in, and how strange it is, no inducement in the world but the small pay they receive. With the officers it is different. They go in for plunder, &c. What a set of rogues they are. Watch all the time.

CHARLES R. CABLES.

The other letter, dated December 14, 1861, says:

I have just received your letter of the 7th instant. Glad to hear from you. Handed the letter inclosing the $20 to our friend in B. * * * I send along with this a number of letters. Please forward them. Troops are still going over the river. Three thousand cavalry went over yesterday. Be sure to look after bridge burners in Tennessee, Kentucky and Virginia. Etheridge, of Tennessee, is gone to Kentucky to arrange for burning bridges, mills, machine shops, &c. Large sums of money will be expended by this Government in such work. What are you all doing touching such work? Something ought to be done in this direction at once. We have no news of interest here to-day. The weather is very fine. We have some mean men here who have large possessions in the South whose names I will give you by and by. I write in such haste to be in time for the messenger. My love to you all. I have something nice for your chief which I will send soon, and for General Beauregard.

Truly,

CHARLES R. CABLES.

By a report of E. J. Allen* made through the provost-marshal's office it is shown that the letters signed Charles R. Cables were written by Smithson, and also that evidence was found among his papers that he had been in contraband correspondence with the South since the issuance of the President's proclamation of non-intercourse. In the same lot of correspondence containing the Cables letters was also a letter addressed to R. A. Matthews, esq., Richmond, Va., also identified by the same report as written by Smithson. The report speaks of further evidence discovered in Smithson's papers of his sympathy with the rebels, and of care manifested to exclude from his premises all papers of a positively treasonable character. Upon the information so acquired and more elaborately set forth in said report and upon the application from the provost-marshal's office found thereon to arrest and hold him as a spy, Smithson's arrest was ordered. The said Smithson remained in custody at Fort Lafayette February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

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DEPARTMENT OF STATE, *Washington, January 8, 1862.*

Brig. Gen. ANDREW PORTER, *Provost-Marshal, Washington.*

GENERAL: You will please arrest and convey to Fort Lafayette, New York Harbor, Mr. William T. Smithson. You will also make a thorough search of his person and premises, and send all letters and papers of a treasonable character found in his possession together with your report thereon to this Department.

I am, general, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

—

DEPARTMENT OF STATE, *Washington, January 9, 1862.*

CHARLES WILSON, Esq., *Washington.*

SIR: Your application for an interview with Mr. Smithson has been submitted to the Secretary of State. In reply I am directed to say that it is deemed inexpedient at present to grant the request, but that any unsealed communication of a proper character which you may desire to address to him will if sent to this Department be duly forwarded to him.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

—

DEPARTMENT OF STATE, *Washington, January 18, 1862.*

Brig. Gen. ANDREW PORTER, *Provost-Marshal, Washington.*

GENERAL: You will please make thorough examination of the premises of William T. Smithson, banker of this city, now a prisoner at Fort Lafayette, New York Harbor, for treasonable papers. For that purpose it is deemed advisable that you should take immediate possession thereof

*Not found; but see cases of Thompson and McArthur, p. 1307 *et seq.*; also case of Mrs. Morris, p. 1346 *et seq.*

and hold the same until the examination hereby ordered is perfected, and in the meanwhile you will permit nothing to be taken therefrom.

I am, general, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

WAR DEPARTMENT, *Washington, March 19, 1862.*

MR. CHARLES WILSON,
Washington, D. C. (for Mrs. Smithson).

SIR: The Secretary of War directs me to inform you that the petition presented by you in behalf of William T. Smithson will be transmitted to the special commissioners in accordance with your request.

Very respectfully, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

WAR DEPARTMENT, *Washington, D. C., April 28, 1862.*

Maj. Gen. JOHN A. DIX and
Judge E. PIERREPONT,
Commissioners.

GENTLEMEN: The Secretary of War directs me to request that you will forward to this Department a report in the case of William T. Smithson, banker, and to ask whether he can be temporarily or finally discharged. In case he cannot be discharged could he be transferred to Washington?

Very respectfully, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

WAR DEPARTMENT, *Washington., D. C., May 7, 1862.*

Maj. Gen. JOHN A. DIX and
Judge EDWARDS PIERREPONT,
Special Commissioners, &c., New York:

Your report* in case of Smithson received and approved. Administer the oath of allegiance and then release him.

By order of the Secretary of War:

P. H. WATSON,
Assistant Secretary of War.

COMMISSION RELATING TO STATE PRISONERS,
New York, May 9, 1862.

ROBERT MURRAY, Esq., *U. S. Marshal.*

SIR: You will please bring before the commission at room No. 51, Astor House, to-morrow at 11 o'clock, Mr. William T. Smithson, a prisoner confined at Fort Lafayette. * * *

Very respectfully, yours,

JOHN A. DIX,
EDWARDS PIERREPONT,
Commissioners.

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* Not found.

COMMISSION RELATING TO STATE PRISONERS,
New York, May 10, 1862.

Lieut. Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

COLONEL: Mr. William T. Smithson having taken the oath of allegiance to the Government of the United States you may discharge him from confinement.

Very respectfully, yours,

JOHN A. DIX,
EDWARDS PIERREPONT,
Commissioners.

—

WAR DEPARTMENT, *Washington, D. C., May 10, 1862.*

Judge EDWARDS PIERREPONT, *103 Fifth Avenue, New York:*

Is Smithson to be released on taking oath of allegiance? If so, when?

P. H. WATSON,
Assistant Secretary of War.

—

NEW YORK, *May 12, 1862.*

Hon. P. H. WATSON:

Smithson took the oath* and was released on the 10th. I expect to be in Washington Friday, the 16th.

EDWARDS PIERREPONT.

—

NEW ORLEANS, LA., *September 12, 1866.*

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: I see by the papers that a suit has been brought against you by Mr. Smithson, banker, of Washington. Yesterday a person of the highest respectability called on me and said that Smithson attempted in the fall of 1861 to send through the lines a plan of the fortifications of Washington and other information, through Lieut. Col. B. B. Boone, a paroled rebel prisoner belonging to a Mississippi regiment, who declined taking it because it would violate his parole, and my informant returned the documents to Mr. Smithson. The papers were inclosed in a small package of tobacco, the center of which was scooped out for the papers and a portion of the end cut off as though used. My informant is personally known to you and will give testimony should it be necessary to satisfy the ends of justice, but shrinks from any publicity being given to her name. She is a Sister of Charity and was connected with the Providence Hospital in Washington. The Sister will go to Washington should her evidence be necessary.

P. H. SHERIDAN,
Major-General.

Cases of Messrs. Ogden, Perkins, Brady and Child.

Col. J. M. Ogden was arrested by order of Brigadier-General Grant January 1, 1862, at his residence in Weston, Ky., and was delivered

*This oath cannot be found. Allen's report and a number of other important papers in the Smithson case are missing from the files.—COMPILER.

into the custody of U. S. Marshal Phillips, of Illinois, January 16, and on the same day by order of the Secretary of State was conveyed to Fort Lafayette. The charges against Colonel Ogden were disloyalty to the United States Government. January 16, 1862, General Grant telegraphed to the Secretary of State that the persons named (Colonel Ogden and others) are very dangerous men and ought to be permanently secured. U. S. Marshal Phillips states in a letter to the Secretary of State, dated January 16, 1862, "Colonel Ogden is one of the most wealthy and respectable rebels in Western Kentucky, and is a most important man to hold." The said Col. J. M. Ogden remained in custody at Fort Lafayette February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

James M. Perkins, of Caldwell County, Ky., was arrested by order of Brigadier-General Grant in Southern Illinois about the 1st of January, 1862; was delivered over to the custody of U. S. Marshal Phillips, of Illinois, January 16, 1862, and on the same day by order of the Secretary of State was conveyed to Fort Lafayette. January 16, 1862, General Grant telegraphed to the Secretary of State that "the persons named (Perkins and others) are very dangerous men and ought to be permanently secured." On the same day U. S. Marshal Phillips wrote to the Secretary of State that "Brady and Perkins are both rebel emissaries and desperate men. General Grant deemed it unsafe and unwise to keep them in charge near his army, and hence turned them over to me for your disposition." The said James M. Perkins remained in custody at Fort Lafayette February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

Patrick Brady, of Missouri, was arrested by order of Brigadier-General Grant, commanding at Cairo, Ill., and on the 16th of January, 1862; was given into the custody of U. S. Marshal Phillips, of Illinois, who by direction of the Secretary of State conveyed Brady to Fort Lafayette. January 16, 1862, General Grant telegraphed to the Secretary of State that the persons named (Brady and others) are very dangerous men and ought to be permanently secured. On the same day U. S. Marshal Phillips wrote to the Secretary of State that "Brady and Perkins are both rebel emissaries and desperate men. General Grant deemed it unsafe and unwise to keep them in charge near his army, and hence turned them over to me for your disposition." The said Patrick Brady remained in custody at Fort Lafayette February 15, 1862, when he was transferred to the charge of the War Department.

William H. Child, of Alabama, was arrested by order of Brigadier-General Grant, commanding at Cairo, Ill., and on the 16th of January, 1862; was given into the custody of U. S. Marshal Phillips, of Illinois, who by order of the Secretary of State conveyed Child to Fort Lafayette. January 16, 1862, General Grant telegraphed to the Secretary of State that the persons named (Child and others) were very dangerous men and ought to be permanently secured. On the same day U. S. Marshal Phillips wrote the Secretary of State that Child had been north, perhaps to Canada, in the employ of the Confederate States and was arrested in attempting to pass the lines of our army at Cairo. He is a talented engineer and a most dangerous man.

The following extract from a letter written by Child, addressed to R. M. Crow, from Fort Lafayette February 10, 1862, establishes his guilty intentions:

Hope to get out of here soon by regular exchange, which seems to be the only available chance for I can't go the oath. Am gaining in health daily and will soon be up to my full fighting weight, in fact mentally and all I am under excellent training for a good mill when the time comes. My prison companions are genuine Southern gentlemen in the absolute sense of the term. Do not feel in the least degraded by this incarceration. On the contrary esteem it some honor to be counted worthy of some stripes in so good a cause. Hope soon, however, to be placed on a more ennobling stage of action in the contest.

The said William H. Child remained in Fort Lafayette February 15, 1862, when he was transferred to the charge of the War Department.—*From Record Book, State Department, "Arrests for Disloyalty."*

—

WAR DEPARTMENT, *February 21, 1862.*

Lieut. Col. MARTIN BURKE,
Fort Lafayette, New York Harbor.

COLONEL: You may release on the 22d of February instant the following prisoners confined in Fort Lafayette upon their engaging upon their honor that they will render no aid or comfort to the enemies in hostility to the Government of the United States: J. M. Ogden, J. M. Perkins, Patrick Brady. * * *

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

—

FORT HAMILTON, *New York Harbor, February 22, 1862.*

Brig. Gen. L. THOMAS,
Adjutant-General of the Army, Washington, D. C.

SIR: Inclosed please find the parole of thirty-six prisoners [including J. M. Ogden, J. M. Perkins and Patrick Brady] at Fort Lafayette, released in obedience to your telegraphic dispatch of the 21st instant. * * *

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

[Inclosure.]

FORT LAFAYETTE, *New York Harbor, February 22, 1862.*

We, the undersigned, do solemnly promise upon our word of honor that we will render no aid or comfort to the enemies in hostility to the Government of the United States.

PATRICK BRADY.
JAMES M. PERKINS.
J. M. OGDEN.
[And 33 OTHERS, OMITTED.]

Witness:

HARRY C. EGBERT,
First Lieutenant, Twelfth [U. S.] Infantry.

COMMISSION RELATING TO STATE PRISONERS,
New York, April 8, 1862.

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: We have the honor to inform you that we have had the case of Mr. William H. Child under consideration and have recommitted him to Fort Lafayette, and respectfully recommend that he be continued in confinement.

We have the honor to be, very respectfully, your obedient servants,

JOHN A. DIX,
EDWARDS PIERREPONT,
Commissioners.

—

WASHINGTON, *December 12, 1862.*

Col. MARTIN BURKE, *Commanding, Fort Lafayette:*

You will discharge from custody William H. Child * * * on [his] taking oath of allegiance or an oath not to aid in any way the rebellion. * * *

By order of the Secretary of War:

L. C. TURNER,
Judge-Advocate.

—

FORT LAFAYETTE, *New York Harbor, December 13, 1862.*

Lieut. Col. MARTIN BURKE,
Commanding, &c., Fort Hamilton, New York Harbor.

COLONEL: In obedience to your instructions I have released from custody * * * William H. Child.

I am, colonel, very respectfully, your obedient servant,

CHAS. O. WOOD,
First Lieutenant, Ninth Infantry, Commanding Post.

—

BALTIMORE, MD., *February 11, 1863.*

Col. W. HOFFMAN, *Washington.*

DEAR SIR: I went to Fort Monroe, Va., as directed, to report to Lieutenant-Colonel Ludlow for exchange, but did not find Colonel Ludlow to report in person. The marshal informed me at about the time the boat was leaving that Colonel Ludlow had gone away, and that I must return to Baltimore, there being no accommodations at Fort Monroe. I have reported my case to Marshal McPhail here, who will undoubtedly be able to inform me in due time when the next truce boat is to leave Fort Monroe, but having unavoidably come short of your specific directions in not reporting in person to Colonel Ludlow, I deem this explanation proper. Any further directions or orders you might see fit to give that would expedite my movements homeward I do assure you, sir, would be most highly appreciated.

Very respectfully,

WM. H. CHILD.

CONFEDERATE POLITICAL ARRESTS.

Miscellaneous Confederate Correspondence Relating to Political Arrests During the First Year of the War.

[For the cases of Hon. Thomas A. R. Nelson, Hon. William G. Brownlow, and other Confederate political arrests, see "Confederate Policy of Repression in East Tennessee," Volume I, this Series, pp. 823–931.]

NORFOLK, VA., *June 29, 1861.*

Maj. Gen. R. E. LEE, *Commanding, &c., Richmond.*

SIR: The mayor has committed to jail a man named Bryan who wrote a letter and endeavored to send it off by a woman who had permission to leave for the North by the last flag of truce, which letter was giving information to the enemy and expressing hostility to the Government of the Confederate States. The mayor informs me that he considers the evidence that he did write and send the aforesaid letter as conclusive, and he holds him for trial by a military tribunal. I beg to be instructed as to the tribunal before which I shall bring him, and what laws it is to be governed by. I expect to have another and similar case to-day.

Very respectfully, your obedient servant,

BENJ. HUGER,
Brigadier-General.

RICHMOND, *July 4, 1861.*

General R. E. LEE.

SIR: In respect to such cases as are referred to in the letter of General Huger of the 29th ultimo it is difficult exactly to define a rule to cover every case. The person committing the offense according to his relations to the State will determine the disposition to be made of him. If he be a soldier and is guilty of holding correspondence with or giving intelligence to the enemy he should be tried by court-martial under the fifty-seventh Article of War. If he be not a soldier but a citizen of Virginia or a citizen of one of the Confederate States and is guilty of such offense or of like class he should be handed over to the civil authorities, to be prosecuted under the laws of the State or the ordinances of the convention, or the laws of the Confederate States. However, the military authorities will not be troubled to decide in such cases, being relieved by the surrender of the party to the civil magistrate.

If the party were an alien—that is not a citizen of Virginia or of one of the Confederate States—he may be tried by the civil courts or by court-martial, according to his offense. By court-martial if a spy under article 99, section 2, of the Rules and Articles of War; by the civil courts if guilty of any offense under law of Virginia or ordinance of the convention, or law of the Confederate States. A man though an alien if resident in the State may be guilty of treason, for he owes allegiance to the State which gives him protection, though not a natural allegiance.

In the case of Bryan, brought to your notice by General Huger, I would apply the general principles before stated thus: If Bryan was a soldier he must be tried for his offense by court-martial under the fifty-seventh article. If an alien and he was in and about the camp or within or about our lines obtaining information for the enemy he must be tried as a spy under article 99, section 2, of Articles of War; or he may be tried by the civil courts. It makes no difference that his letter was intercepted, for a man may be guilty of treason who writes and sends a letter to the enemy though it is intercepted, and so he may in like manner be guilty as a spy in such case. It would be better if Bryan was a spy to try him by court-martial as it is the proper tribunal for such an offense, and the criminal has thus forfeited his claim to the forms of civil courts in his case. If Bryan was not a spy, and was either a citizen of Virginia or of one of the Confederate States, then he should be given up to the civil authorities to be dealt with, and the same course should be pursued if he be an alien, resident in Virginia.

I should be glad to supply anything omitted in this letter necessarily general in its statement of the rules applicable to such cases.

I remain, with very high respect, your obedient servant,

J. R. TUCKER.

RICHMOND, *July 10, 1861.*

S. B. FRENCH, Esq.,
Aide-de-Camp to the Governor of Virginia:

The case of Travis Southall, referred to me by you, has been considered. The statement of the prisoner in itself is not unfavorable to him except in the following particulars:

First. He seems to be a resident of Washington City, and to have been so since last December at least. The ordinance of secession passed and was ratified, and yet he remained within the enemy's lines and at his capital until July 2, 1861, more than five weeks after the flagrant invasion of Virginia. Second. He is connected with the family of an officer of the Federal army in Washington. Third. His brother is in the Federal army as a volunteer, in whose family he lived and with whom he was in business.

These facts may be susceptible of proper explanation. The prisoner's coming to Virginia at all seems to be an indication of his purpose to abandon the enemy's country for his native State, and it is to be hoped such may prove to be the case. It is obvious, however, that the officer who examined the case is unfavorably impressed with it and he has been ordered to headquarters. It is a case of a person who probably had lost his citizenship in Virginia and had fixed it in Washington, and returns to Virginia. He says he came back to join the Confederate army, but he has not done so, and there is no evidence of any step being taken toward it. He may have come with an improper purpose. Whether he did so or not must depend upon a full examination of all the facts of the case.

I think it is a case of inquiry and examination by the Executive under the law and the ordinance of the convention, and as he is in custody upon arrest upon suspicion of improper motive and the governor has power to send for persons and papers I think the party should not be discharged until the examination is made. But I think it is not a case where harsh measures should be adopted, and he might be permitted until the return of the governor to go at large or be properly secured for his appearance before the executive.

J. R. TUCKER.

[RICHMOND,] *July 15, 1861.*

The PRESIDENT.

SIR: Humbly complaining it becomes my painful duty to inform you that I am under arrest without warrant or specification, and ordered to jail without a hearing by the military commandant of this post; and to beg your Excellency's interposition so far as to suspend the execution of the mittimus, and to take my parole of honor until I can obtain a writ of habeas corpus and have a hearing. I was born in the South. All my affinities and consanguinities are in the South. Every sympathy and impulse of my nature and my heart are enlisted in her cause. I returned to her bosom at the earliest moment in my power to devote the best energies I possess in sustaining her rights.

They have my baggage and passport.

Very truly, your friend,

HENRY L. MARTIN,
Of Mississippi.

[Indorsement.]

Secretary of War will please inquire into the case further, to determine whether it be necessary to confine this man.

J. D.

WAR DEPARTMENT, *Richmond, July 27, 1861.*

His Excellency HENRY T. CLARK,
Governor of North Carolina.

SIR: A letter from Dr. M. L. Rossvally,* of date July 22, has been received at this Department indorsed by a note from yourself requesting that answer should be returned through your office. In obedience therefore to your request I have the honor to inform you that Doctor Rossvally is under arrest as a spy.

Very respectfully,

L. P. WALKER,
Secretary of War.

LYNCHBURG, *July 31, 1861.*

His Excellency JOHN LETCHER, *Governor of Virginia.*

DEAR SIR: On the 18th of last June I sent to you Dr. George Gross, who had been kept in confinement here about five weeks upon suspicion of being a spy, and I wrote to you setting forth the circumstances of his arrest and the evidence elicited upon his trial. I refer you to my letter, I think written on the 18th of June. This man Gross as the officer who carried him before you informed me was required to take the oath of allegiance before the mayor of Richmond, and yet he was taken as a prisoner at the battle of Manassas and confessed to having piloted the Federal army to that place. Mr. William R. Scott, a highly respectable citizen who resides near this city and who knew him when here, heard him make the confession at Manassas. I advise you of these facts that the scoundrel may be dealt with as his infamous conduct demands.

Very respectfully, your obedient servant,

WM. D. BRANCH,
Mayor.

P. S.—Gross claimed to be a resident of Fairfax County, Va.

*Not found.

EXECUTIVE DEPARTMENT, *August 2, 1861.*

His Excellency the PRESIDENT OF THE CONFEDERATE STATES.

MR. PRESIDENT: I have the honor to inclose for your information copies of two letters and one original from the mayor of Lynchburg in reference to a man by the name of Gross, who was arrested as a suspicious person by that officer and after confinement of some weeks was sent on to this Department. Upon examination had before the governor he was discharged upon taking the oath of fidelity to the Commonwealth of Virginia and to the Confederate Government. These oaths were administered by his honor the mayor of Richmond. The mayor of Lynchburg now writes (see original) that Gross was taken prisoner at Manassas. If such be the case I have deemed it proper that you should be furnished with this page of the prisoner's antecedents.

I am, Mr. President, your obedient servant,

S. BASSETT FRENCH,
Aide-de-Camp to Governor of Virginia.

[Inclosure No. 1.]

LYNCHBURG, *May 26, 1861.*

His Excellency JOHN LETCHER.

DEAR SIR: A man who calls himself George Gross, a millwright by profession, was arrested about ten days ago in the county of Bedford and brought before me as a suspicious character. Upon an investigation of the case it appeared that Gross was raised at the North, but resides at this time in the county of Fairfax, about twenty-four miles from Washington City, having purchased a farm there in December last. He has a patent right for certain machinery for mills and has done work for sundry persons in and near this city. He was here in January last and did some work for William Scott, who resides about ten miles above this city. When arrested he was on his way to Scott's walking. It appeared in evidence that whilst at Scott's in January he stated that he was a Republican, and contended that the party did not contemplate waging war against slavery where it existed but was bitterly opposed to its extension. He claims now to be a Republican. Having expressed such sentiments I thought that he ought not to be allowed to travel through the country and committed him to jail. I would take it as a favor to be advised by you as to the best course to be pursued with him.

With high regard, your obedient servant,

WM. D. BRANCH,
Mayor.

P. S.—For three years previous to settling in Fairfax Gross resided in the city of Washington.

W. D. B.

[Inclosure No. 2.]

LYNCHBURG, *June 18, 1861.*

His Excellency JOHN LETCHER, *Governor of Virginia.*

DEAR SIR: Having to send one of our officers to Richmond on business I have thought it best to put under his charge George Gross (in relation to whom I wrote you some time since) to be carried before you that he may get a permit to go to Fairfax, his present place of residence. In my letter I advised you of the ground upon which he was arrested and detained. Mr. Gross may intend no harm, but I don't

think any man professing to belong to the party to which he claims to belong ought to be permitted to travel through the country.

With assurances of high regard, I am, very respectfully, your obedient servant,

WM. D. BRANCH,
Mayor.

[Indorsement.]

When the prisoner was brought before the Governor he stated that in order to show his fidelity to the South, the Confederate States, and Virginia, he was willing to take an oath of fidelity to each. The oath was administered in the governor's office by the mayor of the city of Richmond.

JOHN LETCHER.

[WILLIAMSBURG, VA.,] *August 2, 1861.*

Mr. JEFFERSON DAVIS,
President of the Confederate States.

DEAR SIR: About four weeks ago my son, Mr. Travis Southall, arrived here from Washington where he had been for some months for the purpose of joining a volunteer company. Want of means together with other difficulties attending such a step alone prevented his getting here earlier. So soon as he reached this his home he was arrested, underwent a strict examination, and though the examining officer, Captain Werth, congratulated him on answering every question satisfactorily yet Mr. Southall was the next morning sent off to Richmond without previous notice. From Richmond he has been removed to Raleigh, N. C., and up to the present moment no action has been taken in the matter. What the charges are against him or who makes them we know not. All I ask, Mr. President, is that he may be heard, his case examined into. If he prove guilty, though his mother I can say let him be punished; if innocent let him be discharged at once and join his company. Colonel Ewell gave me permission to-day to say to you that had Mr. Travis Southall applied to him to join his regiment (and which Mr. Southall certainly would have done had time been allowed him) he would have received him without the slightest hesitation.

With this letter, Mr. President, I send some depositions. Please examine them, and if you will remember how guardedly all letters had to be worded to get them through Washington at all you must see that they are of some weight. I could send many more equally strong but feel sure that those will suffice to prove the loyalty of my son. May God bless you, Mr. President, and always lead you to do what is right.

Most respectfully,

MRS. V. F. T. SOUTHALL.

[Inclosure No. 1.]

The following are expressions made use of in the letters received from my son, Mr. Travis Southall, at various times since the 4th of March, 1861, the letters themselves having been burned at the time of the alarm and preparation to leave the place:

Look out, mother, we are coming and may be with you without a moment's warning. The ladies only will remain with you; we will of course join the volunteer company immediately.

Mother, fear nothing on my account. I can swim too well for them to shut me up in Washington.

I have been offered a situation here but could not think of accepting. Virginia's fate shall be mine; she needs every one of her sons to stand by her.

They came to our house last Saturday and in my absence took down my name on the militia roll. I'll die before I'll serve.

In a letter from Miss Jennie Johnston to me in April I think she says:

T.'s name is on the militia roll but he says he will see them at the devil before he serves. He is on the lookout to leave the first moment that he can. Any one sympathizing with the South is marked, and on the slightest pretense made prisoner. Spies are everywhere.

Again in a letter written to me during the month of April—about the 20th—Travis Southall says:

Last Saturday I started to Norfolk on my way home on the Government steamer Anacostia (that is the name I believe), a free passage having been given me by Captain Fillebrown, whom you know, mother. When some distance down the Potomac we were met by the Pawnee, the powder and marines were taken off, and we sent back to Washington, where I am now much to my disappointment.

V. F. T. SOUTHALL,
[*Mother of Travis Southall.*]
ELIZABETH B. BRIGHT.
CATHERINE M. MAUPIN.
JULIA S. ARMISTEAD.

CITY OF WILLIAMSBURG, TO WIT: This day V. F. T. Southall, E. B. Bright, C. M. Maupin and J. S. Armistead, whose names are subscribed to the deposition annexed, personally appeared before me, Robert M. Garrett, mayor of the city, and made oath that the facts and circumstances stated in this deposition are true.

Given under my hand this 2d August, 1861.

RO. M. GARRETT, *Mayor.*

[Inclosure No. 2.]

I, Samuel F. Bright, of the city of Williamsburg in the State of Virginia, certify as follows: Some time in May I think it was I was informed by my wife, who is the sister of Mrs. V. F. T. Southall, who is the mother of Travis Southall, that he, Southall, was in Washington City, D. C., very anxious to come on to Virginia to join the Virginia army, but that he did not have the means nor could he get the means to bring him on. I requested her to see Mrs. James Semple and ask of her to write to Purser Semple, her husband who was expected to pass through Washington about that time and to request him to bring Mr. Southall on with him and that I would pay him the amount he might advance for that purpose immediately on his arrival, but unfortunately Purser Semple arrived in this place the next morning and the mails were not considered safe after that time, and from the conversation in the family I was led to believe that the deficiency of means was the sole cause of his not coming sooner.

SAML. F. BRIGHT.

Sworn before me this day, August 2, 1861.

RO. M. GARRETT, *Mayor.*

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WAR DEPARTMENT, *Richmond, August 2, 1861.*

Mr. PRESIDENT: The inclosed letters* are from Travis Southall, arrested and sent prisoner to Raleigh, N. C., as a spy. They were addressed by him from Washington to a young lady in New Kent County, Va., Miss Octavia Christian, daughter of John D. Christian,

* Omitted.

esq., clerk of the superior and inferior courts of that county. They tell their own tale and show conclusively that the young man's heart beats in the right place. I have known all the parties since infancy and although differing politically from them can answer for the fact that they are no traitors. There exists in Williamsburg bitter feeling against the father of young Southall on the part of some citizens based on private griefs, and I have but little doubt that the father is struck at by these parties through the son. Having acted during the last canvass through this district as sub-elector of Breckinridge I know the complexion of them all.

With high consideration, your obedient servant,

JOHN TYLER, JR.

WAR DEPARTMENT, *Richmond, August 3, 1861.*

His Excellency JEFFERSON DAVIS,
President Confederate States.

MR. PRESIDENT: I forgot to say in my note of yesterday that the letters of Travis Southall to Miss Christian were brought to the Secretary of War by Mr. Waring, of New Kent County, without the knowledge of the parents or relatives of young Southall, but on making the facts known to the father of Travis Southall last evening he immediately produced a letter from his son while in Washington to his sister in Williamsburg, signed like the others "McIvor," and fully confirmatory of the sentiments expressed to Miss Christian. The letter of Dr. John Galt, superintending physician to the lunatic asylum in Williamsburg, and one of the purest men of one of the purest families on earth, in itself is a voucher in behalf of young Southall of great weight. With entire respect,

Your friend and servant,

JOHN TYLER, JR.

FARMVILLE, VA., *August 5, 1861.*

SECRETARY OF WAR, *Richmond, Va.*

SIR: Yesterday I caused Samuel Thompson and James S. Wetherel to be arrested as alien enemies and spies. At the time of their arrest they were in the cars and professing to be on their way one to the city of Petersburg, Va., and the other to Richmond. The witnesses against them are L. C. Garland, Captain Randolph, John S. Lydnor, General Hugh McLand and J. A. Potter, who are now in Richmond, Va. Wetherel has obtained a writ of habeas corpus. Please have the necessary steps taken for the proper investigation of the case and cause the witnesses to be sent here to-morrow.

Very respectfully,

JAMES T. GRAY,
A Justice of the Peace for the County of Prince Edward.

This will be delivered by John V. Miller, a constable for the county of Prince Edward, Va.

EXECUTIVE DEPARTMENT, *Raleigh, N. C., August 6, 1861.*

Hon. L. P. WALKER, *Secretary of War.*

SIR: Allow me to call your attention to the situation of the prisoners of war sent here by Lieutenant Todd. They were all sent here in one

company designated "prisoners of war," and no distinction made among them. Since then Dr. Rossvally has been reported here to be a spy, and I immediately ordered him to the public jail. Another whose name I think is Widgen says his confinement is for treasonable language, and demands a habeas corpus to show cause of detention. If these men are citizens they have a constitutional right to a trial, but I give them no answer till I hear from you. There are also some foreigners who are to enlist in our volunteer ranks, and the officers and men all are desirous of going home on their oath not to serve against the Confederacy. We have also here a Navy officer, a sailing master, who was captured by one of our vessels before we joined the Confederacy, who has been recognized and esteemed here as a gentleman, particularly by Captain Crossan, who captured him. He lives in Ohio, and is pressing me for a discharge on his oath to serve no more in any capacity against the Confederate States. Do you choose to give me any direction about these men, or shall I send them to Richmond, where the proof if any against them must exist?

Very respectfully,

HENRY T. CLARK,
Governor, &c.

An act respecting alien enemies, approved August 8, 1861.

The Congress of the Confederate States of America do enact, That whenever there shall be a declared war between the Confederate States and any foreign nation or government, or any invasion or predatory incursion shall be perpetrated, attempted or threatened against the territory of the Confederate States by any foreign nation or government and the President of the Confederate States shall make public proclamation of the event, or the same shall be proclaimed by act of Congress, all natives, citizens, denizens or subjects of the hostile nation or government, being males of fourteen years of age and upward, who shall be within the Confederate States and not citizens thereof shall be liable to be apprehended, restrained or secured and removed as alien enemies:

Provided, That during the existing war citizens of the United States residing within the Confederate States with intent to become citizens thereof and who shall make a declaration of such intention in due form, and acknowledging the authority of the Government of the same, shall not become liable as aforesaid, nor shall this act extend to citizens of the States of Delaware, Maryland, Kentucky, Missouri and of the District of Columbia and the Territories of Arizona and New Mexico and the Indian Territory south of Kansas who shall not be chargeable with actual hostility or other crime against the public safety and who shall acknowledge the authority of the Government of the Confederate States.

SEC. 2. The President of the Confederate States shall be and he is hereby authorized by his proclamation or other public act, in case of existing or declared war as aforesaid, to provide for the removal of those who not being permitted to reside within the Confederate States shall refuse or neglect to depart therefrom; and to establish such regulations in the premises as the public safety may require.

SEC. 3. Immediately after the passage of this act the President of the Confederate States shall by proclamation require all citizens of the United States, being males of fourteen years and upward, within the Confederate States and adhering to the Government of the United States and acknowledging the authority of the same, and not being

citizens of the Confederate States nor within the proviso of the first section of this act, to depart from the Confederate States within forty days from the date of said proclamation; and such persons remaining within the Confederate States after that time shall become liable to be treated as alien enemies; and in all cases of declared war as aforesaid aliens resident within the Confederate States who shall become liable as enemies as aforesaid, and who shall not be chargeable with actual hostility or other crime against the public safety, shall be allowed the time for the disposition of their effects and departure which may be stipulated by any treaty with such hostile nation or government; and when no such treaty may exist the President shall prescribe such time as may be consistent with the public safety and accord with the dictates of humanity and national hospitality.

SEC. 4. After any declared war or proclamation as aforesaid it shall be the duty of the several courts of the Confederate States and of each State having criminal jurisdiction, and of the several judges, justices of the courts of the Confederate States, and they are hereby authorized upon complaint against any alien or alien enemies as aforesaid or persons coming within the purview of this act, who shall be resident or remaining in the Confederate States and at large within the jurisdiction or district of such judge or court as aforesaid contrary to the intent of this act and of the proclamation of the President of the Confederate States or the regulations prescribed by him in pursuance of this act, to cause such alien or aliens, person or persons as aforesaid to be duly apprehended and convened before such court, judge or justice for examination; and after a full examination and hearing in such complaint, and sufficient cause therefor appearing, shall or may order such alien or aliens, person or persons to be removed out of the territory of the Confederate States or to be otherwise dealt with or restrained, conformably to the intent of this act and the proclamation or regulations which may be prescribed as aforesaid, and may imprison or otherwise secure such alien person until the order which shall be made shall be performed.

SEC. 5. It shall be the duty of the marshal of the district in which any alien enemy or person offending against the provisions of this act shall be apprehended, who by the President of the Confederate States or by order of any court, judge or justice as aforesaid shall be required to depart [or] to be removed as aforesaid, to execute such order by himself or deputy or other discreet person, and for such execution the marshal shall have the warrant of the President or the court or judge, as the case may be.

Proclamation.

Whereas the Congress of the Confederate States of America did by an act approved on the 8th day of August, 1861, entitled "An act respecting alien enemies," make provision that proclamation should be issued by the President in relation to alien enemies, and in conformity with the provision of said act—

Now therefore I, Jefferson Davis, President of the Confederate States of America, do issue this my proclamation; and I do hereby warn and require every male citizen of the United States of the age of fourteen years and upward now within the Confederate States and adhering to the Government of the United States and acknowledging the authority of the same, and not being a citizen of the Confederate States, to depart

from the Confederate States within forty days from the date of this proclamation. And I do warn all persons above described who shall remain within the Confederate States after the expiration of said period of forty days that they will be treated as alien enemies.

Provided, however, That this proclamation shall not be considered as applicable during the existing war to citizens of the United States residing within the Confederate States with intent to become citizens thereof, and who shall make a declaration of such intention in due form, acknowledging the authority of this Government; nor shall this proclamation be considered as extending to the States of Delaware, Maryland, Kentucky, Missouri, the District of Columbia, the Territories of Arizona and New Mexico and the Indian Territory south of Kansas, who shall not be chargeable with actual hostility or other crime against the public safety, and who shall acknowledge the authority of the Government of the Confederate States.

And I do further proclaim and make known that I have established the rules and regulations hereto annexed in accordance with the provisions of said law.

Given under my hand and the seal of the Confederate States of America at the city of Richmond on this 14th day of August, A. D. 1861.

JEFFERSON DAVIS.

By the President:

R. M. T. HUNTER,
Secretary of State.

[Inclosure.]

Regulations respecting alien enemies.

The following regulations are hereby established respecting alien enemies, under the provisions of an act approved 8th of August, 1861, entitled "An act respecting alien enemies:"

1. Immediately after the expiration of the term of forty days from the date of the foregoing proclamation it shall be the duty of the several district attorneys, marshals and other officers of the Confederate States to make complaint against aliens or alien enemies coming within the purview of the act aforesaid, to the end that the several courts of the Confederate States and of each State having jurisdiction may order the removal of such aliens or alien enemies beyond the territory of the Confederate States or their restraint and confinement, according to the terms of said law.

2. The marshals of the Confederate States are hereby directed to apprehend all aliens against whom complaints may be made under said law and to hold them in strict custody until the final order of the court, taking special care that such aliens obtain no information that could possibly be made useful to the enemy.

3. Whenever the removal of any alien beyond the limits of the Confederate States is ordered by any competent authority under the provisions of said law the marshal shall proceed to execute the order in person or by deputy or other discreet person in such manner as to prevent the alien so removed from obtaining any information that could be used to the prejudice of the Confederate States.

4. Any alien who shall return to these States during the war after having been removed therefrom under the provisions of said law shall be regarded and treated as an alien enemy, and if made prisoner shall be at once delivered over to the nearest military authority to be dealt with as a spy or as a prisoner of war, as the case may require.

WAR DEPARTMENT, *Richmond, August 9, 1861.*

G. B. BOARD, Esq., *Sheriff of Roanoke County, Va.*, or
JAMES C. HUFF, Esq., *Jailor, Salem, Va.:*

A letter has been received at this Department from the sheriff of the county of Roanoke, Va., and a similar letter from the clerk of the same county, asking instructions with regard to the prisoners which have been lodged in the jail of Roanoke County by order of Brigadier-General Wise.

The prisoners of war must be sent to Richmond, and you are authorized to engage at the expense of this Government such a guard as may be necessary to bring them with safety. This order is limited, however, to those taken as prisoners of war, and does not include those arrested as spies over whom this Department has no control.

Respectfully,

L. P. WALKER,
Secretary of War.

WAR DEPARTMENT, *Richmond, August 10, 1861.*

His Excellency HENRY T. CLARK, *Raleigh, N. C.*

SIR: * * * Travis Southall, of Williamsburg, Va., having been arrested as a spy was sent to Raleigh for confinement. There appearing no evidence to justify his detention you will please order his immediate release. Your excellency's letter of August 6 relative to the prisoners now in confinement at Raleigh has been also received. This Department cannot authorize the release of any of the prisoners mentioned upon their oath not to serve against the Confederate States; nor could the foreigners among them whom you mention be admitted to join our volunteer ranks. Rossvally and Widgen having been arrested not as prisoners of war are certainly entitled to the writ of habeas corpus, but this Department takes the liberty of reminding your excellency that it has been the uniform practice of the courts in similar cases not to grant discharges except by the authority of the Government, or after full legal process. With regard to the sailing master who was captured by the authorities of North Carolina before that State became a member of the Confederacy this Department does not assume to exercise control. The Department begs leave, however, to suggest to your excellency a doubt as to the policy of discharging the prisoner unless the evidence in his favor is entirely convincing. It is desirable so far as possible that the Confederate and the State authorities should in similar cases be guided by like principles of action in this regard.

Very respectfully,

L. P. WALKER.
Secretary of War.

EXECUTIVE DEPARTMENT, *Raleigh, N. C., August 15, 1861.*

Hon. L. P. WALKER, *Secretary of War.*

SIR: When the prisoners were brought to Raleigh by Lieutenant Todd they were all called and receipted for as prisoners of war. Since then two of them (Widgen and Rossvally) have asserted that they were citizens of the Confederate States and demanded a habeas corpus.

Upon notification of this fact you informed me that they were not prisoners of war but arrested as spies and were entitled to the writ, but suggested that the judge ought not to interfere without the fullest

legal investigation. These men still insist on their demand for a trial, and as all the evidence is I suppose in your hands or under your control, and might require the attendance of witnesses from Richmond, and I had no evidence against them here, I therefore concluded it would best subserve the ends of justice and perhaps the convenience of your witnesses to send them back to Richmond. I have accordingly directed the marshal of the district to proceed with them to Richmond and deliver them to the proper authorities.

Most respectfully, yours,

HENRY T. CLARK,
Governor of North Carolina.

WAR DEPARTMENT, *Richmond, August 18, 1861.*

MIERS W. FISHER.

SIR: Your letter of the 10th instant asking for the exchange of J. R. Burch and Jos. W. Paulin, citizens of Virginia now confined as prisoners of war at Fortress Monroe, has been received. In reply I have the honor to inform you that an exchange of cartels upon the terms usually recognized and practiced in civilized warfare has been already invited by our Government. No reply, however, has yet been received, and until that proposition shall have been accepted it would be manifestly inconsistent with the dignity of this Government to make any further effort in that direction and therefore impossible to effect the exchange proposed. It is needless to assure you, sir, that this Department regrets in common with the whole Confederate Government that the Government of the United States has seen fit to adopt a course so much at variance with the customs of civilized warfare as well as with every dictate of humanity; but such being the case self-respect requires that we should accept the terms which have been [put] upon us by our adversaries and adhere unflinchingly to the policy which is thus rendered necessary.

Very respectfully,

L. P. WALKER,
Secretary of War.

OFFICE OF THE SECRETARY OF THE CONGRESS,
August 23, 1861.

His Excellency JEFFERSON DAVIS.

SIR: I have the honor to inform Your Excellency officially that on the 22d day of August instant the Congress adopted the resolution of which the subjoined is a correct copy:

Resolved, That the President be requested, if in his opinion not incompatible with the public interests, to communicate to Congress the letter from General Bonham dated the 26th reporting the hanging of two sentinels of the South Carolina troops who were captured on the 17th July by the enemy near Centreville, and also any information he may possess relative to the facts stated therein.

I am, sir, your obedient servant,

J. J. HOOPER,
Secretary of the Congress.

NEW ORLEANS, *August 23, 1861.*

Hon. J. P. BENJAMIN, *Richmond.*

DEAR SIR: I see among the prisoners taken at Manassas and in Richmond the name of the Rev. Hiram Eddy, chaplain to the Second

Connecticut Regiment. This Mr. Eddy, I have from undoubted authority (from a gentleman residing here that was in Connecticut when that regiment was preparing to leave for Washington), preached a sermon to them and told them to show no quarter, take sure aim and be sure to shoot to kill. I write this to you that the reverend gentleman may be properly understood and dealt by, and hope you will make these facts known.

With respect, yours, truly,

J. B. CONNER.

SALEM, ROANOKE COUNTY, VA., *August 24, 1861.*

His Excellency JOHN LETCHER, *Governor of Virginia.*

SIR: Sometime since thirty-nine prisoners from Northwestern Virginia, arrested I learn as suspicious persons, were sent here by General H. A. Wise. These persons have been committed to the jail of this county without any warrant or legal proceedings other than as I understand by the order of General Wise; at least no papers of such committal are in my possession. No evidence has as yet been obtained to justify any of our magistrates to make a committal. Nine of these prisoners were said to be prisoners of war and were by the order of your excellency taken to Richmond a short time since. One of those remaining has since that time been released by the order of General Wise. Several others it is thought are innocent, but the majority no doubt from all I can learn are traitors to their country.

Our circuit court commences on Wednesday next, and if these prisoners should be brought before the judge on a writ of habeas corpus they would under the present state of things be released. In view of an attempt of this kind possibly being made and in order to prevent their release I have thought proper to give your excellency the above information in order to have a warrant or order made out if deemed necessary, or some information on the subject which will enable me to act in the premises. Please let me hear from your excellency before the sitting of our court.

Very respectfully,

F. J. RIBBLE,
Acting Commonwealth's Attorney.

RICHMOND, *August 26, 1861.*

Hon. L. P. WALKER, *Secretary of War.*

SIR: There are many cases among the prisoners arrested as suspicious persons and for other causes which I feel satisfied would be released if their cases were examined. Knowing that your time is so much occupied that you cannot give them attention I take the liberty to ask you to consider the propriety of establishing a commission or of directing the C. S. commissioner to examine these cases and to prepare and digest them so that you can at once decide them without the labor of wading through the investigation. By this course justice would be done and a great saving of expense to the Confederate States. The case of the Howard family is peculiarly hard.

Very respectfully, your obedient servant,

JNO. H. WINDER,
Brigadier-General, &c.

RICHMOND, *August 28, 1861.*

Hon. L. P. WALKER, *Secretary of War.*

SIR: I have had the honor to receive your letter of the 23d instant inclosing a statement made by A. Judson Crane, esq., in the cases of the following prisoners, viz: Samuel Lumpkin, Joseph Rawlings, Simon Schermerhorn, B. Kimball and Bellville or Bellfield, with instructions to make inquiry and report in each case. I have the honor to state that I have searched the Adjutant-General's Office and the War Office and can find no documentary evidence in any of these cases. Yesterday, however, I saw General Magruder, from whose jurisdiction these prisoners were sent, and from him I learn that except Lumpkin these are all dangerous persons and ought not to be at large; that there can be no doubt but they would as two others have already done immediately go to the enemy with whatever information they might have to communicate. General Magruder will as soon as he returns to Yorktown send a full statement in each case. I will therefore withhold the report until General Magruder's communication is received.

Respectfully, your obedient servant,

JNO. H. WINDER,
Brigadier-General.

WAR DEPARTMENT, *Richmond, August 30, 1861.*

Hon. J. RANDOLPH TUCKER and JAMES LYONS.

GENTLEMEN: Brig. Gen. John H. Winder, of the Confederate service, in charge of the prisons and prisoners of this Government, in a communication addressed to this Department on the 26th of August, says:

> There are many cases among the prisoners arrested as suspicious persons and for other causes which I feel satisfied would be released if their cases were examined. Knowing that your time is so much occupied that you cannot give them attention I take the liberty to ask you to consider the propriety of establishing a commission or of directing the C. S. commissioner to examine these cases and to prepare and digest them so that you can at once decide them without the labor of wading through the investigation. By this course justice would be done and a great saving of expense to the Confederate States. The case of the Howard family is peculiarly hard.

It is desired by this Department to know whether you would undertake the commission indicated by General Winder. An early response is requested.

I have the honor to be, very respectfully,

L. P. WALKER,
Secretary of War.

RICHMOND, *August 30, 1861.*

Hon. L. P. WALKER, *Secretary of War.*

SIR: I respectfully beg leave to lay before you the case of the Howard family, arrested and sent from Manassas with the following remarks, viz:

> William Howard, an Irishman. He has lived sixteen years in Maryland and five years in Virginia. He was sent here by Colonel Stuart without any evidence against him. I have examined the case, and I am under the impression that his arrest is the result of a persecution on account of his having killed a man named Monroe some time ago in self-defense.

CORNELIUS BOYLE,
Provost-Marshal.

The family seem to have been arrested because they were the family of Howard. The inclosed letter came with the prisoner. Respectfully submitted. If discharged shall I give them transportation home?

Respectfully, your obedient servant,

JNO. H. WINDER,
Brigadier-General.

[Inclosure.]

CAMP PICKENS, *August 21, 1861.*

Brigadier-General WINDER,
Inspector-General, C. S. Army, Richmond, Va.

GENERAL: From the statements made to me by reliable citizens of Fairfax County I am induced to believe that the case of William Howard and family, by order of General Johnston forwarded to you, is one of persecution resulting from the fact that the prisoner killed a man named Monroe in self-defense some time ago. Mr. Padgett, a reliable gentleman, the magistrate before whom the homicide case was tried, especially confirms this opinion, and says that he considers the prisoner to be a true man. Howard's family were arrested while on a visit to him at Fairfax Court-House for the purpose of bringing him clean clothes; at least such is the state of the case as represented to me by persons acquainted with the circumstances, no charges or specifications in the case having been made to me officially.

I am, general, very respectfully, your obedient servant,

CORNELIUS BOYLE,
Major Virginia Forces and Provost-Marshal at Camp Pickens.

C. S. MARSHAL'S OFFICE,
Charleston, S. C., August 30, 1861.

Hon. L. P. WALKER, *Secretary of War, Richmond, Va.*

SIR: I send to-day by Mr. J. J. Beasely, my special deputy, twenty-seven prisoners who have been taken from different vessels, prizes of war, not engaged in the service of the United States. Inclosed will be found a list of vessels and prisoners* and other relative papers.

I am, sir, very respectfully, your obedient servant,

J. B. IRVING, JR.,
Deputy C. S. Marshal of South Carolina.

RICHMOND, *August 31, 1861.*

His Excellency JEFFERSON DAVIS,
President of the Confederate States.

SIR: Believing that if you were aware of my imprisonment here as a prisoner of war without a shadow of cause and without any charge having been preferred against me you would order my release, I beg leave very respectfully to place before you the following brief statement of the circumstances under which I was arrested: A hackman by profession and resident in the city of Washington, I was hired by a party to convey them in my coach to Fairfax. On arriving there the party who had employed me refused to pay me unless I carried them on to Centreville. Having no other means of obtaining my money I was forced

* Not found.

to comply. At Centreville I had to remain all night and on Monday, July 22, while endeavoring to return, my horses took fright, ran away, throwing me from the box and injuring me very much. In this condition, having lost my coach and horses and badly injured by my fall, I was arrested by the Confederate troops while trying to find my way to Fairfax on foot. The above is a brief statement and a correct one of the manner in which I was captured, and fully believing that your sense of justice toward an innocent non-combatant and your humanity toward a widowed mother whose sole support I am will have the effect of procuring my release at your hands I now place it before you with the assurance that I am perfectly willing to take the oath of allegiance to the Southern Confederacy, where of right my sympathies and affections lie. I am informed that one Joseph Birch, also a hackman, who was arrested at Manassas under the same circumstances as I was, was released on the day following his arrest, as he had an opportunity which I had not of explaining his case to the officers in authority there. As mine is a precisely similar case the same rule, I may respectfully submit to Your Excellency, will apply to both. Hoping that Your Excellency will excuse the liberty I take in addressing you personally, and that my statement and the accompanying prayer will have your favorable consideration at an early day,

I have the honor to be, Your Excellency's obedient servant,

WM. SMITH,
Prisoner of War, Richmond, Va.

HEADQUARTERS OF THE FORCES,
Norfolk, September 4, 1861.

Hon. SECRETARY OF WAR.

SIR: I am applied to by many persons who state that by the law of Congress respecting aliens and the proclamation of the President thereon they are compelled to leave the country by a specified time. As this is the only route by which any number could go North these applications are increasing daily. I cannot be the judge of their claims to leave under the above act and proclamation and request instructions on the subject. I shall allow none to go without orders from you.

I remain, very respectfully, your obedient servant,

BENJ. HUGER,
Brigadier-General, Commanding.

[Indorsement.]

All are to be allowed to go, but he may in his discretion refuse to permit them to pass by any other route than via Tennessee if he thinks it dangerous to the country.

RICHMOND, *September 4, 1861.*

Hon. L. P. WALKER, *Secretary of War.*

DEAR SIR: According to your suggestion this morning I beg leave to present in writing one or two considerations connected with the military arrests made and being made in the region of the lower Valley of Virginia, along the Potomac border.

A number of such cases were submitted to my examination by General Johnston while in command at Winchester, and the principle I

acted upon was to arrest no one and to prosecute no one further who had been arrested when turned over to me for holding merely in the abstract disloyal opinions, nor even where they expressed them conscientiously and in a general way, but to seize only such as were actively engaged against us, in some mode giving aid and comfort to the enemy.

The effect of this policy has been as I am fully satisfied to improve greatly the popular sentiment, and to strengthen our cause in that part of Virginia where I regret to say it was much needed. Recently as I have reason to believe several arrests have been made by the military upon mere general suspicion of the party holding (and perhaps expressing in a general way merely) unsound opinions as to the great issue between us and the North, and I am satisfied evil consequences will result from it. Gentlemen of high character and social position I understand are under arrest now at Winchester without any opportunity or means whatever afforded them of having their cases examined and determined. Others also of like character I have reason to believe will soon be taken into custody.

Without troubling you therefore further in detail with the reasons which induce me to believe these arrests will be productive of much mischief I beg leave to suggest that something in the way of a commission, made in part at least of civilians of intelligence and undoubted loyalty, be constituted to examine into these cases promptly and make proper disposition of them by either remitting them to the civil authorities where prosecutions can be maintained or turning them over to the proper higher military authorities, or in proper cases discharging them from custody. The law of Virginia is very defective on this subject, and in these border counties with the enemy around them it is quite out of the question to pursue the ordinary slow course of prosecuting such cases.

A reply if addressed to Charlestown, Jefferson County, Va., will reach me, though it may not be important that I should have one if proper instructions be given to the military authorities.

Your obedient servant,

ANDREW HUNTER.

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Richmond, September 7, 1861.

General R. E. LEE, *Commanding Forces, &c., Staunton, Va.*

GENERAL: A letter relative to the supposed execution by the enemy of two citizens of which a copy* is herewith transmitted to you has been received by the President, who instructs me to direct that you will send a flag to the general commanding the forces of the enemy in front of you, report to him the case and require that he deliver to you as criminals the persons who perpetrated the offense or avow his responsibility for the act; and in the latter case that you will retaliate, retaining in your possession for that purpose of the enemy twice the number of those of our citizens that were thus ignominiously executed.

Very respectfully, your obedient servant,

S. COOPER,
Adjutant and Inspector General.

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*Not found.

HEADQUARTERS DEPARTMENT OF WILLIAMSBURG,
September 9, 1861.

General COOPER,
Adjutant and Inspector General, C. S. Army.

SIR: A man by the name of Clark, from Port Richmond, Staten Island, accompanied by his wife and son attempted to leave the mouth of York River in a sail vessel which was stopped by our guard-boat at that point. He has been living on York River since October last, and represents that he obtained the pass which he produced from the Secretary of War. This pass is signed by V. E. Shepherd, a gentleman I presume fully authorized by the Secretary; but as this man is a seafaring man, knows precisely our present situation both as to the number of our forces, their state of health, the strength of our works, &c., I have not permitted him to pass.

I think it highly important not to permit any one to pass our lines and out of the mouths of our rivers in whom we have not the most entire confidence. At this moment it would be particularly dangerous. I do not presume the proclamation of the President was intended to authorize the passage of any Northern people by such avenues to the North as could afford the enemy perfect information as to our strength or weakness at our most important points. Even in times of peace this might not be permitted. I respectfully request that no persons from the North be permitted to pass to the North in this direction.

I have ordered Clark to be detained at Gloucester Point by Colonel Crump for attempting to go out without reporting either there or at Yorktown, and that his wife and son should remain on board the vessel which it is not understood is included in the proclamation. I beg to request further instructions in this case. They can be sent with the vessel to the point on the river whence they came, and authority granted by the Secretary of War for them to go to New York by some other route, say Kentucky; or if the Secretary wishes it they will pass of course.

There are others, some ten or twelve, who desire to go to the North under the proclamation, but for these Mr. Eustis, of Williamsburg, and Mr. Sewall, of Gloucester County, say they will be responsible. I presume therefore these latter can be trusted to give no information, but I had rather have this exit stopped altogether. Clark I think has forfeited his right for attempting to pass without reporting. I understand also that he is intelligent, daring and unscrupulous.

I am, sir, very respectfully, your obedient servant,
J. BANKHEAD MAGRUDER,
Brigadier-General, Commanding.

SEPTEMBER 10, 1861.

His Excellency JEFFERSON DAVIS,
President of the Confederate States of America:

The undersigned, citizens of Hardy County, Va., desire to call your attention to the exposed and suffering condition of our county. We have been invaded for the past few months by Northern thieves; our houses have been forcibly entered and robbed; our horses, cattle and sheep in large numbers driven off; our citizens arrested, carried off and confined only because they are loyal citizens of Virginia and the Southern Confederacy; our cattle, sheep and horses to the amount of $30,000 have been forcibly taken from us and appropriated to the support of the Army of the United States.

Our county unfortunately is divided, the western portion being disloyal. The Union men as they call themselves have called upon Lincoln for protection. He in answer to their call has sent amongst us a set of base characters who not only protect the Union men but under their guidance are committing acts unheard of in any country claiming civilization. We have been wholly unprotected and unable to protect ourselves. Our enemies have met with no resistance. We do not complain, as it is perhaps impossible to give protection to all who are suffering like depredations; but we would suggest whether the interest of the Confederacy apart from the large private interest involved does not require the protection of our beef, our pork and our corn for the use of the Southern Army. General Lee is now drawing his supply of corn from us. There is perhaps no valley in America of the same extent that produces more fat cattle and hogs than the valley of the South Branch. Were we protected in the possession of our property we should be able to supply the army with several thousand cattle and hogs and at the season of the year when the supply from other sources fails; but if no protection should be given us and the present state of things suffered to go on we may well despair not only of feeding the army but of feeding ourselves. Our enemies not content with driving off our cattle and sheep by hundreds and our horses in numbers are to-day we are most reliably informed engaged in thrashing out the crops of wheat of some of the farmers of Hampshire.

We have been hoping for relief from General Lee's army in Western Virginia—that the necessities of General Rosecrans would compel him to withdraw his forces from us. In this we have been disappointed. We find still a force on our border acting with the Union men sufficient to rob us. The Baltimore and Ohio Railroad at New Creek Station is but about thirty miles from our county seat, and so long as that point is suffered to remain in the possession of the enemy we must be insecure. We placed ourselves under the protection of the Confederate States with a full knowledge of our exposed situation, being a border county, yet relying upon the ability and willingness of our more Southern brethren, who are less exposed, to defend us.

We now would most earnestly call upon you, the chosen head of the Confederacy, for relief and continued protection if not inconsistent with more important interests.

JACOB VAN METER.
[AND NINE OTHERS.]

HEADQUARTERS VALLEY RIVER, *September 14, 1861.*

General S. COOPER,
Adjutant and Inspector General, Richmond, Va.

GENERAL: In compliance with your letter of the 7th instant containing instructions from the President I addressed to the general commanding the forces of the enemy in my front the letter of the 13th instant of which I send you a copy, and received from him to-day the accompanying reply.

I have the honor to be, your obedient servant,

R. E. LEE,
General, Commanding.

[Inclosure No. 1.]

HEADQUARTERS CAMP ON VALLEY RIVER,
September 13, 1861.

The GENERAL COMMANDING U. S. TROOPS,
Huttonsville, Va.

GENERAL: It has been reported to the President of the Confederate States that Andrew J. Moore and Ellis Houchers, citizens of Pocahontas County, Va., were arrested about the 1st ultimo by a party of armed men and carried to your camp at the top of Cheat Mountain; that subsequently they were carried to your camp at Beverly; were there tried by a court-martial, condemned and executed. It is stated that the crime alleged against these men was the suspicion that they belonged to a party of eight who had two days before encountered a detachment of your troops on the banks of the Greenbrier River, when some of the latter were shot but in which encounter they had no participation. The reported execution of these men has been presented to the President in such a credible shape that I have been instructed by him to send to you under a flag a report of the case, and to require that you deliver to me as criminals the perpetrators of the act or avow your responsibility for the same.

R. E. LEE,
General, Commanding.

[Inclosure No. 2.]

HEADQUARTERS, *September 14, 1861.*

General R. E. LEE,
Commanding Confederate Forces in Tygart's Valley.

GENERAL: In answer to your inquiry relating to Messrs. Andrew J. Moore and Ellis Houchers (we have it Houchin) I have to say that the report of their trial and execution at Beverly is wholly unfounded. They were sent to Wheeling, Va., August 5.

I avail myself of this opportunity to state that the language of the latter part of your communication is exceptionable. "The perpetrators of the act" who carry out the sentence of a court-martial could not be regarded as criminals in any sense, and the avowal of responsibility referred to would be an act of superfluity.

I have the honor to be, very respectfully, yours,

J. J. REYNOLDS,
Brigadier-General, Commanding.

Proclamation.

BOWLING GREEN, *September 18, 1861.*

TO THE PEOPLE OF KENTUCKY:

The legislature of Kentucky have been faithless to the will of the people. They have endeavored to make your gallant State a fortress in which under the guise of neutrality the armed forces of the United States might secretly prepare to subjugate alike the people of Kentucky and the Southern States. It was not until after months of covert and open violation of your neutrality, with large encampments of national troops on your territory, and a recent official declaration of the President of the United States not to regard your neutral position, coupled with a well-prepared scheme to seize an additional point in

your territory which was of vital importance to the safety and defense of Tennessee that the troops of the Southern Confederacy on the invitation of the people of Kentucky occupied a defensive post in your State. In doing so, the commander announced his purpose to evacuate your territory simultaneously with a similar movement on the part of the national forces, whenever the legislature of Kentucky shall undertake to enforce against both belligerents the strict neutrality which they have so often declared.

I return amongst you, citizens of Kentucky, at the head of a force the advance of which is composed entirely of Kentuckians. We do not come to molest any citizen whatever may be his political opinions. Unlike the agents of the Northern despotism who seek to reduce us to the condition of dependent vassals we believe that the recognition of the civil rights of citizens is the foundation of constitutional liberty, and that the claim of the President of the United States to declare martial law, to suspend the privilege of the writ of habeas corpus and to convert every barrack and prison in the land into a bastile is nothing but the claim which other tyrants have assumed to subjugate a free people.

The Confederate States occupy Bowling Green as a defensive position. I renew the pledges of commanders of other columns of Confederate troops to retire from the territory of Kentucky on the same conditions which will govern their movements. I further give you my own assurance that the force under my command will be used as an aid to the government of Kentucky in carrying out the strict neutrality desired by its people whenever they undertake to enforce it against the two belligerents alike.

S. B. BUCKNER,
Brigadier-General, C. S. Army.

MOOREFIELD, *September 18, 1861.*

Hon. L. P. WALKER, *Secretary of War.*

SIR: I went on business concerning some cattle that had been taken from this county by Northern troops to Cumberland. There I was arrested and required to take an oath not to take up arms against the United States Government. I have never and had not at the time of being arrested taken up arms against the United States Government, but have been up to this time merely a private citizen. What I want to know of your honor is, whether the oath taken by me will be respected by the Confederate States Government, or am I subject to be drafted with the militia of Hardy County? Please answer and direct to post-office at Moorefield, Hardy County, Va.

DANIEL SMITH.

FORK OF WATERS, HIGHLAND COUNTY,
September 21, 1861.

This letter has been handed to me as the officer commanding the line between Monterey and Petersburg. I forward it according to its address, and with it the following extracts from the report of Capt. George Jackson, former commandant of the post at Monterey:

John W. Overman; lives in Preston County, five miles west of West Union. Was arrested without arms and confined in the guard house August 23, 1861, on the charge of being a Union man. Says that he was a Union man until his arrest, but has since changed and is now willing to stand by the South.

It is proper to state here that all of those persons mentioned in the above list as arrested on the charge of disloyalty, other than those caught in arms against the South, were arrested upon representations of numbers of the most substantial, reliable and loyal citizens of Hardy County, to the effect that they were actively engaged in giving aid and comfort to the enemy.

These extracts give all the information I have about Overman, except that I was [informed] by two gentlemen from Hardy that he was taken up as a spy. He is sent to the Staunton jail by order of General H. R. Jackson.

Respectfully,

JOHN B. BALDWIN,
Colonel Fifty-second Virginia Regiment.

[Inclosure.]

MONTEREY, HIGHLAND COUNTY, VA.,
September 15, 1861.

MR. JEFFERSON DAVIS.

HONORABLE SIR: I will say to you that I am held as a prisoner in this place. I was taken near Petersburg, Hardy County, Va. I live in Preston County, Va., and was on my way to Moorefield, Hardy County, on business and I had to go some thirty-five miles out of my way to get there in order to get around the Yankee camps, and then was taken by the Rockbridge Cavalry and brought here. I am charged with being a Union man, and I am not, and can prove that I have taken strong grounds in favor of the Confederacy, and was taken prisoner by the Yankees. This I can prove by the best of men in Tucker and Preston Counties if I could get any word to them. But I am cut off from any communication with them and I ask of you my release, for I am kept on the streets at work and digging graves Sundays as well as any other day. They have also taken a fine horse and saddle from me. I was taken on the 22d August, and I am at this time 130 or 140 miles from home, with the Yankees between me and my home. Therefore I can't get any assistance from there—not as much as a change of clothes. I ask your honor for my release, and also for my horse or his value. I understand that I am to be moved up to Staunton to-morrow; but as to this I cannot say whether they will or not. Sir, I am a Virginian, and am proud to say that I have always been loyal to my native State, and am still willing to remain so.

Your humble servant,

JOHN W. OVERMAN.

P. S.—I am well treated by your men generally. There are some few that curse me, and say they will shoot me before I leave the guard house.

J. W. O.

[RICHMOND,] *September 21, 1861.*

Hon. J. P. BENJAMIN, *Secretary of War:*

I have examined the cases of Robert H. Kinney, Frank Smyth and Hezekiah Kelly and I see no cause whatever for their detention.

Respectfully submitted.

JAMES LYONS,
Commissioner.

NEW ORLEANS, *September 21, 1861.*

Hon. J. P. BENJAMIN, *Richmond.*

DEAR SIR: Among the prisoners at Richmond is Capt. G. W. Edge, sent from Fernandina. He was captain of the ship John Carver, loaded

with coal for Key West. Captain Edge is quite a young man, and dependent entirely upon his wages for the support of a family. He either had to give up the command of the ship or obey the orders of his owners. Captain E[dge] had been trading for a long time with New Orleans, and is highly esteemed here by a large number of our shipping merchants. At the request of several of those friends I write you merely to ask that you will be kind enough to intercede so far as to see that Captain Edge is placed in as comfortable a position in his prison as the regulations of the Government will permit, and if there are any prisoners sent this way his friends would be glad to have him here, and they would provide for him in prison at their own expense.

Yours, very truly,

E. SALOMON.

WAR DEPARTMENT, *Richmond, September 22, 1861.*

Mr. JOHN J. BYRD, *Augusta, Ga.*

SIR: I am instructed by the President to make a reply to your letter to him of the 13th instant. I exceedingly regret to inform you as a father that an examination of your son's case* has taken place through a commissioner specially appointed for that purpose, a gentleman of the highest character and reputation, Hon. James Lyons, of Richmond, and has reported unfavorably to your son. Mr. Lyons reports his belief that your unfortunate son is guilty; that he is an agent and a spy of Lincoln. Under these circumstances justice and a regard to the safety of this people demand that he should be held in the closest confinement, and with the deepest sympathy for you we are compelled to perform this duty and to refuse his discharge.

Respectfully,

J. P. BENJAMIN,
Acting Secretary of War.

PRISONERS' QUARTERS,
Richmond, Va., September 26, 1861.

Hon. J. P. BENJAMIN, *Acting Secretary of War.*

SIR: I have been a prisoner of war at Richmond in close confinement now for more than two months without asking the privilege of once leaving my quarters. So far as I am aware there are no charges against me, unless it be that I am a member of the U. S. Congress. If, however, I am mistaken in this regard I desire to ask the reasonable courtesy of a hearing before yourself, or such other officer as you may please to designate for that purpose.

I am, sir, with great respect,

ALFRED ELY.

RICHMOND, *September 26, 1861.*

I, Clark Rodman,† from Wakefield, Washington County, R. I., respectfully beg to state that during the month of May last a friend of mine in Buckland, Prince William County, Va., informed me by letter that J. B. and R. H. Hunton, of that place, engaged in the manufacture of woolen clothes were desirous of procuring the services of a man

* See pp. 1432–1434 for report in case of W. H. Byrd.
† See p. 1465 for report in case of Rodman.

acquainted with the business; that he (my friend) had recommended me as competent and advised me to accept the situation which I did, and on the 1st June arrived at Buckland and commenced to work. I kept on working until about the 24th July when, hearing that my son Isaac Clark Rodman, had come from the North as a private in the Second Rhode Island Regiment; that he had been present at the battle of Manassas on the 21st of July and was wounded, I immediately stated the case to my employers, upon which they informed me that I might go in quest of him and advised me to do so. I found him amongst the wounded at Sudley Church on the 27th of July, on which day I was arrested. I was brought on to Richmond on the 30th, and after the lapse of a few days was appointed nurse in the prison hospital under the superintendence of Dr. Higginbotham, C. S. Army. I have acted in that capacity up to the present time, bestowing all the while every possible care and attention on my son, who died yesterday, September 25, of typhoid fever.

CLARK RODMAN.

RICHMOND, *September 27, 1861.*

Hon. J. P. BENJAMIN.

DEAR SIR: The governor has referred to me a letter from Hon. R. M. Hudson, judge of the circuit court of Roanoke County. In that letter the judge states that there are twenty prisoners in the Roanoke jail who have applied to him for discharge on writs of habeas corpus returnable to the 4th of October next. He states that they were arrested as Union men by Governor Wise. All are citizens of Virginia, except one who had removed to Ohio but had returned here to settle up his former business. They state they took no part in the military movements nor had they aided the enemy. Some state that though originally Union men they acquiesced in the ordinance adopted by the State and are willing to act as loyal citizens. There is no warrant for their custody nor any writing authorizing it. The sheriff holds them under the verbal order of a military man who stated they were arrested and sent on by General Wise. If there be any evidence to hold them for treason to the State of course the State authorities will take them in charge.

What I desire is to know what course should be pursued in case nothing appears against them except their being held under the order of a Confederate general. I would suggest that as the district attorney of the Confederate States lives (near Roanoke County) in Fincastle, Botetourt County, I might at your instance write to him to attend the trial, or without any intervention of mine you might have the cases attended to by Mr. Miller. The attorney for the Commonwealth is in the military service and is thus absent from Roanoke County.

I am, with high respect, yours, &c.,

J. R. TUCKER.

WAR DEPARTMENT, *Richmond, September 28, 1861.*

Hon. J. R. TUCKER,

Attorney-General of Virginia, Richmond.

SIR: I have the honor to acknowledge the receipt of your letter of 27th instant in regard to certain prisoners held in Roanoke County jail, Virginia, who have applied for discharge on writs of habeas corpus, &c. Such of these prisoners as will take the oath of allegiance to the Con-

federate States may be released at once, and in pursuance of your suggestion the honorable district attorney for the district in question will be requested to attend the trial of the others.

Very respectfully,

J. P. BENJAMIN,
Acting Secretary of War.

WAR DEPARTMENT, *Richmond, September 28, 1861.*

Hon. FLEMING B. MILLER,
District Attorney, Fincastle, Botetourt County, Va.

SIR: I am informed by the Hon. J. R. Tucker, attorney-general of Virginia, that certain prisoners held on charges of disloyalty in the jail of Roanoke County under and by Brigadier-General Wise have applied for discharge on writs of habeas corpus returnable to the 4th of October next. I have replied that such of these prisoners as would take the oath of allegiance to the Confederate States might be released at once. I have now the honor to request you, as suggested by Mr. Tucker, to attend the trial of the others on behalf of the Confederate Government.

Respectfully,

J. P. BENJAMIN,
Acting Secretary of War.

WAR DEPARTMENT, *Richmond, September 28, 1861.*

ALFRED ELY, Esq.,* *Prisoners' Quarters, Richmond, Va.*

SIR: In reply to your letter of the 26th instant I am directed by the Secretary of War to say that there is no charge against you and therefore no reason why your request for a hearing should be granted. You are simply held as a prisoner of war.

Respectfully,

A. T. BLEDSOE,
Chief of Bureau of War.

CULPEPER COURT-HOUSE, VA., *September 28, 1861.*

R. S. HAMILTON, Esq.

DEAR SIR: I address you, both to thank you for your kind efforts in my behalf and to comply with your advice. I inclose you one of my letters† to the Citizen, Frederick, Md., also three† to the Morning News, Savannah, Ga., and one† addressed in manuscript to the governor of Massachusetts, a copy of which was sent by request to the Savannah News for publication. They are among my most carelessly written printed communications, of which I have but very few with me. I would refer you to my speech at the Union meeting in Lowell on the 29th of December, 1859, and published in the Lowell Advertiser, from which it was copied into the Argus (Norfolk, Va.) of May 19, 1860. It is probable that it is also in the weekly edition of that paper, and possibly may be found among some of your friends. I would refer you to the following gentlemen of the South with some of whom I have the honor of an acquaintance both personal and by correspondence, with others only by correspondence: Messrs. Richardson, editors News,

*Ely was a Member of the U. S. Congress, captured at Bull Run.
† Not found.

Galveston, Tex.; W. L. Thompson, editor News, Savannah, Ga.; James P. Hambleton, editor of Southern Confederacy, Atlanta, Ga. I had a slight acquaintance with Mr. H[ambleton] in New York a year ago last March, and wrote a few communications for his paper, but discontinued writing for it because it supported Douglas for the Presidency, Breckinridge being my choice. I have also written occasionally to the Charleston Mercury during the last five years, but am not personally acquainted with its present editors. I would also refer you to Hon. W. W. Boyce, Winnsborough, S. C., Hon. John H. Reagan, Postmaster-General, from whom I have received letters the past winter. Mr. R[eagan] I am not personally acquainted with; Mr. B[oyce] I am. There are many other prominent Southern gentlemen with whom I was acquainted in Washington in the spring and summer of 1856, among them Toombs and Stephens, of Georgia; Messrs. Keitt and Orr, of South Carolina, and J. P. Benjamin, the present Attorney-General. Whether they would recollect me or not I can not say. The editor of the Norfolk Argus, Captain Lamb, who is referred to in the blackguard notice of the New York Tribune, I should not hesitate to refer to; but whether he is in Norfolk or the army I do not know. His father was mayor of Norfolk last year, and a letter would probably reach him if directed to his father's care. John Heart, esq., former editor of the Charleston Mercury, and J. D. B. De Bow, esq., of De Bow's Review, I am acquainted with, but do not know the post-office address of either at this time. E. D. Ryan, esq., of Waco, Tex., I am acquainted with personally and by correspondence. W. H. Parsons, esq., also of Waco, who is a prominent lawyer in Texas, and also an able writer, I have a corresponding acquaintance with, which grew out of our both writing for the Galveston News. I saw by the papers some six weeks ago that he had raised a regiment and is probably now in the service. Should you or any of your friends write to Captain Lamb, of the Argus (Norfolk), please inclose to him the notice from the New York Tribune. Take such steps as you and your friends see fit, but do not involve yourself in any manner on my account. I am amusing myself by writing an address, "The present revolution and its causes." Whether I shall ever deliver it or not is very doubtful; but if I were at liberty and thought it would afford either instruction or pastime I would like to deliver it, and would appropriate the entire proceeds to the fund for sick and wounded soldiers.

It was my most ardent desire when I came to Virginia in May last to enter the army, but if I should get released from imprisonment this fall it would be foolish for me to undertake the hardships of camp life at this season of the year with my system in the condition that my long confinement has placed it, for it would not be two weeks till I should be in the hospital; but my desire to aid the cause of Southern independence which is de facto the cause of American liberty is as strong as ever. The Rev. Mr. Cole (Heaven bless him) has called to see me twice and has given me some undergarments which I very much needed, for I was in fact compelled to leave Lowell by an abolition mob and had only the clothes that I had on, and a rainy-day suit at that. It is now five and one-half months since, and you must conclude that my wardrobe is getting very low.

I don't know that there is any news here that would interest you. The jail has been full of deserters for the last ten days, which is not much to the comfort of us who are regular boarders. There are several men in the vicinity who desire the services of Mr. Sanford, but whether he will get out at present I do not know. He sends regards.

Hoping that the time may come when I can reciprocate the kindness that you and those good people who are unknown to me have manifested in my behalf, I remain, most respectfully, your friend and servant,

M. B. WHITE.

P. S.—The communications and notices inclosed use at your own discretion. If you think it advisable to send any of them away, do so. If not, please return them when you are through with them.

M. B. W.

PAULDING, MISS., *September 30, 1861.*

His Excellency the PRESIDENT OF THE CONFEDERATE STATES:

The undersigned have learned with great surprise that Henry L. Martin, esq., late of Jasper County, Miss., is imprisoned at Richmond on charges affecting his loyalty to the South. Mr. Martin is a native of the South; has spent most of his life in this community; his children are here, and we his old friends and acquaintances find it impossible to believe that his feelings and sympathies are other than Southern. The object of this petition is to pray Your Excellency to have his case examined into, and to extend to him that justice to which a citizen of a free country is entitled, and we feel assured that with a proper understanding of his case he will be found to be above suspicion, and a true Southern man.

L. B. LASSITER,
Sheriff of Jasper County.
BENJ. THIGPEN,
Judge of Probate.
W. T. POWER,
Deputy Sheriff.
[AND 21 OTHERS.]

HEADQUARTERS WESTERN DEPARTMENT,
Columbus, Ky., October 1, 1861.

Capt. J. W. HAWKINS,
Commanding Stevenson Guards, Nashville.

SIR: Your letter of September 29 has been received and I am instructed by General Johnston to say that he wishes you to continue to perform the duties heretofore assigned.

If summoned by writ of habeas corpus you will appear and state fully to the judge the grounds on which you made the arrest and on which you detain the prisoner. If he is then discharged you will release him. Should it appear to you in any particular case that serious injury to the service may arise from the release of the prisoner you will immediately state the case to a judge of the Confederate States and ask for his authority to arrest.

You are as heretofore authorized to stop and turn back any suspicious person traveling on the cars. The discharge of the judge will not suffice as a passport.

I am, very respectfully, &c.,

W. W. MACKALL,
Assistant Adjutant-General.

[RICHMOND, VA.,] *October 2, 1861.*

Hon. J. P. BENJAMIN, *Secretary of War:*

I would respectfully submit whether in cases free from doubt in favor of the prisoner it would not be well to give the commissioner authority to discharge without troubling the honorable Secretary with a report.

Respectfully,

JAMES LYONS

REDWOOD, *October 4, 1861.*

His Excellency Governor LETCHER.

DEAR SIR: A man by the name of White is in confinement at this place in the county jail, and has been for several months, against whom as I understand from most reliable persons there has been at no time a particle of evidence. He was brought before Judge Field and promptly discharged, but recommitted, I presume by some mistake or misunderstanding—certainly by no form of legal proceeding. I am so informed by the judge of the court, by the Rev. Mr. Cole (the minister of this parish) and by Colonel Taylor, in command of the post. What he wants is to be tried. These gentlemen can't or won't relieve him and I do not know how to proceed, as I understand the judge to suppose his jurisdiction exhausted. If the man is innocent it is a most cruel oppression. If guilty, it's time to have his case disposed of, as I believe his incarceration antedates the establishment of Forts McHenry and Lafayette as penitentiaries. If this duty is with the Confederate authorities will you, my dear sir, forward this note to Mr. Benjamin, Acting Secretary of War? The precise name I will have given below.

I am, very truly, your friend and obedient servant,

JNO. PENDLETON.

P. S.—The full name is Moses Bradford White.

CLARKSVILLE, TENN., *October 4, 1861.*

General POLK:

We send you in charge of Lieutenant Wilday a man named Petty who we have grounds to think may not be after any good. We attach but little consequence to him except he is known to be quite familiar with both Cumberland and Tennessee Rivers as a pilot, having acted in that capacity for many years.

As the Cumberland River is now rising quite rapidly we think it advisable to watch such characters as could pilot the Lincoln boats up our river. He is represented as a great liar and entirely unreliable, which we find is true from the statements which he makes of things at and about Paducah. He gives no satisfactory account of why he is here, and from the fact of his familiarity with the rivers as above stated we send him to you. We refer you to Lieutenant Wilday for his statements to us, who heard it all.

Yours, most respectfully, FISHER A. HANNUM,

President of the Military Board.

OXFORD, MISS., *October 8, 1861.*

Hon. J. P. BENJAMIN, *Secretary of War.*

DEAR SIR: You have incarcerated in Richmond Henry L. Martin, esq., formerly of this State but for several years a clerk in the Department of the Interior at Washington while I was Secretary of the Interior. I considered Mr. Martin a true man. After I left Washington he remained and I am not familiar with his course of conduct since that time. All those ordinary influences which make men turn would seem to be so strong in our direction that his old friends in this State cannot and do not doubt him. Born South, with an extensive and influential family South, with sons in the Confederate service, abused and persecuted as he has been by the abolitionists it must be strange indeed if he can prove untrue to the South. I hope you will cause his case to be examined into. I believe you will be satisfied that he ought to have his liberty.

Yours, truly,

J. THOMPSON.

WAR DEPARTMENT, *Richmond, October 11, 1861.*

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: In the case of the application of Moses Bradford White I submit as you direct the following report:

It appears from numerous publications in Northern papers that he was a warm friend of the South and wrote various articles in Southern newspapers by which Northern journals were greatly incensed. This is seen from scraps.* Though a native of the North his feelings, speeches and acts seem to have been with the South. We may then well believe his statement when he says he had to fly from Lowell, Mass., and come to the South to seek a place in our army. He seems to have been imprisoned simply because he was a Yankee from Lowell, Mass., and has been confined in a loathsome jail for nearly four months. He has obtained one hearing, having been brought before Judge Field on a writ of habeas corpus, when he was discharged. But still distrusted by a military commander who only knew that he was a Yankee he was again taken by him, with the assurance that he (the commander) would attend to his case. This commander put him in jail, went to Manassas and seems to have forgotten all about the poor prisoner. I learn these facts from the Rev. William Cole, an Episcopal clergyman at Culpeper Court-House, who has interested himself in the case of Mr. White. Since his trial and imprisonment he has not been able to get a rehearing, though a discharge was ordered on his first trial. In his well-written letter to the Rev. Mr. Cole he gives a touching account of the privileges that were denied him, and which if granted could only have led to an investigation of his case. The only possible reason that can be assigned why he should not be discharged is that he may not be the person whom the Northern papers speak of as Moses Bradford White, the name under which he has gone ever since he came to this State. The want of identity is possible, but is it right that he should be kept in prison on the ground of this bare possibility?

Very respectfully,

A. T. BLEDSOE,
Chief of Bureau of War.

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* Omitted.

HEADQUARTERS ARMY OF THE PENINSULA,
Yorktown, October 13, 1861.

Hon. J. P. BENJAMIN, *Secretary of War:*

I am instructed by Major-General Magruder to acknowledge the receipt of your letter of the 7th instant and to say in reply that Colonel Crump reports that—

C. G. Clark and his wife attempted to pass without showing their passports and were captured by the guard boat below all our batteries. All the facts in the case were immediately reported by me through the Adjutant-General's Department to the War Department and instructions asked, and from the vindictive spirit exhibited by himself and wife since their capture I deem it extremely imprudent, indeed dangerous, to permit their leaving the country at all.

C. G. Clark and wife have been sent to Richmond.

I am, sir, very respectfully, your obedient servant,

J. M. JONES,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, October 14, 1861.

General S. COOPER, *Adjutant and Inspector General.*

SIR: I inclose an advertisement which I propose publishing. My object is to get rid of a disaffected and troublesome population, most of whom are idle and would be liable to turn against us if we were in any danger of a defeat. They are sending up to Richmond from day to day and getting passes, thus keeping up a continued communication with the enemy. I propose letting them all go and tell all their tales at once, and after that to allow none to leave. I beg it may be submitted to the Secretary of War for his approval or disapproval.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

[Inclosure.]

As many persons residing in this locality are from time to time making application to these headquarters to be permitted to go North under a flag of truce, and as the time allowed by an act of Congress and the proclamation of the President for all alien enemies to leave the Confederate States or take the oath of allegiance has expired, notice is hereby given to all alien enemies and other disaffected persons that upon a day hereafter to be named a flag of truce will leave for the purpose of conveying them beyond these military lines, and all who desire so to depart will within one week from this date register their names at the offices of W. W. Lamb, esq., mayor of Norfolk, and Capt. George W. Grice, assistant quartermaster at Portsmouth. This steamer will be the last that will convey residents of this locality under a flag of truce, and all alien enemies or other suspected persons found within these military lines after her departure will be arrested and imprisoned as the law directs.

AUDITOR'S OFFICE, *Richmond, October 25, 1861.*

Hon. J. P. BENJAMIN.

SIR: Many of the best men of Virginia whose names I can furnish are now confined in cow-sheds near Columbus, Ohio, for the utterance

of their political opinions in their native State. They number over 100, and no efforts appear to have been made by the Government for their exchange or release. While such a great wrong remains unredressed there has been a "general jail delivery" of Union defenders who have committed treason against Virginia by giving aid and comfort to the Peirpoint government. An exchange between the military authorities of the two Governments of all political offenders is certainly legitimate, and I merely state the facts that your better judgment may suggest the remedy. The sufferings of our citizens taken from Virginia unarmed and only because of their political opinions are too great to escape the immediate attention of all who have the means of redress, and I enter an earnest request that no further releases such as the "Salem jail delivery" referred to shall be made until our friends held as hostages and for the purpose of exchange shall also be given up or released.

Yours, truly,

J. M. BENNETT,
First Auditor, Virginia.

HEADQUARTERS ARMY OF KANAWHA,
Camp Dickinson, October 25, 1861.

His Excellency the SECRETARY OF WAR.

SIR: General Floyd has been informed by the officer in charge of the post at White Sulphur Springs that one John B. [Felix S.] Odell, a Union man and traitor, who was arrested by his orders and sent with others to Richmond as a prisoner has been released and sent back to his home. Said Odell is notorious in Western Virginia as a man very dangerous to the Southern Confederacy and as one who has whenever he could do so given aid and comfort to the enemy. If evidence sufficient to convict him was not produced this is attributable to the fact that the general was not apprised of his trial, to the difficulty of collecting and sending witnesses at so great a distance, and not to his innocence. He begs leave to submit to your excellency that the discharge of such persons is attended not only with great danger to the cause in this portion of the State but renders the officers who arrest them liable to be shot down as an act of revenge and of retaliation. The general has exercised great caution in arresting citizens of the State upon the ground of alleged disloyalty to the cause and has done so only upon well-sustained charges. He feels confident that it is only necessary to call the attention of your excellency to the above facts in order to secure great care in the treatment of citizens sent to Richmond as unsound and dangerous to the public safety.

By order of Brig. Gen. John B. Floyd:

WM. E. PETERS,
Assistant Adjutant-General.

HDQRS. SECOND REGIMENT TEXAS MOUNTED RIFLES,
Fort Brown, October 25, 1861.

DON ANDRES TREVIÑO,
Commanding Tamaulipas Troops in Reynosa.

SIR: I have been informed that you, or the forces with which you are acting, have in your possession and power the person of Col. Peter Nickles, a citizen of the Confederate States of America, and that you

contemplate having him hung. If he was taken with arms in his hands he is a prisoner of war and entitled to be treated in accordance with the usages of civilized nations. It is represented to me that he was only a spectator and took no part in the contest; in that event there is no cause or justification for his detention. I am confident that you will permit no indignity or outrage to be perpetrated upon the person of Colonel Nickles which would constitute a just cause of complaint on the part of the Confederate States, and thus endanger the amicable relations existing between them and Mexico.

I have the honor to be, your obedient servant,

JOHN S. FORD,
Colonel, Commanding.

WAR DEPARTMENT, *Richmond, October 26, 1861.*

J. M. BENNETT, Esq., *State Auditor, Richmond.*

SIR: In answer to your letter of yesterday I can only say that none can more deeply regret than I do the condition of all those not only of Virginia but of other States who have been seized by a despotic and unscrupulous power and incarcerated whether in cow-sheds or in dungeons. It is, however, a well-known fact that this Government has spared no effort to introduce a system of exchange of prisoners of war and that its efforts have been hitherto unsuccessful.

The prisoners of whom you speak are not prisoners of war. They are men not taken in arms. They are political prisoners, and your proposal seems to be that we shall hold in jail men convicted of no crime as political prisoners also; that we shall imitate the loathsome practices of which you complain, and shall within our own Confederacy hold men in prison who are citizens of Virginia by mere arbitrary military power for the purpose of exchanging them against those held under like circumstances by the enemy.

Pardon me for suggesting that I do not think you have reflected on the true nature of the course of action you advise, and for stating that this Government can enter into no such contest of evil-doing as is proposed. Prisoners held in jail are examined, and if guilty or believed to be guilty of treason or other crime against the State or Confederacy are handed over to the civil power, because ours is a Government of law, and it is our highest and proudest boast so to maintain it. Numerous prisoners have been thus transferred by this Department to the courts of justice. All others are released for our citizens cannot be held in jail on suspicion, and let us thank Providence that this exemption from violence to personal liberty is one of the legitimate as it is the most precious fruit of the struggle in which we are engaged.

The "general jail delivery" of which you seem to complain was if I am rightly informed an examination into the causes of the imprisonment of many citizens of Virginia who had been placed in confinement by military commanders, who were taken unarmed and against whom no evidence could be produced. Surely you would not have desired in the interests of your own liberty and that of those most dear to you that the violent hand of military power should have been laid on these men.

The convention of Virginia authorized your governor to arrest on suspicion aliens believed to be dangerous, but no lawgiver of these Confederate States has ever yet dreamed of conferring on any public functionary the power of holding our own citizens in jail on suspicion.

I am therefore compelled respectfully to decline your proposal to hold Virginians in prison until the enemy shall release other Virginians that he holds in prison. At the same time I will cheerfully aid to the amount of my power in bringing to due punishment all traitors and other criminals, and will most heartily co-operate in any legitimate effort to relieve our fellow-citizens imprisoned in this or other States whose wrongs and sufferings I deplore but am powerless to remedy.

I am, respectfully, your obedient servant,

J. P. BENJAMIN,
Acting Secretary of War.

CHARLESTOWN, VA., *October 29, 1861.*

Hon. Mr. BENJAMIN, *Secretary of War.*

DEAR SIR: Having had Mr. Herr, a resident of Harper's Ferry, arrested because of his alleged intercourse with the enemy, which intercourse he admits but pleads as not treasonable, it having been in every instance advised by his counsel, Mr. A. Hunter, how far Mr. Herr's intercourse with the enemy (which has consisted in his receiving pay for flour and wheat used by them from his mill) [*sic.*] I have preferred under the circumstances to refer to you for decision, as I want some guide in treating similar cases which are frequent upon the border. I considered Mr. Herr's case aggravated by the fact of Federal troops taking possession of Harper's Ferry, as the Federal newspaper report says, for the purpose of removing wheat from his mill which I am led to believe Mr. Herr expects pay for from the Federal Government. My men found Federal guards around his mill which still contained wheat, upon which they fired it and burned it to ashes, arresting Mr. Herr as a party to their transactions in violation of the Confederate law.

Upon offering Mr. Herr the option to take the oath of allegiance or leave the State Mr. Herr declined taking the oath for reasons which he will state to you, but expressed a desire to remain a citizen of the Confederate States without giving such evidence of his loyalty. I do not feel at liberty to release him without such evidence and consequently send him on parole, accompanied by his friend, Mr. A. Hunter, to you for your decision. I beg of you to give me some guide in similar cases of which I have not a few. I am satisfied that Mr. Herr is a conscientious man and would not deliberately be traitorous to our cause, but think that such intercourse has already and would likely continue to result in evil to us.

Respectfully,

TURNER ASHBY,
Lieutenant-Colonel, C. S. Army.

RICHMOND, VA., *November 1, 1861.*

His Excellency JEFFERSON DAVIS,
President Confederate States of America.

SIR: You are no doubt acquainted with the circumstances of my capture and detention. The Secretary of War has informed me that there are no charges against me and am held simply as a prisoner of war. I have now been imprisoned in close confinement between three and four months and will not deny that I am anxious to be liberated. My fellow-prisoners for good reasons which will be explained to you

are equally anxious that I should be. I cannot of course anticipate the action of my Government, but believing that common humanity demands an exchange of prisoners I should not hesitate at any honorable action to bring about so desirable a result.

I am, sir, with great respect,

ALFRED ELY.

AUDITOR'S OFFICE, *Richmond, November 4, 1861.*

Hon. J. P. BENJAMIN, *Acting Secretary of War.*

SIR: A few days' absence from the city has prevented me from noticing your letter of the 26th ultimo until now. One brother-in-law more than sixty years of age and eight or nine nephews and cousins held in custody by authority of the governor of Ohio, charged with no offense, must be my apology for again intruding myself upon your time and attention in their behalf, as well as in behalf of all those whom fortune has thrown in the power of the Federal Government.

It must be admitted that that Government together with those State governments adhering to its authority appears to have divested itself of all the milder feelings which naturally belong to men, and that it delights in increasing the sufferings of those who are already wretched enough by being placed in their power. Those acknowledged rights between equals in power which go to mitigate the horrors of war and diminish the sufferings of the wretched have all been ignored by our enemies. Those upon the contrary who go to war and are prepared to defend and support by the sword principles they believe to be right will admit of no departure from established usage to their prejudice, and may be expected if they have the power (in the language of General Washington) to "endeavor by retaliating the injuries inflicted on them to compel the observance of a more just and humane system of warfare." The history of the Revolutionary war shows us that a disposition by some of the States to discriminate between those who were loyalists and deemed traitors to their country from the British soldier taken in arms unfortunately protracted the sufferings of both to an unusual length. This discrimination was never recognized by the Federal authority at that time or since.

Retaliation and struggling humanity have gradually ingrafted in the rules of war the practices which meliorate the condition of prisoners. And while I admit that a violation of the acknowledged principles governing civilized nations in this respect should expose the national character to reproach, yet I deny that such reproach would attach to this manner of retaliation which has existed since the days of Moses, its severity only being moderated by the advancement of Christianity. General Washington admitted it as a rule of law in respect to prisoners, and the Congress of that day required its enforcement. President Davis in his recent message to Congress in respect to the Savannah prisoners distinctly avows and indorses it. I think it will be difficult for any of us to draw the distinction between political or military prisoners in like relations in respect to retaliation. Even the death of a soldier who for aught we know may have been drafted into the service of the U. S. Army and compelled in opposition to his will to fight against the Confederacy comes within the rule laid down by President Davis for retaliation. Is it humanity in such case to take the life of the soldier in consequence of any act of Lincoln's Government? General Washington and President Davis may be accepted by us as good authority, and while we may be horrified at the mere idea

of shedding innocent blood yet upon the authority of these high names we must conclude that the ultimate good resulting from the law of retaliation will justify it. Numerous horrid acts and the wailing grief that must otherwise be entailed upon a whole country by the same authority calls for retaliation even if it presents the appearance of erring resentment.

The right of an exchange of political prisoners has been acknowledged by the governor of Ohio, who at the instance of General Wise released about thirty such for the release of Mr. Waggener, of Mason County, a member of the Wheeling convention.

In directing your attention to the matters which induced my former letter it is not necessary to allude to the dead, as in the case of poor Riffle, of Braxton County. He was a man about sixty years of age and as it was supposed without an enemy, but had voted for secession. For this act he was arrested, handcuffed with his hands behind his back, and with a rope securely tied around his neck, he was tied to a wagon and compelled to walk in its rear for ten miles in the direction of the prison designed for his incarceration, until the Ohio lieutenant without resistance on the part of Riffle shot and killed him. From the horrors of this act which is well authenticated I am constrained to turn in sympathy to the condition of the living now confined in cow-sheds near Columbus, Ohio, in all the wretchedness which hunger, nakedness and the neglect of their own Government can inflict. They too may share the fate of Riffle. They number about 100 and are of the highest respectability.

The Confederate Government had many political prisoners and has several yet. These self-styled Union men cannot be found guilty of any overt act of treason by reason of the impracticability of obtaining witnesses from beyond the enemy's lines competent to establish their guilt. The case of Roberts, of Roane County, recently discharged by your order, is a striking illustration of the impolicy of indiscriminate discharges without seeking for information. Roberts it is stated upon good authority had passed into our lines as a witness for his son in a criminal prosecution, and by perjury attempted to acquit him of a rape upon the wife of a soldier in our army. The son was found guilty and imprisoned, from which imprisonment he has been rescued by the Federal army. The father because of his sympathy with Black Republicanism and of his having taken a seat as a member of the Wheeling convention and voted to divide the State was arrested and sent here. Witnesses could not from the very nature of things be procured, and as far as I am informed were not sought for; and with all this black cloud of guilt upon his skirts he is set at liberty without condition upon the score of humanity I presume, and because ours is a Government of law. He was a Northern adventurer engaging in the politics of Virginia, and has now returned with a quasi indorsement of the Government. Does not the safety of the country require that such a man should be kept in custody, law or no law?

The case of C. Mollohan, a resident of the State of Ohio, is another illustration of the fallacy of your doctrine. He had formerly been a preacher and resident of Virginia, preaching Abolitionism wherever he went. Such was his boldness in that respect that he was arrested under our laws against insurrection upon complaint of his own brother. After his release he moved to Ohio, and upon the breaking out of the war he returned as a spy upon our movements, and was arrested by the military authority and confined in the jail of Roanoke, from which he was released upon your orders because no witnesses appeared to testify against his crimes. Did humanity forbid his retention?

Other cases might be named about which I have written of equal or greater atrocity and would seem to call for the interposition of the Government, even though redress be effected by application of the *lex talionis*.

Suppose Minister Adams by chance or otherwise to be placed in our possession would you return him with a safe permit to his field of labor in France or to his home in Massachusetts, or would you demand as a condition precedent to his release the release of Mr. Faulkner from Fort Lafayette?

Suppose the wife of President Lincoln was enjoying the gayeties and hospitalities of a Southern life would you not force those enjoyments upon her until ladies of more patriotism and perhaps more refinement now detained in Washington and Wheeling should be released, or would you restore her to the embrace of her husband and the surroundings of family affection, or to a people who do not act upon principles of humanity or acknowledge any law, and suffer those angel spirits held in durance to shiver and weep in prison over the neglect of their Government?

Take a case more directly parallel. Suppose the amiable and accomplished wife of President Davis was one of the prisoners at Wheeling or Washington and Mrs. Lincoln should by following the "Grand Army" in its march "On to Richmond" fall into our power. While she might be treated with all the attention and courtesy of polite life does any one believe she would be transferred from her Southern enjoyments without the unconditional release of Mrs. Davis?

It is not necessary to remind one who all admit is attentive to the public history and necessities of our affairs that there are ladies in Wheeling if not in Washington indicted and detained as prisoners for no other offense than because with their own needles they made clothing for the brave young men who have since bravely and nobly fallen in our defense. Are they cared for by the Government? What steps have been taken for their relief? Have those things occupied the attention of the Government at all? These existing cases are evidences pointing to the actual feeling with which a generous mind may contemplate the calamities of an enemy and should call for every effort, retaliation included, for their relief. At least such is my opinion, and I trust will upon mature reflection be the opinion of your Department, and a vigorous policy inaugurated in pursuance thereof.

Trusting that I may be excused for trespassing at so much length upon your time I will close by merely suggesting that Governor Dennison has exchanged prisoners whom he affects to believe guilty of a crime for Ohio, Pennsylvania and Virginia political prisoners who are alike our enemies and seeking to subvert the sovereignty of the State, and that I cannot see that harm would grow out of an effort to make further exchanges.

I am, very respectfully, your obedient servant,

J. M. BENNETT.

HEADQUARTERS BRIGADE,
Cumberland Gap, November 6, 1861.

Lieutenant-Colonel MACKALL,
Assistant Adjutant-General, Bowling Green, Ky.

SIR: Inclosed you will find a list* of the prisoners we still have under our charge and the circumstances under which they were taken as well as we can learn. Twenty-five of them are citizens of the State of Ken-

*Not found.

tucky; six citizens of the State of Tennessee, and one a slave taken with his master at Wild Cat. All of them so far as we can ascertain were either taken in arms against the Confederate States or giving aid and comfort to our enemies. The Kentuckians we of course regard as prisoners of war, but can the Tennesseeans be looked upon in the same light? The general commanding desires to be informed as to the disposition he shall make of both classes of these prisoners.

Very respectfully,

POLLOK B. LEE,
Assistant Adjutant-General.

OFFICE OF THE PROVOST-MARSHAL,
Manassas, November 14, 1861.

Brig. Gen. J. H. WINDER,
Inspector-General, C. S. Army.

GENERAL: I send five civilians (prisoners) who have been in confinement at this post by order of the general commanding the Army of the Potomac—Peyton Hall, Isaac Hall, Elibeck Hall, George Bayless and W. H. Hamet[mute]. The order received from Colonel Lay, inspector-general Army of the Potomac, says:

> Major Boyle will forward the five men to Richmond, noting Bayless as a dangerous character, understood to have been specially active in communicating with the enemy, and the other four as persons whom it is not considered safe to have about our lines.

Very respectfully, your obedient servant,

CORNELIUS BOYLE,
Major and Provost-Marshal, Army of the Potomac.

FAYETTEVILLE, N. C., *November 16, 1861.*

JEFFERSON DAVIS,
President of the Confederate States of America, Richmond.

SIR: The European Governments generally have by proclamation forewarned their respective subjects from participating in the war now in progress between the Confederate States of America and the United States, informing them if they do so it will be at their own peril; that their Government will consider all such subjects out of their protection, &c., and liable to such punishment as may be inflicted upon them by those against whom they take up arms.

Now, sir, as the Army of the United States is being recruited and is already to a great extent composed of citizens of other Governments (not having been in the country long enough to be naturalized) I respectfully suggest to Your Excellency that an effectual way to stop this augmentation and prevent those Germans and other foreigners from aiding our enemies is to declare by proclamation that all foreign-born persons not legally naturalized in the United States found in arms aiding the said United States in the present war against the Confederate States will be considered as interlopers, and if taken will not be treated as legitimate prisoners of war but be subject to such punishment as the Congress of the Confederate Government may prescribe which should be death.

These suggestions are made and Your Excellency's better judgment can determine the policy of adopting them or no.

Very respectfully, your obedient servant,

D. G. MCRAE.

OFFICE OF THE PROVOST-MARSHAL,
Manassas, November 19, 1861.

Brig. Gen. J. H. WINDER, *Inspector-General, C. S. Army.*

GENERAL: I am directed by the commanding general to forward you the two disloyal citizens, Samuel Dentz (represented as an unsafe person to be at large, Colonel Robertson, commanding Fourth Virginia Cavalry, representing him as a notorious traitor, he having recently taken license to furnish the Federal Government with wood) and Forrest Olden, a citizen of Colchester. The general says: "Olden must be sent to Richmond as a person whom it is supposed to be unsafe to leave at large."

I remain, general, very respectfully, your obedient servant,
CORNELIUS BOYLE,
Major and Provost-Marshal, Army of the Potomac.

FAIRFAX COUNTY, VA., *November 24, 1861.*

Maj. H. W. THOMAS.

DEAR SIR: At the request of Mrs. Bowman I write to you to make some effort to have Josiah B. Bowman released from prison who is now held in Richmond by the Southern Confederacy on a charge of piloting the Federal army to Bull Run last summer, which was not the case. The evidence against him was taken from a Northern paper thanking him for his attention to them. The fact was this as I understood it: On Sunday morning of the Bull Run fight while the troops were at Vienna two reporters for Northern papers and a chaplain in the army wanted a conveyance to go to Centerville. They told Bowman that they must have his wagon whether he went or not, and he did go to Centerville to bring his horses and wagon back. He did what I would have done under similar circumstances.

I know three Virginians that were pressed to carry the tired-out soldiers down on their retreat from Bull Run; still no arrest made. I have always found Bowman to be a very quiet man on the war question, taking no part either way. I think I know him and know him to be a good citizen. He has a wife and five children depending on him for a support. The citizens in the neighborhood think it a very hard case that he should be held a prisoner so long, he being arrested about the 1st of August. Go and see Bowman and have him released if possible so he can come home to his family. The Federal troops have taken Bowman's two teams and the most of his cattle. His wife will have to depend on her neighbors to haul her wood. Doctor Hunter has been released by the Federal army. They still hold A. B. Williams, George Gunnell, Hugh Adams, Withers Smith, John McDaniel and Sam Anderson, Doctor Hunter thinks for the want of some one to bring their cases up before the authorities at Washington. The Federal army have made no advance yet. The troops scout up this far but seldom leave the big road.

Yours, very respectfully,
JERE. MOORE.

HEADQUARTERS WESTERN DEPARTMENT,
Bowling Green, November 25, 1861.

A board is hereby constituted, to be formed of Judge Burnham and Maj. J. J. Williams, provost-marshal. Its duties will be to hear and

determine all cases of persons not in the military service who may be in arrest by military authority. The board will hold its sittings at such convenient place as it may select, and meet for the transaction of its business on Tuesdays and Fridays of each week.

By command of General Johnston:

W. W. MACKALL,
Assistant Adjutant-General.

LITTLE ROCK, *November 28, 1861.*

JEFFERSON DAVIS:

A conspiracy has been discovered in the northern part of this State against the Confederate Government. Secret oaths, signs and pass-words adopted. The intention seems to be to join Lincoln's army if it gets into Arkansas. Twenty-seven men have been arrested and brought here to-day and are now in prison. A hundred more will doubtless be brought in in a day or so. They say there are 1,700 in the State. What shall be done with them? I ask your advice in the premises. The district judge is not here. He ought to be at his post.

H. M. RECTOR,
Governor of Arkansas.

C. S. MARSHAL'S OFFICE,
Monticello, Fla., November 28, 1861.

Hon. J. P. BENJAMIN, *Secretary of War, Richmond, Va.*

SIR: I beg leave to make a few suggestions to you in reference to alien enemies and prisoners of war captured at sea. I think an arrangement might be made with the military for them to take charge of all such prisoners, feed them and transport them to the frontier. It certainly would cost the Government much less to have such men guarded by those who are now or may be on military service. The regular rations of the army would not cost so much as the present mode of boarding at a jail. Under the present arrangements each man that is employed as a guard before the prisoners leave and on the road to Richmond and back expects to be paid high wages. I find no law for the payment of anything to such guards and have refused to pay any such charges, and await your instructions. All this expense to the Government and trouble and vexation to me might be saved by turning all such prisoners over to the military.

Hoping to hear from you soon, I remain, your obedient servant,

E. E. BLACKBURN,
C. S. Marshal, District of Florida.

RICHMOND, VA., *November 29, 1861.*

Hon. J. P. BENJAMIN, *Secretary of War.*

HONORED SIR: Since the authorities of the United States will not exchange prisoners may it not be well to compel an exchange in so far as we are able? Many of our citizens long to participate in defense of their homes yet are restrained by an oath forced upon them by the Federal authorities. It has struck me that our Congress is able to release such from this duress by special enactment ordaining that each

such citizen should upon enlistment or appointment into our army be thenceforth absolved from his oath, provided that the President or other authority of the Confederate States should thereupon recompense the enemy by releasing one of the prisoners then in our possession. And might it not be well to provide that in selecting for such release preference be given, first, to the disabled, and secondly, to those of our prisoners whose term of enlistment has expired or is most near expiration?

Respectfully, yours,

A. G. STALEY,
Of Mississippi and District of Columbia.

RICHMOND, *December 1, 1861.*

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: I beg to call your attention to the inclosed letter from Mr. E. W. McGinnis, of Mobile. I know nothing of the case of Mr. Horatio Eagle to which it refers. Mr. McGinnis is a respectable merchant of Mobile of many years' standing. I hope the case will receive early consideration.

I have the honor to be, your obedient servant,

R. H. SMITH.

[Inclosure.]

MOBILE, ALA., *November 27, 1861.*

Hon. ROBT. H. SMITH, *Richmond, Va.*

DEAR SIR: Will you do me the favor to call Mr. Benjamin's (Secretary of War) attention to the case of Horatio Eagle, who is now a prisoner in the county jail at Richmond. Mr. Eagle has had his examination before the commissioner, and from what the commissioner told Mr. Eagle I have no doubt Mr. Benjamin would order his release at once if his attention was called to the case by yourself. Mr. Eagle was taken prisoner some two months ago while attending to some business connected with the coal oil company. If he had been taken in arms against us or aided in any way our enemies I would be the last man to raise my voice for his release. But I have known this man for ten years, and know that he has spent his money and used his influence at all times against the Black Republican party of New York; that he voted against them last fall, and has always done so. Marmaduke Johnson, esq., was his counsel at his examination before the commissioner, and Dr. Barney, formerly of Mobile now living in Richmond, has been assisting in his case. But I learn the order for his release must come from the Secretary of War or President Davis.

As Mr. Eagle's health is being seriously affected by his long confinement in jail you will very much oblige me by bringing his case at once to the notice of Mr. Benjamin; and as the examination has been taken and the evidence all before him it would not probably take fifteen minutes for the Secretary of War to satisfy himself and order his (Eagle's) discharge. Please attend to this, as an innocent man ought not to be confined one moment longer than possible. * * *

Again asking your attention to Mr. Eagle's [case] before the Secretary of War for which I shall feel greatly obliged, I remain, yours, very truly,

E. W. McGINNIS.

RICHMOND, VA., *December 2, 1861.*

To the PRESIDENT OF THE CONFEDERATE STATES.

SIR: We desire to call the attention of the President to the case of Horatio Eagle, a political prisoner, confined in the jail of Henrico County. We are induced to interfere in his behalf because we are satisfied that he was induced to visit the neighborhood of Brady's Gate, in Hampshire County, where he was arrested, for the sole purpose of bringing to us a communication on important business in which we are deeply interested, and having no desire to interfere with the present difficulties. We understand that Mr. Eagle has been examined by the Confederate commissioner, and suggest if no evidence was introduced to show that he was acting in the matter referred to from improper motives that he be released upon a pledge to procure the exchange of one of our prisoners in the possession of the Federal authorities; or if it is not considered proper to do so that he be allowed the limits of the city upon his parole not to leave which we feel confident will not be violated.

Very respectfully, your obedient servants,

G. D. CAMDEN.
WM. L. JACKSON.

RALEIGH, N. C., *December 2, 1861.*

Hon. THOMAS BRAGG.

MY DEAR SIR: I am sure you will permit an old friend and admirer to mingle his sincere congratulations with those of thousands of others on your call to the cabinet of President Davis. Long life and abundant honors and happiness be yours. You have won your honors nobly, and will wear them well everywhere and to the end and add another to the stars in the cluster of North Carolina's diadem.

I am informed that some 250 of the Hatteras prisoners are on their way to Richmond for exchange. Pray let me interest you in favor of a most worthy man now and for many months being a prisoner of war at the State Fair Grounds, whose case is a very hard one, so as to get him released in the exchange. One word, one wish expressed by you in the better quarter will obtain his release. In fact he was wrongfully taken and improperly detained as a prisoner of war. I allude to Manuel C. Causten, M. D.,* of the city of Washington, an educated and polished Christian gentleman. Doctor Causten is the sole surviving son of an old acquaintance of yours, James H. Causten, the French spoliation agent there resident. I here inclose a letter received from his father. I learn from it and the doctor that he is not and never was a soldier, nor bore arms in this or any other war; that he had for some years been the surgeon of the Washington, commonly called the President's, Mounted Guard, long before Abe Lincoln came there as President, and he was attached to the hospital, lately burnt down. About the commencement of this war he married a young wife, about fourteen miles from Washington, in Maryland, where he left her with her friends for a short time. On the night of his capture he paid her a visit alone, unarmed and unsuspecting danger. But a scouting party of Confederates visited the house, and finding him there tore him from the arms of his young wife, [took him] to Manassas; thence he was carried to Richmond where he was confined in jail, and afterwards in a tobacco factory, and thence he was sent here. At the camp here he has been useful to the sick soldiers, and only a few days ago but for him one of

* See report of E. J. Allen, p. 171 *et seq.*

the North Carolina volunteers would have lost his life. By an incautious handling of his musket the gun was fired and shot him through the body, and before Doctor Johnson could have been got there for his relief he would have bled to death. Doctor Causten promptly volunteered his aid and saved the man's life, desperately wounded as he was. If rightfully captured at first and detained as a prisoner of war he is among the earliest of the prisoners taken in this war, and his gentlemanly bearing which has won for him very general respect as well as the circumstances of his case entitle him to the favor I implore for him through your kindness. He will, and his old father will, and so will I, be everlastingly grateful to you for anything you can do for him.

One word concerning my poor old self. I am dying by inches, and we shall probably never meet again in this world, but I hope we shall in endless life and blessedness. My best wishes for your lady and family.

Ever truly, your obedient servant,

JOSEPH B. HINTON.

[Inclosure.]

WASHINGTON, D. C., *August 18, 1861.*

JOSEPH B. HINTON, Esq., *Raleigh.*

MY DEAR FRIEND: I have received a letter from my son, Manuel C. Causten, dated at Raleigh, August 1. He was a member of the President's Mounted Guard, and was made a prisoner at Seneca, Md., by a Virginia scouting party about the 1st of June last and sent to Richmond. At the time of his capture he was on a visit to his young wife, and betrayed by a false friend. He was taken from her house at night and not in arms, nor is there any special accusation against him. It now appears that he has been removed from Richmond to Raleigh, and is now there sick, and I suppose in want, and having no channel to send him supplies, I have concluded to request my old and fast friend J. B. Hinton to see him and supply all his wants in money, clothing, &c., and to favor me with a report of case and of the expenditures for his use, so that I may promptly reimburse you for the same.

A fond father's heart dictates this hastily written letter, and offers to you in advance his profound thanks.

God bless you, my dear friend.

JAMES H. CAUSTEN.

LITTLE ROCK, *December 3, 1861.*

Hon. J. P. BENJAMIN, *Secretary of War:*

I dispatched the President recently (November 28) advising him of the arrest of citizens of Arkansas who had entered into a conspiracy against the South. No answer. Twenty-seven of them are in jail here awaiting trial. Sixty have been arrested in Searcy County and 47 in Izard. The citizens have permitted them to volunteer. A portion sent to McCulloch, others to Colonel Borland, commanding at Pocahontas.

The authorities of Arkansas are asked to approve this course. We decline unless sanctioned by yourself or the President. If sent to the army at all our opinion is they should go South.

H. M. RECTOR,
Governor and President.

RICHMOND, VA., *December 5, 1861.*

Governor H. M. RECTOR, *Little Rock:*

It is not possible at this distance and with imperfect knowledge of the facts to give directions about the parties arrested. You must use your best judgment in acting on the information before you.

J. P. BENJAMIN,
Secretary of War.

Resolutions of confidence in our cause of war, and in the President, and in the Army.

Resolved, That we, the delegates of the people of North Carolina in convention assembled, entertain an undiminished confidence in the justice of the cause in which we have taken up arms, and we hold it to be the duty of the people of the Southern States to maintain and uphold that cause with all the means they can command.

Resolved, That in behalf of the people of North Carolina we declare to our sister States of this Confederacy and to the world that no measure of loss, no sacrifice of life or property, no privation or want shall cause us to shrink from the performance of our whole duty in the achievement of our independence.

Resolved, That from the cruel and barbarous manner in which our enemies have carried on this war—a war in which aged and dignified men and helpless women have been seized and without accusation or warrant or authority cast into prison; in which private property has been wantonly destroyed; in which robbery and arson are principal means of aggression, and in which servile insurrection has been proclaimed, we are convinced that there is a "radical incompatibility" between such people and ourselves; and from them our separation is final, and for the independence we have asserted we will accept no alternative.

Resolved, That we have full confidence in the wisdom, integrity and patriotism of the President of the Confederate States, and we congratulate him and our whole country upon the success with which he has administered the Government.

Resolved, That to the officers and soldiers who have gone forth to meet the dangers of this war we are under a deep debt of gratitude for the valor and fortitude with which they have defended us from the assaults of our enemies and illustrated the glory of our arms.

Resolved, That a copy of these resolutions be sent to our Representatives in Congress with a request that they be communicated to His Excellency the President of the Confederate States of America, and to Congress.

Passed and ratified in open convention the 6th day of December, A. D. 1861.

W. H. EDWARDS,
President of the Convention.
JAMES H. MOORE,
Secretary of the Convention.

WAR DEPARTMENT, *Richmond, December 10, 1861.*

SYDNEY S. BAXTER, Esq., *Richmond.*

DEAR SIR: In pursuance of our conversation of last evening I now address you with the request that you will give your services to

the North Carolina volunteers would have lost his life. By an incautious handling of his musket the gun was fired and shot him through the body, and before Doctor Johnson could have been got there for his relief he would have bled to death. Doctor Causten promptly volunteered his aid and saved the man's life, desperately wounded as he was. If rightfully captured at first and detained as a prisoner of war he is among the earliest of the prisoners taken in this war, and his gentlemanly bearing which has won for him very general respect as well as the circumstances of his case entitle him to the favor I implore for him through your kindness. He will, and his old father will, and so will I, be everlastingly grateful to you for anything you can do for him.

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[Inclosure.]

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JAMES H. CAUSTEN.

LITTLE ROCK, *December 3, 1861.*

Hon. J. P. BENJAMIN, *Secretary of War:*

I dispatched the President recently (November 28) advising him of the arrest of citizens of Arkansas who had entered into a conspiracy against the South. No answer. Twenty-seven of them are in jail here awaiting trial. Sixty have been arrested in Searcy County and 47 in Izard. The citizens have permitted them to volunteer. A portion sent to McCulloch, others to Colonel Borland, commanding at Pocahontas.

The authorities of Arkansas are asked to approve this course. We decline unless sanctioned by yourself or the President. If sent to the army at all our opinion is they should go South.

H. M. RECTOR,
Governor and President.

RICHMOND, VA., *December 5, 1861.*

Governor H. M. RECTOR, *Little Rock:*

It is not possible at this distance and with imperfect knowledge of the facts to give directions about the parties arrested. You must use your best judgment in acting on the information before you.

J. P. BENJAMIN,
Secretary of War.

Resolutions of confidence in our cause of war, and in the President, and in the Army.

Resolved, That we, the delegates of the people of North Carolina in convention assembled, entertain an undiminished confidence in the justice of the cause in which we have taken up arms, and we hold it to be the duty of the people of the Southern States to maintain and uphold that cause with all the means they can command.

Resolved, That in behalf of the people of North Carolina we declare to our sister States of this Confederacy and to the world that no measure of loss, no sacrifice of life or property, no privation or want shall cause us to shrink from the performance of our whole duty in the achievement of our independence.

Resolved, That from the cruel and barbarous manner in which our enemies have carried on this war—a war in which aged and dignified men and helpless women have been seized and without accusation or warrant or authority cast into prison; in which private property has been wantonly destroyed; in which robbery and arson are principal means of aggression, and in which servile insurrection has been proclaimed, we are convinced that there is a "radical incompatibility" between such people and ourselves; and from them our separation is final, and for the independence we have asserted we will accept no alternative.

Resolved, That we have full confidence in the wisdom, integrity and patriotism of the President of the Confederate States, and we congratulate him and our whole country upon the success with which he has administered the Government.

Resolved, That to the officers and soldiers who have gone forth to meet the dangers of this war we are under a deep debt of gratitude for the valor and fortitude with which they have defended us from the assaults of our enemies and illustrated the glory of our arms.

Resolved, That a copy of these resolutions be sent to our Representatives in Congress with a request that they be communicated to His Excellency the President of the Confederate States of America, and to Congress.

Passed and ratified in open convention the 6th day of December, A. D. 1861.

W. H. EDWARDS,
President of the Convention.
JAMES H. MOORE,
Secretary of the Convention.

WAR DEPARTMENT, *Richmond, December 10, 1861.*

SYDNEY S. BAXTER, Esq., *Richmond.*

DEAR SIR: In pursuance of our conversation of last evening I now address you with the request that you will give your services to

the Government in the examination of the cases of the prisoners sent to the various prisons in Richmond on charges of being spies, enemies, traitors, &c., with a view of discharging all such as ought not to be held in custody and bringing to trial and punishment such as seem to be guilty of the charges. Please make your reports to me as promptly as possible. Thanking you in advance for your tender of services in a matter for which the Government has made no provision for compensation and which you undertake on purely patriotic grounds,

I am, very respectfully, your obedient servant,

J. P. BENJAMIN.

HEADQUARTERS BRIGADE,
Camp Recovery, One Mile from Prestonburg, Ky.,
December 10, 1861.

S. COOPER, *Adjutant and Inspector General, Richmond.*

GENERAL: I have the pleasure to inform you that I have been located here for several days. * * * I think I have established friends for the Confederate States on a sound basis wherever I have been. My effort has been to conciliate the people and to teach them by example that the Army of the Confederate States comes not to maraud and oppress, but to protect and to respect the constitutional rights of the people. The Army of the United States invited here to defend this people halted at no excess. They burned and ravaged the towns, insulted females and violated their persons, stole wearing apparel and killed stock and frequently deprived poor people of the means of subsistence. I have sought to impress all this course on their part as a true representation of the despotic principles their master seeks to establish on a permanent basis, while the respect I and my men pay to persons and property without regard to mere opinion is the reflex of the principles we represent. The effect has been exceedingly favorable, for the contrast is striking and visible to the commonest man in the community.

I found prisoners at Pound Gap arrested for their active pursuit of their opinions. I released them and sent them home after explaining to them the principles I advocate. They said the veil had been removed from their eyes and I afterwards found them well disposed and active in getting recruits for my command. * * *

I am, very respectfully, your obedient servant,

HUMPHREY MARSHALL,
Brigadier-General, C. S. Army.

HEADQUARTERS, *Pocahontas, Ark., December 11, 1861.*

General A. SIDNEY JOHNSTON,
Commanding Western Department, Bowling Green, Ky.

GENERAL: * * * Besides these my returning force received the surrender of fifty-seven prisoners and brought them to this place for my disposal. Upon inquiring into the character and antecedents of these fifty-seven men I do not find that any of them have been guilty of such overt acts of disloyalty as would warrant any severity of punishment. The most of them are ignorant men, and although they have continued to be ever since the accession of Arkansas to the Southern Confederacy Union men in their associations at least if not in their

real sentiments and decided connections, yet they are not found to have engaged in any act of open disloyalty to our Government. The most of them moreover declare their innocence of any such intentions, alleging that if they have done wrong at all in this respect they had been misled by others who have made their escape from the country; and in evidence of their present sincerity and their desire to prove their loyalty to the South they have all voluntarily taken the oath of allegiance and earnestly insist upon being permitted to enter the military service in some of our companies. * * *

SOLON BORLAND,
Colonel, Commanding.

NEW ORLEANS, *December 13, 1861.*

Mr. BENJAMIN.

DEAR SIR: I have already written a few lines to you in behalf of my husband, M. L. Rossvally, and as I thought they may be lost I would write to you again begging of you to release my unfortunate husband. Mr. Benjamin, please take his case in consideration and you will see that my husband is innocently imprisoned. These false and scandalous articles that have been in the papers—this was all done by his personal enemies, who for these last three and four years have been trying very hard to ruin him. My husband is not such as the false papers have stated. My husband is a gentleman and a true and kind-hearted one. On the 2d day of May my husband left me with my three children trying to do good for his country, but as it seems he gets ill-treated for it. As for my husband's loyalty to the South there is not a better Southern citizen to be found. He would be willing to die at any moment if by so doing he could serve his country. I will ask the question, How could my husband be untrue to the South? Was it not the Southern soil that gave birth to his wife? Was it not the land that gave birth to his three children that he loves dearer than his own soul? And yet the people are so wicked as to say he is untrue to his country. I will say no more upon this subject. Please, Mr. Benjamin, release my husband. Please, sir, do it for my sake and the sake of my little children. Consider, Mr. Benjamin, I have no husband at home, no money to support me, and besides I am sick all the time and have been under Doctor Lemonier's treatment these last four months and perhaps may have to be under his treatment six months longer, as the doctor thinks himself. I shall beg of you once more, Mr. Benjamin, to release him and I shall be very thankful and obliged to you for it.

Yours, respectfully,

CATHARINE ROSSVALLY.

RICHMOND, *December 13, 1861.*

Hon. H. W. THOMAS, *Senate of Virginia.*

DEAR SIR: The few moments' conversation with you yesterday induces me to address you this time, for I feel assured from the short acquaintance I have had with you that although we may differ politically yet an instinct of honor would govern your actions irrespective of those differences usually engendered by diversion of opinion.

The circumstances antecedent and attending my arrest are no doubt well known to you and it is only necessary to say to you that at no time

was I nearer than seven miles of the Bull Run battle-field and had not at any time the remotest idea of molestation from either party, supposing my character as a non-combatant would be ample protection. One week after my arrest I was brought here and exactly three months after my captivity I was favored with a hearing before the Hon. James Lyons, commissioner, by whom not one solitary charge was brought against me and I left his office with the confident and as I thought well-grounded impression that my release was nigh at hand. How these anticipations have been realized my present imprisonment proves. Some weeks since I learned semi-officially that I was held here by the influence and at the instance of a brother, now an officer in the Confederate service, and one too who owes his character and the escape from ruin to himself and family to my interposition, which facts I suppose are not without the cognizance of the authorities. Men see the same objects through different media and no blame should be imputed for an ordinary difference of opinion, yet it forcibly strikes me that the fact of one brother taking so unnatural a stand against another should have caused the authorities to hesitate before they gave any heed to his efforts. I cannot in justice to my own feelings pursue this, to me, revolting subject, but leave you, sir, as an honorable man to draw your own conclusions.

When the difficulties that now overshadow our country first presented themselves, as a citizen of Ohio ardently attached to the institutions under which we had prospered for near one century previous I labored hard for a peaceful solution of the vexed questions that agitated and indeed convulsed our country. In common with thousands of Northern men I looked upon the movement of the South as a mere insurrectionary act that would be easily quelled and our common country soon be restored to its usual quietude and prosperity. Viewing the matter in this light and from the stand-point I occupied, when I learned the defection of my brother from the service of the United States I wrote to him most strongly and emphatically condemning his course, and stating to him in very plain terms what I thought would be the result of the course he had elected to pursue. When I reached Washington in the month of June an interview with one of his wife's family convinced me that I had in some respects misunderstood his motives. I immediately wrote him recalling all that might be in my letter personally offensive, but from the interruption of postal facilities I suppose the letter never reached him. I did not, however, recall any expression condemning his course. Receiving a letter from a friend in New York giving his views upon the agitating subjects of the day in response I spoke of the acts of men in the South in such language as I thought then and still think they deserve. As an evidence of my feeling upon the subject I inclosed to my brother an extract from one of my letters, which extract together with my first letter to him I understand he has placed in the hands of the authorities as evidence of my hostility to the South. How these matters can with the slightest regard to law or equity be used against me I am at loss to imagine. As a citizen of Ohio, owing no allegiance either absolute or implied to the South I had a perfect right to give utterance to my sentiments, whether palatable or otherwise to any section of the country.

I am called upon to answer by a long and painful imprisonment for words spoken or thoughts expressed where neither Virginia nor any other member of the Confederacy ever had or pretended to have jurisdiction. I violated no law that I know of in coming into Virginia. From my earliest recollection I have been opposed to the doctrine of

States' Rights, looking upon their exercise as nothing more nor less than treason against the General Government, and if I am in error I owe it to the teaching of my late venerable father, and I must certainly say that the impressions of early life confirmed as they were by the reflections of maturer years have not been effaced by the experience of age. You, sir, may rest assured that whatever may be the personal consequences these sentiments will only end with my life, for I should basely betray my own convictions to give utterance to opposite ones. Cannot you call and see me? A visit would be very acceptable. If you can please do so at your earliest convenience.

Respectfully,

EDWARD TAYLOR.

RICHMOND, *December 16, 1861.*

Hon. J. P. BENJAMIN, *Secretary of War.*

DEAR SIR: A man by the name of L. M. Rowley, late a resident of Florida, was taken up about a month since on suspicion of being disloyal and sent to Montgomery where he is now confined in jail. He has appealed to me to have his case investigated, denying as I understand him the allegation. I most respectfully ask of you the appointment of some person to act as commissioner in his case.

Your obedient servant,

JACKSON MORTON.

[Indorsement.]

JOYNES: Write to Governor Shorter to do me the favor to have this case investigated by some discreet person, &c.

J. P. B.

RICHMOND, VA., *December 17, 1861.*

Capt. R. P. ARCHER,

Assistant Quartermaster, West Point, Va.

SIR: You will have to provide fuel for the disaffected persons held in custody at West Point. The regulation allowance has strictly no application to them, and if from the tender age of some of the children accompanying adult persons or from the exposed character of the building in which they are confined you find it necessary to exceed the usual allowance of fuel you have authority to do so.

A. C. MYERS,

Quartermaster-General.

HDQRS. THIRD REGT. TEXAS INFTY., PROVISIONAL ARMY,

Fort Brown, December 18, 1861.

Maj. SAMUEL BOYER DAVIS,

Actg. Asst. Adjt. Gen., Department of Texas, Galveston, Tex.

SIR: It is with mortification that I find it my duty to report the escape of the prisoner—against whom I forwarded by the last mail charges and specifications for desertion—from the guard house of this garrison last night, together with another prisoner confined for theft. An opening was made through the weather-boarding of the inner guard room where they were confined, and it is stated that they escaped through this opening.

But, sir, they were both Mexicans. The principal portion of the guard were also Mexicans, necessarily so, and I entertain in my own mind no shadow of doubt of their having walked out of the front door through the connivance and with the consent of the guard. Charges will be preferred and forwarded against the sergeant and corporal of the guard and the three sentinels posted in the vicinity of the guard house, but that more can be proven than that they escaped while these men were on duty I very seriously doubt.

I have repeatedly called attention to the wholly unreliable character of the Mexicans enlisted on this frontier, so far as our cause is concerned. Company C (Captain Parker's), of this regiment is composed entirely of Mexicans. Scarcely a night passes that one or more of them do not desert. This will continue to be the case so long as the civil war continues in Mexico. The company has already been reduced nearly one-half, and in a short time scarcely a corporal's guard will remain. That it will be refilled so soon as the troubles in Tamaulipas are ended I entertain no doubt, but it will only be until other difficulties break out (and they are constantly recurring) when we will have a repetition of the same reduction from desertions. I am thoroughly satisfied that they would desert in a body and cross the river should the enemy attack this post, even if they did no worse. They have no sympathy in our cause, do not understand it, and enlist simply for the subsistence, pay and clothing. They change their allegiance with the utmost facility to whichever party offers the largest inducements.

I believe they might be made good soldiers if removed from this frontier and stationed where there are not so many temptations and inducements to desert, and where the facilities for doing so are not so great. Here they are decidedly detrimental to the service and of no manner of advantage. I should much prefer to be without them though much in need of more troops. Under these circumstances I would respectfully suggest if I may be permitted to do so that if transferred to some regiment in the interior and another company sent here in their place the interests of the service would be very greatly promoted.

I have the honor to be, sir, very respectfully, your obedient servant,

A. BUCHEL,
Lieutenant-Colonel, Commanding.

OGLETHORPE BARRACK,
Savannah, Ga., December 19, 1861.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: A man calling himself Mr. Alvin Lloyd was arrested and brought to this post some days since as a spy. There is abundant evidence here to show that he has told several contradictory stories about his antecedents and I am satisfied that he is an imposter. He had in his possession two passes from the War Department, one I think to visit Norfolk, and he acknowledged to me that he had been to Craney Island. From his conversation I incline to the opinion that he may be connected in some way with the information said to be published in the New York papers in relation to the strength and stations of the Confederate troops. I am unwilling to trust this matter to the telegraph, and General Lawton as well as his assistant adjutant-general being temporarily absent, I venture to ask unofficially if anything is

known of this man Lloyd in the Department. Should you desire it I will forward such of his statements here to me and others which subject him to grave suspicion. If he be a spy and in communication with the enemy it is obvious that the less publicity given to measures to insure his detection the more certain will be the result.

I have the honor to be, very respectfully, &c.,

WM. S. ROCKWELL,
Lieutenant-Colonel First Georgia Volunteer Regiment,
C. S. Army, Commanding Post.

[First indorsement.]

General WINDER:

Do you know anything of this man?

[J. P. BENJAMIN.]

[Second indorsement.]

Mr. Alvin Lloyd is on record in the police book as a suspicious person and was under observation while here at the Exchange Hotel. He left here for New Orleans. I am satisfied he ought to be viewed with great suspicion. He is supposed to be a reporter for newspapers.

JNO. H. WINDER,
Brigadier-General.

[Third indorsement.]

Respectfully submitted to the President in answer to his call. The War Department has taken no other action in the case.

G. W. RANDOLPH,
Secretary of War.

[Fourth indorsement.]

Let the prisoner be informed of the report of his case as presented within.

J. D.

PRISON NO. 3, *December 20, 1861.*

SIR: I and my sons are prisoners here at Richmond. We were taken the 1st of September in Fairfax County. I had a good property in Fairfax. The Southern troops have taken all my personal property and I am left desolate. I am formerly from New York. I have friends and relations there that will supply my wants and I and my sons wish to be released as aliens.

Yours,

JOHN TURNER.

LEESBURG, VA., *December 27, 1861.*

General WINDER:

I send you six tories with the affidavits against them. The names of the men are: Joseph L. Grubb, Armstead Magaha, William Smith, Isaac Slater, Emanuel Rouse and William Working. As the evidence is against them I trust that they may not be allowed to return home. The people of Loudoun are afraid of them and much mischief would result from their release. The two Yankee prisoners, August Williams

and Thomas Pryor, were taken with stolen property—horses and poultry—in their possession. I hope they will be dealt with as marauders and not as prisoners of war. Our party report the killing of six besides the capture of these seven.

With great respect,

D. H. HILL,
Brigadier-General.

P. S.—It may be proper to except Working from the class of those who are regarded as dangerous. He is thought to be a harmless but timid man. He has, however, incurred the penalty of disloyalty by going over to the enemy.

D. H. H.

CAMP THREE MILES FROM PAINTSVILLE, KY.,
December 30, 1861.

General S. COOPER, *Adjutant and Inspector General.*

GENERAL: * * * I have directed civic administration to be instituted in the counties along this frontier upon the basis of allegiance to the Confederate States. This must force an issue at once or will transfer the people, for it is impossible that when magistrates, constables, sheriffs, clerks, recorders and judges are sworn in under the provisional government and revenues are collected by our officers another system can occupy the same space at the same time.

I sent to Pound Gap as a prisoner one Doctor Chilton and have him there in custody. He ought to have been shot, for he is one of the very worst men in this country and has been a scourge to our friends. I propose to send my prisoners to Pound Gap, where the battalion stationed there can easily guard them and the winds of the Cumberland Heights can ventilate them properly. I have a log house erected there for their especial accommodation. Mr. Chilton is the only tenant as yet. Mr. Diltz would have been better there I fear than at large. One Mr. Filson (a deputy U. S. marshal) ventured to Paintsville yesterday and I had him arrested last night but have not seen him yet. He is represented as bold and sagacious, and is probably here as a spy from the interior. I shall look to his case after daybreak. * * *

I am, your obedient servant,

H. MARSHALL,
Brigadier-General, Commanding.

CAMP HAGAR,
Three Miles from Paintsville, Johnson County, Ky.,
January 3, 1862.

General A. SIDNEY JOHNSTON, C. S. Army.

GENERAL: * * * The people hereabouts are perfectly terrified or apparently apathetic. I imagine most of them are Unionists, but so ignorant they do not understand the question at issue. I suggest through you to Governor Johnson to send me blank commissions for magistrates, sheriffs and constables, clerks and county judges so that civic order may be reinstituted; also to send a commission of circuit judge to Harvey Burns that courts may be holden at proper times.

The people should learn that they belong to the Southern Confederacy, and the State provisional government by its operations should be seen and not merely heard of.

I am, truly, &c.,

H. MARSHALL,
Brigadier-General, C. S. Army.

HEADQUARTERS ARMY OF THE MISSISSIPPI,*
Grenada, January 3, 1863.

Lieut. JOHN F. LUMPKIN, *Judge-Advocate.*

LIEUTENANT: In preparing record of the proceedings of the courts the following facts should be stated: Each case should be complete in itself preceded by copy of order convening the court; the number of members present stated, those absent accounted for; court to be sworn by judge-advocate, judge-advocate by courts in presence of the accused; prisoner called upon to plead; each witness, his name, &c., designation fully stated; name, rank, regiment and company of prisoner particularly stated in specification, finding and sentence of court; each case to be numbered on left-hand margin of page, and pages in each case also numbered on left-hand margin. Adjournment from day to day should be signed by judge-advocate; each case signed by judge-advocate and president of court; final adjournment by judge-advocate and president of court. The judge-advocate is authorized to rectify every irregularity which may occur in the charges and specification.

I am, respectfully, your obedient servant,

R. W. MEMMINGER,
Assistant Adjutant-General.

WAR DEPARTMENT, *Richmond, Va., January 5, 1862.*

General JOSEPH E. JOHNSTON, *Centerville, Va.:*

* * * * * * *

I beg also to call your attention to a practice that is becoming too prevalent of sending here prisoners arrested on suspicion of being disloyal. I have no means of enforcing their confinement and am compelled to discharge them as fast as they come, or the judges would certainly do it by habeas corpus. But military commanders have the right to arrest and keep in confinement all dangerous or suspected persons prowling about their camps. It is I know a little troublesome to be burdened with this class of prisoners in camp, but I see nothing else that can be done with them. They come here without definite charges against them; without any proof or witnesses and I am utterly powerless to hold them for you. I can only therefore urge upon you a stricter and less lenient application of military law as the sole resource I see for repressing this growing mischief.

I am, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

* This document is out of place.

HEADQUARTERS, *Knoxville, Tenn., January 7, 1862.*

General S. COOPER,
Adjutant and Inspector General, Richmond, Va.

SIR: General Carroll having left this post yesterday I deem it my duty to take charge of the political prisoners now in confinement here. Their number is understood to be 130; has lately been increasing, and with others expected to be captured soon I do not see how the court-martial is to keep pace with the exigencies of the occasion. Besides that mode of proceeding is very expensive, and in my opinion an equally just and more summary disposition of those cases would be attended with happier results to the Government. Under this conviction and acting in the spirit of the orders hitherto received by me I shall dissolve the court-martial convened by General Carroll on its determination of the few purely military cases yet to be tried, and shall proceed with the political offenses as I have heretofore done at Greeneville. If this course be not approved by the Department I beg to be promptly advised to that effect by telegraph. Captain Monsarrat who seems to be an excellent officer is the immediate commander of the post, and I judge that there will be little occasion for interference with his functions as such. Can any more prisoners be received at Tuscaloosa?

Very respectfully, sir, your obedient servant,

D. LEADBETTER,
Colonel, Commanding.

BLOUNTVILLE, TENN., *January 10, 1862.*

His Excellency JEFFERSON DAVIS,
President of the Southern Confederacy.

SIR: I am charged with treason toward the Government of the Confederate States for which I make an appeal to Your Excellency for pardon. I will give you the details of my case in full. At the time of the gathering up of the Union men in Eastern Tennessee I went into camp and took the office of issuing commissary. I staid in camp two days when the regiment left for Kentucky, and I being unwilling to go with them started home, and on my way home I learned that some soldiers were lying in wait for me to kill me. On receiving this information I left in search of refuge. I went to Kentucky. On arriving there and finding out Lincoln's policy in full it became so obnoxious to me that I returned to Tennessee though not to my home.

I have turned aside to await an answer from Your Excellency. I have given you the case in full. You can examine it and see whether I am guilty of a crime worthy of death or not. If it please you to pardon me, I am then willing to take a position in your army; and if not I will again return to the North but I much prefer the South to the North. I await your answer with patience.

Your humble servant,

J. LOONEY TAYLOR,
Hilton's Post-Office, Sullivan County, Tenn.

[Indorsement.]

SECRETARY OF WAR:

It may be well to consider the propriety of a general order or proclamation to cover such cases as this.

J. DAVIS.

OFFICE OF THE SECRETARY OF THE CONGRESS,
January 13, 1862.

His Excellency JEFFERSON DAVIS.

SIR: I have the honor to inform you officially that the Congress on this day (to wit, January 13) adopted the resolution a certified copy of which is herewith transmitted:

Resolved, That the President be requested to communicate to Congress by what authority and under what law citizens of Tennessee are imprisoned at Tuscaloosa or other points in the State of Alabama, and whether said prisoners or any portion of them have been transported beyond the limits of their own State without a trial, and whether in any instance the writ of habeas corpus has been suspended.

I have the honor to be, very respectfully, your obedient servant,
J. J. HOOPER,
Secretary of the Congress.

[Indorsement.]

Secretary of War for report.

J. D.

Special report on case of W. H. Krantz.

[RICHMOND, VA.,] *January 16, 1862.*

Prisoner says he was born in Frederick County, Md.; lived there till about 1851 when he moved to Loudoun County, Va., to take charge of the mill of J. B. T. Caldwell. In 1853 moved to the neighborhood of Fillmore, six miles from Middleburg. Says he did not vote on the question of secession; intended to vote for secession, but was absent on a visit to his mother in Maryland. Says he is a secessionist. Is exempt from military duty by ill-health; was exempted by order of court-martial. Says when the militia was called out he was absent on a visit to a cousin in Jefferson County whose name is Henry Dixon. Says during the summer he has been principally at home. Went to Maryland he thinks in August; went by Harper's Ferry. Forded the river at Harper's Ferry. Found no enemy there. Went to Frederick; no force of the enemy there; saw some scattering ones. On his return was stopped by the enemy's pickets, who would not permit him to cross the river. He went to several places and could not get across. He says those Southern men told him to wait, the Southern troops would soon be in Maryland. He waited three, four, or six weeks; then he ran the blockade. Crossed the river below Harper's Ferry. Met a friend who brought him over. Does not remember the name of that friend. He was complaining of being stopped. This man took him aside, told him to wait till night and he would take him over. He took him over in a skiff. Says he left his horse with his mother. Says when he was at Frederick General Banks was once pointed out to him. Had no communication with any of the authorities of the enemy, civil or military. Denies he sent dispatches to Knoxville. In answer to questions he said Doctor Galleher represented himself to be a Northern man. Prisoner did not like to be bothered with Yankees. Does not remember what he told Galleher. Told him many stories to decoy him and have him arrested. Says he (prisoner) returned home in the latter part of September. Did not leave home to go any distance till he was arrested. Refers to the families of Benjamin Walker and Beaver to prove truth of this statement. Had no communication with anybody on the other side. On being asked if he had been offered a good place on the other side he said such an offer was made him in Jefferson. It was when Patterson's command was in Jefferson. When he was at his cousin's

in Jefferson, Patterson's army passed by. A man whose name he does not recollect offered him a good place. The offer was made at Halltown, above Harper's Ferry. His cousin, Henry Dixon, lived in Halltown; another cousin, Joseph Dixon, lived three miles above there. Another man, Edmund Allen, a relation of his wife, lived in another part of the county. Says he was several days in Jefferson. Says the offer of a place in the army was made on the road. He passed a tent in which some officers of the enemy were. Some one told an officer to call him. This was on the way from Harper's Ferry. The enemy's army was camped all the way. Prisoner says he was on horseback in company with a man he did not know who was looking for a negro he had lost. Prisoner asked the officer if he did not want the man who was looking for the negro. The officer asked prisoner if he did not belong to Carter's Loudoun Cavalry. Prisoner said he had belonged to it. Officer then asked him to go with them and prisoner refused. Says this was on his way home from Jefferson. It was in July, after his grain was stacked. Says he staid at home all the time after he was in Jefferson except one trip to Maryland. Went in latter part of July same route by Harper's Ferry; forded the river; some troops at Frederick; cannot tell who commanded them. Passed the pickets at Harper's Ferry. Told them he wanted to see his old mother. They let him pass through. Had no communication with them or any person connected with them. Staid five or six days. Came back the same way. This was after harvest and after militia came back home. Says he was in Maryland once before harvest, twice since; was twice in Jefferson, once when he visited his relations, once when he went to Maryland; then he stopped at his cousin's. On this occasion says he met the Henderson home guard. They did not stop him; they did not know him; he knew some of them; had seen them at Halltown; does not remember any of their names; knew the mother and sister of one of the men; cannot remember their names. Says on his last trip to Maryland met an Irishman going to join the Southern army. Told him what road to take; cannot remember his name. As to Carter's company says he was discharged at the time of the John Brown raid. The discharge was confirmed by the court-martial. Had Galleher's affidavit shown him. He denied its truth. Says Galleher came twice to see him, and would not see him. Galleher conversed with Krantz's wife. The third night he did see Galleher. Says he designed to have him arrested. He proposed to him to go to Circleville, but designed to take him through Fetterman where he could have [him] arrested. Galleher had prisoner arrested before he got to Fetterman. Prisoner says when he was in Maryland he was looked on as a Southern spy. Says he wrote to President Davis offering to procure information if a pass was given him. Says a party of Mead's cavalry came to his house to arrest him, but he was from home; he had gone to buy shingles. He then wrote to General Evans offering to surrender himself if a pass was given him. Evans told Caldwell he had given him a pass. Says some men from Virginia formed a home guard in Maryland. Says Working did not join it and prisoner would not.

I have given this long statement of Krantz's * examination, as it shows his inconsistencies and prevarications, and as the circumstances of his arrest were peculiar I think he should not be discharged.

S. S. BAXTER,
Commissioner.

P. S.—I submit herewith a letter received from Krantz this morning.

S. S. B.

* See p. 1418 for supplemental report in case of Krantz.

RICHMOND, VA., *January 20, 1862.*

Hon. J. P. BENJAMIN, *Secretary of War, Richmond, Va.*

SIR: Early in May, 1861, I heard of the action of the Confederate States on the coast of Africa where I was then doing duty in the U. S. Navy. I immediately on hearing of the stand taken by the South resigned my commission in the Navy, but was not able to leave the station. July 16 being afraid that my former resignation had not been received I sent it in for the second time. On arriving in New York October 12, 1861, I received the official communication from the Secretary of the U. S. Navy that my name had been stricken from the rolls of the Navy. An oath of allegiance to the United States was then offered, on refusal of which I was sent to Fort Lafayette, thence to Fort Warren. On the 10th of January I was offered a parole of thirty days to come south and endeavor to effect an exchange with a designated person, namely, D. Connelly, of New York Volunteers. It was also stipulated that if said exchange was not procured I should return to Fort Warren. I think it proper to state that I am not willing to accept this parole, and only did it after advice of many other older officers now prisoners in the fort. I am perfectly willing sooner than be an instrument of unfair exchange on part of the North to return to prison, however much I wish to do what is in my power for the good of the South.

I have the honor to be, very respectfully,

W. M. PAGE.

RICHMOND, VA., *January 20, 1862.*

Hon. J. P. BENJAMIN, *Secretary of War, Richmond, Va.*

SIR: In consequence of the action of the Confederate States I resigned July 16, 1861, my commission as assistant surgeon in the U. S. Navy, at that time being on duty on board the U. S. sloop of war Saratoga, African Squadron. On arriving at New York October 12, 1861, I received a communication from the U. S. Navy Department informing me that my name had been stricken from the rolls of the U. S. Navy. I was then confined in Fort Lafayette, and thence transferred October 30, 1861, to Fort Warren, from which place I was released January 10, 1862, on parole for thirty days to be exchanged for Asst. Surg. C. S. De Graw, New York Volunteers [Eighth New York State Militia], captured July 21 at Manassas, and now on parole in New York City. I respectfully request that Asst. Surg. C. S. De Graw be released from his parole in order that I may be placed in a position to offer my services to the Confederate States.

I am, very respectfully, your obedient servant,

JAS. E. LINDSAY,
Of Greensborough, N. C.

WAR DEPARTMENT, *Richmond, January 21, 1862.*

Capt. H. M. BELL, *Staunton, Va.*

SIR: Your letter of the 15th instant concerning the two prisoners, Brooks and Smith, has been received. If those men are not citizens of any one of the Confederate States they had better be tried before a military court. If on the other hand they are citizens of the Confed-

erate States they ought to be brought before the civil tribunals. Of course the necessary steps will be taken to have the attendance of the witnesses at the time of trial.

Your obedient servant,

J. P. BENJAMIN,
Secretary of War.

RICHMOND, *January 21, 1862.*

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: The letter of Colonel Harness of the 12th January has been submitted to me and I have the honor to say that the examination of all the Hardy [County] prisoners able to appear had been conducted before its reception.

If injury has been done by discharging persons who ought to have been retained no one will regret it more than I will. It is true that no testimony except Wilhite's was sent here, and no one stated by Wilhite to belong to the home guards was discharged. Wilhite standing in the place of a deserter who had joined the enemy in the piratical raid on Petersburg had on him the double guilt of perjury and robbery. His testimony was therefore received with much caution. But in every case in which he stated a man was a member of the home guard evidence was found either in the admissions of the prisoners or the statements of other prisoners to hold the parties.

In the course of the trials I called on Colonel Barber as a witness. Four messages were sent by me for Colonel Barber before he was found. He came before me on my call and as far as I could judge testified with candor and fairness. He certainly seemed to feel the injuries done him by Union men in driving him from his home, but gave his evidence as far as I could judge fairly and properly.

I know well the great value of Colonel Harness' services to our cause in this region of the State, and therefore will say that in future I hope these services will continue to be rendered. But in all cases of suspected persons sent on here he will make his services more valuable if he sends on the charges on which they were arrested and affidavits of witnesses who are relied on to sustain the charges. This I think will be sufficient to authorize detention (when the causes of arrest are sufficient) without the delay and expense of sending witnesses. If prosecutions are ordered witnesses must be sent after the Secretary determines to prosecute.

I hope this expression of my opinions will be excused.

Respectfully, your obedient servant,

S. S. BAXTER.

[Inclosure.]

HDQRS. FOURTEENTH REGIMENT VIRGINIA MILITIA,
Moorefield, January 12, 1862.

SECRETARY OF WAR, *Richmond, Va.*

SIR: Some time ago I arrested several Union men whom I sent to General Boggs who as I have learned were sent on to Richmond. I have recently learned that some of those sent by me and others arrested by other persons and sent to Richmond have been through the instrumentality of G. S. Barber released. We have been negligent in sundry evidence against those arrested by me, supposing that summonses would be sent here for witnesses. If subpœnas are sent witnesses can be

sent on to prove the guilt of most of them. I merely suggest that before a discharge be made of any of the prisoners that means be taken to prove their guilt. We have no one to come forward as prosecutor and prosecute. * * *

Most respectfully, your obedient servant,

WM. H. HARNESS,
Colonel Fourteenth Regiment Virginia Militia.

CONGRESS HALL, *January 25, 1862.*

Hon. J. P. BENJAMIN.

DEAR SIR: A case of much difficulty has recently arisen in Arkansas, and one I fear without remedy, but its importance demands that I should confer with you upon it. Some seventy-five men have been taken up and brought before the Confederate camp at Little Rock for treason. Before an investigation the judge and attorney believe a case can not be made out against them and they must be discharged, or on trial acquitted. While every one believes and feels and almost knows they are guilty yet the overt act can not be made out or proved. To turn them back upon the country thus would encourage them and their friends and dispirit all our own true and loyal citizens. The judge of the court suggests they had better be turned over to the military authorities. There is no law for this that I know of, and there can be no concert of action between the civil and military authorities that I know of, and besides this the civil law still prevails and not the martial. On consultation with the Attorney-General he suggests the War Department alone can act on this matter. I called to-day to see you in relation to it but found your office closed, and I concluded to write to you so that you might give the matter its full and careful consideration due the subject; and I hope the magnitude of the subject will justify me in thus troubling you for it is of no small moment to our people in Arkansas. I should be glad to hear from you in full at an early day.

Yours, very truly, &c.,

A. H. GARLAND.

NAVY DEPARTMENT, *Richmond, January 28, 1862.*

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: I have the honor to inclose herewith a copy of the parole of Mr. W. H. Ward, late a lieutenant in U. S. Navy, who resigned, was arrested and imprisoned for five months. Mr. Ward will take charge of any letters or dispatches you may have to forward to General Huger on the subject, and perform any other duty which you may require of him upon the subject of his exchange.

I am, respectfully, your obedient servant,

S. R. MALLORY,
Secretary of the Navy.

[Inclosure.]

FORT WARREN, *Boston Harbor, January 20, 1862.*

I, W. H. Ward, a prisoner at Fort Warren, do pledge my word of honor that I will proceed without any unreasonable delay to Fort Monroe, Va., and thence by flag of truce to Norfolk, and that I will do no act hostile to the United States or convey any correspondence or infor-

mation beneficial to the insurgents, and that I will return and surrender myself to the commanding officer at Fort Warren at the expiration of thirty days unless within that time Frederick E. Prime, captain of engineers, U. S. Army, be unconditionally released and put at liberty at Fort Monroe, in which event I may consider myself discharged from my parole.

W. H. WARD.

Report of S. S. Baxter on cases referred back to him.

[RICHMOND, VA.,] *January 29, 1862.*

William H. Krantz.—I return the letter of H. W. Thomas and the letter of Krantz to President Davis, and the safe-conduct of General Evans given to Krantz. I also send in a letter received from Krantz and testimonials of his good conduct in prison. After examining and reflecting on these papers I cannot perceive they throw any new light on the case. In his examination Krantz stated he had written to President Davis asking a protection to go into Maryland, and stated Mr. Caldwell said General Evans had given Mr. Caldwell a letter of protection for him. These papers shed no new light on character and objects of Krantz's visit to Maryland, or his communication with persons there, or on his conduct in Jefferson County while Patterson's army was there. The conversations with Doctor Galleher took place after the date of General Evans' protection. As well as I can recollect Doctor Galleher's testimony is with the first. After anxious reflection I do not see that these papers seem to change my views of Krantz's conduct as to justify any other recommendation than I have already made.*

In the case of William Working, heretofore examined, I submit a letter of Col. J. L. Davis and two letters, one from Judge Ward, judge of the Virginia judicial circuit in which Working lives, and one from Mr. McDonald. Colonel Davis says he can exhibit proof sufficient to execute Working as a spy. These proofs have not been exhibited to me and I cannot therefore report them. I believe Working was deeply involved in the efforts to induce the enemy to invade that part of Virginia, and I think Augustus Pach can give testimony which will be material; but what other witnesses might be summoned I cannot say. I regret Colonel Davis' letter which was placed in the post-office only reached me last week. In reference to the letters of Judge Ward and Mr. McDonald I have to say they have not changed my opinion of the course that ought to be pursued with Working. But as it appears from Judge Ward's letter that Working promises full disclosures if his statements will not be used to his prejudice, and as he may give valuable information of the mode of the enemy's operations in that part of Virginia and in Eastern Kentucky, I will if approved by the Secretary examine him on condition that nothing stated by him on this examination and not stated before shall be used to his injury.

In the Pancoast case† I send a letter written to the Hon. C. J. Faulkner by George L. Pancoast, and sent to me by Mr. Faulkner. I do not see that this letter throws any light on the case.

S. S. BAXTER,
Commissioner.

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* See p. 1413 for Baxter's report on Krantz.
† See case of Pancoast, p. 1530 et seq.

RICHMOND, *February 3, 1862.*

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: Some four or five weeks ago I had the honor of communicating to you a memorial of sundry persons now held at West Point as prisoners of war. That memorial set forth certain grievances and asked relief. Having heard nothing from the Department over which you preside in reference to that communication I respectfully request to be informed what action if any has been had on the said memorial and what expectation the said memorialists may longer indulge of having their condition corrected, and I have the honor to be,

Your most obedient servant,

A. JUDSON CRANE.

[Indorsement.]

Have inquired into the matter and find that they have been communicating with the enemy and cannot safely be discharged while our troops occupy the Peninsula.

[J. P. BENJAMIN.]

WAR DEPARTMENT, *Richmond, February 3, 1862.*

A. J. CRANE, Esq., *Richmond, Va.*

SIR: In reply to your letter of the 3d instant the Secretary of War directs me to say that he has inquired into the matter to which you refer and finds that the persons held as prisoners at West Point have been communicating with the enemy and cannot safely be discharged while our troops occupy the Peninsula.

Respectfully,

A. T. BLEDSOE,
Chief of Bureau of War.

RICHMOND, *February 5, 1862.*

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: I have the pleasure to inform you that all the citizen prisoners now confined here have been examined except three waiting further proof and three who are to be exchanged. In the course of these examinations matters have come to my knowledge in relation to matters in Western Virginia which make me desire a brief conversation with the Secretary at such time as he may appoint.

Very respectfully,

S. S. BAXTER.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., February 8, 1862.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: Mr. W. H. Ward, late lieutenant, U. S. Navy, was released on parole for thirty days from Fort Warren on condition that within that time Capt. F. E. Prime, U. S. Army, be sent to Fort Monroe. As Capt. J. T. Drew, Second Vermont Regiment, had been offered for Mr. Ward this proposal was declined. I now find that the condition upon which Mr. Ward was released was made several days before my offer of Captain Drew and therefore he ought to return to Fort Warren unless Captain Prime is sent in his stead. As the exchange of Captain Prime for Mr. Ward is a fair one I will inform General Wool that Captain Prime will be sent to him as soon as he can arrive at this place,

and I beg that you will direct Captain Prime to be sent here. Captain Drew will be exchanged for one of the captains now on their way here from Fort Warren.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

HEADQUARTERS FORTY-FIFTH VIRGINIA REGIMENT,
Mercer County, Va., February 17, 1862.

General S. COOPER, *Adjutant and Inspector General.*

GENERAL: Your attention is called to the fact that in Raleigh, Fayette and the neighboring counties the U. S. forces are carrying off citizens in large numbers as prisoners of war; not only those who sympathize with and are loyal to the Confederacy but also many of the Union men.

I am of the opinion that these men are taken prisoners with a view to their being exchanged for their prisoners of war now in the custody of the Confederate Government. This opinion is strengthened by the late action of the Federal Government in seeking an exchange of prisoners in greater numbers than heretofore.

I deem this subject of sufficient importance to call your attention to the matter in order to guard the Confederate Government from having the men thus taken imposed on them in exchange for prisoners of war taken in arms against the Confederacy.

I am, very respectfully, your obedient servant,

WM. E. PETERS,
Lieutenant-Colonel, Commanding Forty-fifth Virginia Regiment.

PROCLAMATION.

Whereas the Congress of the Confederate States has by law vested in the President the power to suspend the writ of habeas corpus in cities in danger of attack by the enemy:

Now therefore I, Jefferson Davis, President of the Confederate States of America, do hereby proclaim that martial law is extended over the cities of Norfolk and Portsmouth and the surrounding country to the distance of ten miles from said cities, and all civil jurisdiction and the privilege of the writ of habeas corpus are hereby declared to be suspended within the limits aforesaid.

This proclamation will remain in force until otherwise ordered.

In faith whereof I have hereunto set my hand and seal at the city of Richmond on this 27th day of February, in the year of our Lord one thousand eight hundred and sixty-two.

JEFFERSON DAVIS.

WAR DEPARTMENT, *Richmond, Va., March 5, 1862.*

Maj. Gen. B. HUGER, *Norfolk, Va.*

SIR: Martial law having been declared in Norfolk under the President's proclamation he desires me to call your attention to the various measures which he hopes will at once be vigorously executed:

First. Some leading and reliable citizen to be appointed provost-marshal in Norfolk and another in Portsmouth. In the former city he suggests the mayor, said to be a zealous friend of our cause.

Second. All arms to be required to be given up by the citizens; private arms to be paid for.

Third. The whole male population to be enrolled for military service; all stores and shops to be closed at 12 or 1 o'clock and the whole of the citizens forced to drill and undergo instructions.

Fourth. The citizens so enrolled to be armed with the arms given up and with those of infantry now in service at batteries.

Fifth. Send away as rapidly as can be done without exciting panic all women and children and reduce your population to such as can aid in defense.

Sixth. Give notice that all merchandise, cotton, tobacco, &c., not wanted for military use be sent away within the given time or it will be destroyed.

Seventh. Imprison all persons against whom there is well-grounded suspicion of disloyalty.

Eighth. Purchase all supplies in the district that can be made useful for your army, allowing none to be carried away that you might want in the event that the city is beleaguered.

In executing these orders you will of course use your own discretion so to act as to avoid creating panic as far as possible.

Your obedient servant,

J. P. BENJAMIN,
Secretary of War.

[For various proclamations and orders suspending civil jurisdiction and the writ of habeas corpus, see Series I, Vol. X, Part II, pp. 298, 402, 484, and Vol. XI, Part III, p. 386.]

NEW ORLEANS, LA., *March 12, 1862.*

JEFFERSON DAVIS, *President:*

In our opinion the writ of habeas corpus should be suspended immediately in New Orleans. We beg that you will declare martial law here at once, or authorize General Lovell to do so. Answer.

THOMAS O. MOORE,
Governor.
E. W. MOISE,
E. Judge.
M. LOVELL,
Major-General.

RICHMOND, VA., *March 13, 1862.*

Governor THOMAS O. MOORE,
New Orleans, La.:

You are requested to proclaim martial law in my name over the parishes of Orleans, Jefferson, Saint Bernard and Plaquemine.

JEFFERSON DAVIS.

AUDITOR'S OFFICE, *April 10, 1862.*

S. S. BAXTER, Esq.

SIR: At your instance I commit to writing my knowledge of the remaining prisoners from Fairfax County who are to undergo an examination:

James O. Wren is a native of that county and has lived all his life in that and the adjoining counties, the most of the time in Fairfax. I have known him upward of twenty-five years. He is a very respectable man and a good citizen, free from difficulties and reliable. He voted

for the ordinance of secession and I should suppose is as loyal and true as any man in the country.

Cornelius White is from the North. He has been living in Virginia for some twelve or fifteen years. He is the owner of a farm near the Court-House and is regarded by all who know him as a harmless, inoffensive man. He has frequently spoken to me of his position in reference to our present difficulties and he has uniformly declared that he regarded himself as identified with the South and that he would share its destiny. I remember that last summer whilst the army was in the neighborhood there was a general suspicion of the Northern men and this old man at my instance, with a view of releasing himself from suspicion, took the oath of allegiance to the Confederate States. I do not think that he would violate that obligation.

Mr. I. Wybert is from the North. He is the owner of a farm. Is a steady, industrious man and since he has been in Virginia, near some ten or twelve years, he has always borne the reputation of a good citizen and a reliable man.

I am, sir, very respectfully,

H. W. THOMAS.

[Indorsement.]

I have known the persons referred to by Mr. Thomas in the foregoing statement for some years. They all reside in the county of Fairfax and are owners of property there and are respectable men and good citizens. I had a conversation with Mr. Wybert last summer in which he stated that all his interests were in Virginia and that he would stand by the South. I concur generally in the statement of Mr. Thomas.

O. W. HUNTT.

ORDERS, } HDQRS. LOUISIANA MILITIA, ADJT. GEN.'S OFFICE,
No. 530. } *New Orleans, April 12, 1862.*

I. Information having been given to the governor and commander-in-chief that secret meetings of disloyal men in the parishes of Natchitoches and Sabine, and that societies and clubs exist composed of citizens of those parishes who deny any complicity in our present revolution but assert a desire to restore the Union and commit sundry other acts of disaffection and disloyalty to the present Government, Brig. Gen. John B. Smith, commanding the Tenth Brigade, will ascertain the chiefs among these men—those who have been conspicuous and diligent in enticing others into the snare and leading them on to the avowal of these treasonable schemes. He will cause the arrest of the ringleaders and send them to these headquarters under a sufficient guard, and will if deemed necessary try and properly punish those who have been less active.

II. Maj. Gen. John L. Lewis, commanding State militia, will issue an order to Brig. Gen. John B. Smith without delay.

By order of Thos. O. Moore, governor and commander-in-chief:

M. GRIVOT,
Adjutant and Inspector General.

WAR DEPARTMENT, *Richmond, April 16, 1862.*

Brig. Gen. JOHN H. WINDER,
Commanding, &c., Richmond, Va.

SIR: You will cause the three French officers, De Beaumont, Cypreini and Vifguerin, to be carried before the court of inquiry now in ses-

sion under an order obtained if necessary from the Adjutant-General. The inquiry with respect to them may be the same as in the case of political prisoners.

Very respectfully,

GEO. W. RANDOLPH.
Secretary of War.

HEADQUARTERS, *Knoxville, Tenn., May 2, 1862.*

J. R. TAYLOR, Esq.,
Deputy Provost-Marshal for Bradley and Polk Counties.

SIR: Your favor of the 30th ultimo has been received. I sent you some blank passports yesterday. In reference to parties visiting the near towns or border counties of Georgia for a few days you can issue them upon your own responsibility, but would advise you to be very rigid in questioning such applicants. When application is made for passports to visit any other State they must be referred to these headquarters. If you find parties from other districts you must demand their passports. If they have none they must satisfy you of their standing. If they know no one in your district and are suspicious characters they must refer you to some party in their own district to identify them. Make no arrests unless you are forced to do so by urgent necessity. Use your power with delicacy yet firmness; keep yourself well posted as regards the movements of suspicious Union men, and any important event transpiring communicate to these headquarters. If you should need any assistants report to me the names of efficient soldiers stationed or in your district on furlough. The salary of your office has not as yet been determined. Your rank is deputy provost-marshal. Allow no soldiers to be in your district (unless on duty) without a furlough. If you find any arrest and report to this office. In no case grant passports to persons desiring to pass toward the enemy's line. Keep an account of your postage till we get fully organized.

Respectfully,

W. M. CHURCHWELL,
Colonel and Provost-Marshal.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
OFFICE PROVOST-MARSHAL,
Knoxville, May 7, 1862.

J. R. TAYLOR, *Deputy Provost-Marshal, Cleveland, Tenn.:*

Yours of the 6th instant by Captain Jones is to hand. You will call on the captain of cavalry at Cleveland to assist Captain Jones to arrest any of his own men and to arrest any citizen that is endeavoring to persuade soldiers to desert their companies and join the enemy when the proof shows that they are doing it. You will not allow men that have been to Kentucky to return home for the purpose of getting men to return there with them. As regards whisky I refer you to the proclamation of General Smith.

Respectfully,

W. M. CHURCHWELL,
Colonel and Provost-Marshal.
By R. M. BEARDEN,
Assistant Provost-Marshal.

HEADQUARTERS, *Knoxville, Tenn., May 8, 1862.*

Mr. JOHN L. M. FRENCH, *Chattanooga, Tenn.*

SIR: Your favor of the 5th instant is to hand. The political prisoners you mention can be released under the consideration that they will each give a bond (a copy* of which I inclose you) signed by a good Southern man, provided such prisoner or prisoners have not heretofore taken the oath of allegiance to the Southern Confederacy. Of course you must require good Southern men to indorse the bonds and return same to these headquarters.

Respectfully,

W. M. CHURCHWELL,
Colonel and Provost-Marshal.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
Office Provost-Marshal, May 11, 1862.

Hon. R. M. BARTON.

DEAR SIR: I shall issue a circular in a few days to deputy provost-marshals by order of the major-general commanding suspending the operation of the conscript bill in East Tennessee. I have an idea to order the deputy provost-marshal in every county or district to have a deputy in every civil district to administer the oath of allegiance at the coming judicial election. What do you think of it? Will not this enable us to see really who are with us and who against us?

Respectfully, your friend,

W. M. CHURCHWELL,
Colonel and Provost-Marshal.

WAR DEPARTMENT, *Richmond, May 13, 1862.*

Brig. Gen. JOHN H. WINDER, *Richmond, Va.*

SIR: You will dispose of the prisoners named as follows: J. W. Butler, to be turned over to Governor Letcher as a prisoner of the State of Virginia; J. Murphy, to be retained as a prisoner; William Follyn, to be discharged upon taking the oath of allegiance and volunteering; William Marsh, to be discharged upon taking oath of allegiance and volunteering; Coleman R. Brown, to be confided to his daughter on taking the oath of allegiance and on giving his parole not to go within the lines of the enemy, and transportation be furnished to his daughter and himself to his son's family; W. H. Churchill, to be permitted to volunteer; W. H. Hooper, to be permitted to volunteer; J. P. Mitchell, to be permitted to volunteer; A. Norton is a wagon maker, to be put to work as you or the Ordnance Bureau may approve; Matthias Spoo, to be permitted to volunteer; P. C. Staffey, to be permitted to volunteer; J. Wilson, to be permitted to volunteer; Evan Wilhill, inquiry to be made to ascertain his sentence; Charles Parrington, to be held as a prisoner of war; William Sherry, to be held as a prisoner; William Cruikshanks, to be discharged upon taking the oath of allegiance; John W. Cruikshanks, to be discharged, but he is subject to the conscription act; William Martin, to be discharged upon taking the oath of allegiance; Austin A. Rine, to be discharged upon taking the oath of

*Not found.

allegiance; J. F. Cutlip, to be discharged upon taking the oath of allegiance; S. B. Cutlip, to be discharged upon taking the oath of allegiance and volunteering; S. W. Cutler, to be discharged upon taking the oath of allegiance; J. Douglas, to be discharged; John Davis, to be discharged upon taking the oath of allegiance; G. W. Miller, to be sent to General Lee; Wickham Dixon, to be discharged upon taking the oath of allegiance and to be employed as a shipbuilder; J. Owen, to be discharged on taking the oath of allegiance and to be employed as a shipbuilder; Samuel Trader, to be discharged on taking the oath of allegiance and to be employed as a shipbuilder; J. W. Dixon, to be discharged on taking the oath of allegiance and to be employed as a shipbuilder; Michael Dixon, to be discharged on taking the oath of allegiance; William Gladstone, to be discharged on taking the oath of allegiance and to be employed as a carpenter or to volunteer; John Monroe, to be discharged on taking the oath of allegiance; Samuel Gordon, to be turned over to Governor Letcher as a State prisoner; George Ryan, to be held as a prisoner; Joseph Snapp, to be permitted to volunteer; Peter Couse, to be held as a prisoner; Thomas N. Fisher, to be permitted to volunteer in the Eighth Virginia Regiment, where he has relations; William Stallins, to be permitted to volunteer; Daniel Hunt, to be discharged on taking the oath of allegiance; Elias Love, to be held as a prisoner; John Rowzie, to be discharged on taking the oath of allegiance; Samuel T. Walker, to be discharged on taking the oath of allegiance; Daniel Watkins, to be held as a prisoner; William P. Speer, to be discharged on taking the oath of allegiance and agreeing not to go to our lines or encampments; Isaac Wybert, to be held as a prisoner; James Oscar Wren, to be discharged on taking the oath of allegiance and agreeing not to go to any place in the vicinity of our camps; C. White, to be discharged on taking the oath of allegiance; W. P. Flood, to be discharged on taking the oath of allegiance; James E. McCabe, to be discharged on taking the oath of allegiance; William Ayres, to be held as a prisoner of war; E. Githen, to be held as a prisoner of war; Daniel Paterson, to be held as a prisoner of war; B. F. Copeland, to be held as a prisoner of war; F. B. Coburn, to be held as a prisoner of war; John Hale, to be permitted to volunteer and to be turned over to Colonel Baldwin of Fifty-second Regiment Virginia Volunteers; John Beary, to be permitted to volunteer and turned over to Colonel Baldwin, &c.; John Swank, to be permitted to volunteer and to be turned over to Colonel Baldwin of Fifty-second Regiment Virginia Volunteers; Samuel Berry, George W. Swisher, Albert Michael, James Jacobs, Charles Rodgers, J. Showalter, D. H. Myers, Samuel W. Hale, Jacob Neuwander, Manasseh Heatwoh, Henry M. Wanger, Jacob Quick, John Huff, Daniel Frame, S. Sawger, Rush Rhodes, John Swisher, John McCulley, Jacob F. Semmes, James W. Pullen, Preston S. Humbert, Jacob Sinter, Jacob Wanger, to be permitted to volunteer and to be turned over to Colonel Baldwin of Fifty-second Regiment Virginia Volunteers; C. H. Kellogg, to be placed on his parole not to give information of any kind of anything he may see here, to be permitted to have the liberty of the city under police surveillance.

Your obedient servant,

A. T. BLEDSOE,
Assistant Secretary of War.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
OFFICE PROVOST MARSHAL,
Knoxville, Tenn., May 13, 1862.

J. H. HUFF, *Depot Agent, Red Clay, Ga.:*

Citizens of your State wishing to visit any station on the East Tennessee and Georgia Railroad south of this place can do so upon your written certificate of their loyalty to the Confederate Government.

W. M. CHURCHWELL,
Colonel and Provost-Marshal.

WAR DEPARTMENT, *Richmond, May 15, 1862.*

Brig. Gen. JOHN H. WINDER,
Commanding Department of Henrico, Richmond, Va.

SIR: You will dispose of the prisoners named below as follows: Burnham Davis, to be discharged upon taking the oath of allegiance; L. Garing, to be held as a prisoner; A. Heflin, to be discharged and employed as a carpenter if there be work for him; J. Light, to be held as a prisoner; E. Lambert, to be discharged and sent to Colonel Baldwin on taking the oath of allegiance and be permitted to join some regiment in Jackson's brigade; James B. Lambert to be discharged upon taking the oath of allegiance; S. Morris, to be retained; Thomas Meeks, to be held as a prisoner of war; H. Powell, to be permitted to volunteer in the Tenth Virginia Regiment on taking the oath of allegiance; William C. Smith, to be held as a prisoner; George Young, to be held as a prisoner; Henry Yancey, to be discharged upon taking the oath of allegiance and pledging upon his parole of honor not to visit our frontier until the conflict is over; L. C. Mains, to be held as a prisoner.

Very respectfully, your obedient servant,

A. T. BLEDSOE,
Assistant Secretary of War.

KNOXVILLE, *May 19, 1862.*

Col. W. M. CHURCHWELL, *Provost-Marshal.*

SIR: As per your order of the 13th instant I proceeded to Madison, Ga., and released the prisoners whose signatures are appended to the oath I herein* hand you. My instructions were to "release no man who had before taken the oath;" and to discriminate between those that had or had not taken the oath, I had this oath administered to them:

> That you shall make true answers to the questions I shall ask you in reference to your having taken an oath to support the constitution of the Confederate States of America. So help you God.

I then asked them if they had taken said oath and in every case was answered in the negative. As soon as they had all taken and signed the oath as per orders I turned them all over to Mr. T. J. Jarnagin. In looking over my list I found that several were never there, several are dead, and some have volunteered; and I would advise that a statement be made by Captain Calhoun of all the prisoners that are or have been there—when released and by whose order. I find also their sanitary condition to be extremely bad. There are a great many sick and

* Not found.

no physician to attend them that is at all skilled. My expenditures on the road amounted to $8. I consulted with the prisoners before their release but could find out nothing important enough to include in this report.

The above report, colonel, is respectfully submitted.

H. M. BEARDEN,
Lieutenant, Company D, Thirty-ninth North Carolina Troops.

WAR DEPARTMENT, *Richmond, May 21, 1862.*

Brig. Gen. J. H. WINDER, *Richmond, Va.*

SIR: You will dispose of the prisoners named below as follows: Henry Yancey to be retained as a prisoner; Wyatt, Romines and Levins to be released in exchange for the following citizens of Kanawha County who are now on parole and threatened to be rearrested if Wyatt, &c., are not discharged: Alexander T. Laidly, J. D. W. Clarkson, R. W. Clarkson, John P. Anderson, Perry A. Groves.

Very respectfully, your obedient servant,

A. T. BLEDSOE,
Assistant Secretary of War.

Memoranda of Various Political Arrests—From Reports of Confederate Commissioners.

J. Allison Eyster.—He is a Pennsylvanian and a resident of Chambersburg. He is a wealthy merchant, well known in Baltimore; addicted sometimes to intemperance. He voted for Lincoln, but declares that he was entirely opposed to the war. He acted as a sutler in some sort to Patterson's army, selling it a large amount of goods on account of which there is still due to him he says about $11,000, to collect which he says he followed that army into Virginia, where he was arrested at the instance of his connection, Jonas Chamberlin, of Frederick County, whose affidavit is herewith returned. Chamberlin says that Eyster came to his house very drunk, and came into Virginia in a drunken frolic under Patterson's pass. I see no reason to detain Eyster unless as a hostage for the safety of our people who are in the hands of the enemy.

—

Thomas Roberts.—He was a member of the Wheeling Convention of May, 1861. He is impenitent, and says that he will not now take the oath of allegiance to the Confederate States. He ought to be turned over to the State authorities to be tried for treason against Virginia, or indicted in the Confederate court at Richmond for treason against the Confederate Government. The first would perhaps be the safest course.

—

A. H. Lee.—He was arrested in Maryland as a spy and sent over at Mathias Point. He is by birth a Northern man. His wife he says was born in Virginia near Occoquan. After much cross-examination and evasion on his part he finally confessed that he was in the pay of the Lincoln Government as a painter in the navy-yard at $40, and was sent by Captain Dahlgren down to Port Tobacco, in Maryland, to look around and report as to persons and things crossing at Mathias Point to Virginia. He ought to be detained.

Solomon Banks.—A free negro of very light complexion; was arrested near Bethel on the day of the battle. He says that he just returned from Pig's Point where he had been at work on the fortifications; denies all complicity with and sympathy with the enemy, and says that he supposes he was taken for a white man. There is nothing before me to attach any suspicion to him except the mere fact of his arrest and commitment, and I recommend his discharge unless some further evidence be adduced against him.

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Arnold Harris.—The Government is in possession of the main facts of his case. Nothing new appeared before me except some testimony confirmatory of the truth of the declarations of Harris that he is entirely loyal to the South in which he was born. His family and connections are in Kentucky. Upon the evidence before me I recommend his discharge as an act of justice as well as policy.

—

H. Magraw.—The Government is in possession of the facts of his case also for the most part. The additional testimony before me consisted, first, of the statements and declarations of the prisoner that he is now and always has been a Democrat of the Southern school; always opposed to Lincoln and his party and their principles; a justifier of the right of secession and of the exercise of it by the Southern States, and the opponent at all times of coercion. The Hon. Howell Cobb, ——— Clayton and Robert Tyler, esqrs., were summoned before me and examined at the instance of the prisoner, and they all testified strongly and without qualification in favor of the high personal character of the prisoner and in confirmation of his statements. Mr. Tyler's testimony came down to a very late period before he was driven from Pennsylvania. The prisoner now declares that it was his purpose to return to his native State of Maryland to reside and that he will not live under the Northern Government, and adds that if his imprisonment can in any manner benefit the Southern cause is willing to continue in confinement. He was a contractor for transportation under Mr. Buchanan, and his contract was renewed by General Joseph E. Johnston while he was acting as Quartermaster-General of the United States after the election of Lincoln. I recommend the discharge of Mr. Magraw.

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Ruel Thomas and Leander Mank.—Common laborers who have been employed for several years in getting timber on the Pamunkey and Mattapony Rivers in Virginia for Yankee employers. They are Yankees from Maine and were arrested on the Rappahannock on the way home, as they say. One of them seems to be a shrewd fellow. Their employer has been permitted to go home, they say, by way of Nashville since they have been in prison, but he was ignorant of their confinement. No act of impropriety is alleged [against] the prisoners, and I see no reason for their detention unless the Government chooses to detain them as hostages. If discharged they should be paroled.

—

O. C. Staunton.—A deserter from Mott's U. S. artillery which he says he joined in Baltimore because he heard it was coming into Virginia, and he could thus cross the lines and then desert. That company was stationed, however, at the north end of the Chain Bridge and did not come into Virginia, and he deserted across the Eastern Branch of the Potomac and got to Mathias Point, where he crossed into Virginia

and delivered himself to General Holmes, by whom he was permitted to go to Fredericksburg where he joined a volunteer company then being raised. He has been a skipper on the Southern coast. Says he married in North Carolina and has a child now living there, his wife being dead. There is nothing before me showing any charge against him, and I recommend that inquiry be made of General Holmes why he was sent to Richmond, and unless something be shown against him that he be discharged unless it be deemed proper to detain him as a hostage.

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L. L. Widgen.—Says that he is a New Yorker by birth but a resident of Richmond, where he enlisted in Peyton's artillery, now under General Magruder. He says he has been tried and punished for resisting his captain, but he does not know and there is nothing before me to show cause why he has been imprisoned. It seems to me that his captain ought to be required to account satisfactorily for his imprisonment or take him back to duty.

—

Thomas Alexander.—A native of Hampshire County, Va. Says that he was a member of Capt. E. M. Armstrong's company and was taken prisoner at Romney and paroled. He went to the army at Winchester and was told he had better come to Richmond to get employment as he could not fight. He knows no reason for his imprisonment and there is no charge against him. I recommend that he be liberated and employed.

—

Benjamin Gemeny.—A Virginian professing to reside in Baltimore. He was arrested as a dangerous and traitorous person. See Mr. Beale's statement herewith filed. The examination of the prisoner satisfied me that he was a spy and ought to be detained therefor.

—

Allen Leonard.—Says that he is a New Yorker by birth but a resident engraver of Richmond. He is a fool. A crazy Union man who was arrested and committed for expressing a strong desire for reunion. He says that he is utterly opposed to war and equally opposed to disunion; that he was [for] reunion but he cannot conceive how it is to be accomplished. He says that Major Tomlin arrested him at West Point. It may be well to inquire of Major Tomlin why he arrested him. I think the man more fit for a lunatic asylum than a jail.

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Jonathan T. Bingham.—By birth a Pennsylvanian; resides near Vienna; sixty-four years old; professes entire loyalty. Colonel Cash, of the [Eighth] Regiment South Carolina, testifies strongly in his behalf as to his kindness to his regiment. I see no reason to detain him. Col. H. W. Thomas also certifies in his favor. Took the oath of allegiance to the Confederate States.

—

William Woodworth.—By birth a New Yorker; fifty-seven years old; resides near Lewinsville; owns 100 acres of land; professes entire loyalty; took the oath of allegiance. I see no reason to detain him.

—

Abraham Lydecker.—Forty-eight years old; native of New Jersey; has been a resident at Vienna; is keeping a store; not prepared to say that he will remain in Virginia or to take the oath of allegiance. He is charged with improper dealing with the enemy. He denies it, but I think he is an alien enemy. He owns some personalty but no realty.

William Hurst.—Twenty years of age; a native of Fairfax where his father resides. No proof of anything to justify his detention.

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Henry Kernoll.—Sixty-nine years of age; native of New York; has resided twelve years in Fairfax County; owns 223 acres of land; has a pass from S. S. Tompkins, Army of the Potomac, which I inclose. He says that Tompkins is one of our officers. If so, I think he ought to be discharged.

—

Dwight J. Partello.—Native of New Jersey; twenty years of age; was engaged selling newspapers from Richmond at Manassas when he was arrested. His father lives in Maryland, but is, he says, from New Orleans. He has two sisters married and residing in Richmond, one of whom was before me. No charge against him. He was at one time employed in the laboratory here, under ——— Smith, and honorably discharged. Took the oath of allegiance. I see no reason to detain him.

—

Simon Schermerhorn.—Native of New York; forty-five years of age; a cripple; for aught that appears before me his arrest and confinement were cruel. He was arrested near Yorktown by a guard and never examined. He has some children here and some in New York, and some property there. Prefers to remain in Virginia if he can do so without losing his property at the North.

—

William Belvin.—Native of Virginia; of Gloucester; oysterman, twenty-seven years old; has three brothers in our army at Gloucester Point; a married man; no charge against him. He ought to be discharged.

—

Benjamin Kimball.—Fifty-five years of age; native of Maine; resident of New Market, Elizabeth City County; married and has four children. His wife was a widow with children, and one of her sons, a Virginian, in our army. Belvin married his daughter; an oysterman; took the oath of allegiance; no charge against him. I think he ought to be discharged.

—

Joseph Rollins.—A native of York County. No charge against him. He ought to be discharged.

—

Ludwig Hesse.—A German; forty-one years of age; came to America in 1849; naturalized citizen. Took the oath of allegiance to the Confederate States. Has been confined six weeks. A resident of Martinsburg, where he has property. I think he is a fair man, and was arrested in part because of a personal quarrel and in part because of the prejudice against foreigners. I think he should be discharged.

—

George W. Pracher.—A native of Jefferson County, Va. I think he is a knave. The evidence against him if true convicts him of actual treason, and if it be false there is no legal cause for his detention. He should be turned over to the proper tribunal for trial for treason against the Confederate Government.

—

John Fleming.—A native of Berkeley County, Va.; thirty-seven years old. There is no specific charge against him, and no proof of any kind.

He professes entire loyalty and denies that he ever had any communication with the enemy directly or indirectly.

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John H. Larhhorne.—Native of Berkeley; poor; nearly blind; was educated by the State; charged with abusing a pass and carrying a letter to some person in Maryland. He says that the letter was from his sister to her husband, a mechanic in Maryland. He professes entire loyalty; says that he is grateful to Virginia for his education, and would join the army if he was not blind.

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Charles Walker.—A native of England; twenty-two years old; arrived in New York in May and went to Old Point as the groom of Colonel Allen. Upon the Queen's proclamation asked to be discharged; was refused, and escaped. He was arrested, brought to Richmond, and discharged; went to work in Crenshaw's factory; broke his arm, and when well went to Gloucester Point to join the Fayette Artillery, and was arrested; wishes now to join the army.

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Peter L. Anderson.—Forty years of age; native of Greenbrier County, Va.; a married man; farmer, with four children; owns 336 acres of land; arrested at his home in Fayette County. No charge; no proof. Professes entire loyalty, and if guilty of anything, it was desertion from the militia under Colonel Beckley.

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William Warkup.—Native of Greenbrier County, Va.; married man; farmer, owns 100 acres of land. No charge; no proof; professes entire loyalty; says he was arrested because he expressed the opinion that the Confederate troops then in the Valley of the Kanawha would be driven out (as they were).

—

Jesse Fuller and Alexander Fuller.—Brothers; twenty-four and twenty-two years old; native of Montgomery County; were arrested in Fayette, where they reside. Have a wounded brother in the hospital at Charleston, Va., and had been to see him, and were returning home when arrested. They profess entire loyalty. No charge; no proof of anything.

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Hardman Dickens.—Native of Raleigh County; no charge; no proof; professes loyalty. The foregoing nine men ought in my opinion to be discharged, and I respectfully suggest that a general order be issued forbidding suspected persons to be brought to Richmond until they have been examined by a colonel at least, who, if he sends them on, shall certify the charge and the evidence. At present the practice is for any scouting party or other party of soldiers to take a man from his home, very often without telling him, and without examination he is sent to Richmond, in some cases a distance of 350 miles, without even a change of clothing, and when the poor creatures are discharged here they are utterly penniless. Such a practice is as it seems to me wholly unjustifiable. It subjects the Government to great unnecessary expense and tends to produce dissatisfaction among the people. I would further suggest that the order should also apprise these people that giving or selling supplies to the enemy or giving them information is treason, and when one is arrested on such a charge and there is proof of it let him be sent to the jail in the district in which he is to be tried. The War Department will thus be saved much trouble, the Government much expense and the people protected from oppression.

H. H. Smith.—Native of New York; twenty-seven years of age; a printer; a smart knave, and an alien enemy of bad intent.

—

Thomas Williams.—Native of Ohio; fifty-seven years old; Union man; professes loyalty; arrested in Boone County, Va.; has resided in Virginia since he was fifteen months old. Boat builder and lumber getter; took the oath of allegiance. No charge; no proof; owns 269 acres of land.

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David Williams.—Son of Thomas; twenty-two years of age; Union man; cultivates rented land; married man; has a brother serving under General Floyd; took the oath of allegiance.

—

J. W. Cole.—Native of Floyd County; twenty-four years of age; blacksmith; Union man; has a brother serving under General Floyd; took the oath of allegiance; no charge.

—

James Cantley.—Native of Monroe County; resides in Boone; farms his own land; 100 acres; Union man; took the oath of allegiance; no charge; no proof. I respectfully recommend that these men be discharged.

—

Henry B. Bagby.—A lad seventeen years old; a Virginian, having relations and property here. His relations are highly respectable. His father is a claim agent residing in Alexandria County, about four miles from Washington. He was on a visit to his father when the Federal picket retreated, and he was captured by our picket. I see no reason for detaining him.

—

John S. Bower.—The Adjutant-General has directed him to be discharged upon taking the oath of allegiance. I had previously examined the prisoner and think the discharge correct, and have caused the prisoner to take the oath, which is herewith returned, but I can find no law for it.

—

W. H. Byrd.—He is a native of Georgia; his wife a Philadelphian. Up to the 31st of August last he was Auditor of the War Department in the Railroad Department of Lincoln's Government. I have examined him very carefully, and my present impression is that he is a very bad person and a spy. Further evidence which will throw much evidence upon his status can be had from Augusta, and I recommend that he be detained for further examination, when I will report in detail upon his case.

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M. A. McClung, Alexander McClung, John W. O'Dell, Thomas A. Ramsay, Anthony Rader, Thomas Haywood.—Can find nothing in my opinion to justify their detention. The first two were sent down from General Floyd's brigade, but as they allege without his knowledge and without any specific charge against them, and none is made here except that they are suspected of disloyalty. The first, M. A. McClung, says that he is a secessionist and was arrested only because he was passing through General Floyd's camp to visit his brother in General Wise's camp the day before the battle of Cross Lanes, because as he was told no one could be allowed to leave that camp until after the battle which was then expected, and when after the battle the prisoners were sent down he was sent along without examination. The other four were

Union men but all deny any complicity with the enemy; profess the utmost loyalty to the Confederate Government and their readiness to take the oath of allegiance if required to do so. They all reside near Summerville, and two of them, A. McClung and J. W. O'Dell, say that they passed once through the enemy's camp because it lay on the path of their avocations, and they were moreover curious to see the enemy's army under Tyler, and one of them, A. McClung, says that he exchanged some butter for coffee, giving eighteen pounds of butter for nine pounds of coffee. They are all Virginians, ignorant, illiterate and very simple-minded. The sixth person, Haywood, says that he is a sailor who was caught in Norfolk by the blockade, and crossed in an open boat to Warwick where his father resides with a view to join the army, and on his way home after landing he was caught and imprisoned. There is no charge against him.

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Dr. M. S. Rossvally.—He appeared to have been arrested under the representations of persons who were strongly excited against him in consequence of imputed personal delinquencies and a mistake or misapprehension of facts. He appeared to have been an assistant surgeon of the Confederate army and to have been authorized by the Government to visit Washington for purposes of information. He went under the assumed name of Lewis, and with the aid of a connection then in the Federal army he visited all the fortifications on the Potomac, bringing with him in disguise the son of Mr. Thomas Green, now in our army. He professes the utmost loyalty and there is nothing before me to impeach it. On the contrary he has taken the oath of allegiance and everything tends to sustain him. I think he ought to be discharged.

—

Felix S. O'Dell.—He is a native of Nicholas County, Va. He says that he is twenty-six years of age. Is a farmer owning 200 acres of land. That he went to General Floyd's camp to carry clothes to his father (who had been examined and discharged) when he was arrested. He denies all connection or communication with the enemy; professes entire loyalty and took the oath of allegiance. There is no testimony against him. Think he ought to be discharged.

—

Augustus Tappin.—A native of York County, Va.; thirty-eight years old; a married man; owns no land; farms upon rented land and gets oysters. Arrested at his own home on the 13th or 14th of June in Elizabeth City County, where he resided. Professes extreme loyalty and took the oath of allegiance.

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Charles G. Clarke and Harriet M., his wife.—Natives of Rhode Island and Massachusetts. They are alien enemies who had settled in Gloucester County. They had a passport to go North via Nashville, but all their property was at Gloucester Point and they returned to get it and were arrested by order of Colonel Crump, who seems to think the woman dangerous and inferred wrong from their return to Gloucester Point, but they had a passport which authorized them to return. They have one child and a house in New York, and I have no reason to treat them otherwise than other alien enemies are treated, except that as they obtained a passport in proper time and have been prevented by their arrest from using it they ought now to be permitted to obtain their goods from Gloucester Point and made to return and leave the Confederacy via Nashville. I recommend this order as to their mode of departure, because

the officer commanding at Gloucester Point requests that they should not be allowed to depart via Fortress Monroe and it is possible there is good reason for it. At least I would pay so much respect to his request, and to make the execution of the order sure I recommend that the man only be allowed to return to Gloucester for his goods.

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W. H. Byrd.—I have finally considered this case most carefully and I am satisfied that Byrd is a wholly unreliable person who would dispose of himself to the best advantage to either Government. Since the war and as late as the 21st of August last he held the office of Auditor of the Railroad Department of the War Department of the Lincoln Government, which seems to have been a confidential and lucrative office. This was treason in a native of Georgia, who does not profess to have expatriated himself. He came to the South under a Lincolnite pass, with a similar pass to carry him back (to and from Louisville) describing him as detailed on special service by Secretary Cameron. He seeks to repel the conclusion made by these facts by the allegation that he held the office in order to get money to come to the South; that he fled secretly and fraudulently from Washington and came here with a view to communicate important information to the Government. The President informs me that he communicated nothing of importance to him, and a doubt is suggested as to the identity of Byrd with the Auditor Byrd. I do not think that he has capacity enough to do much mischief, but if he is the man he represents himself to be the enemy entertained a much higher idea of his capacity and may therefore have made use of him. The question presented by his case is one of bona fides or not. If he makes out the bona fides of course he is exculpated, but if he fails his case is a bad one. I am not satisfied of the bona fides. I recommend therefore that Byrd be sent back to Augusta, Ga., with directions to the district attorney to submit his case to the next grand jury, sending with him the evidence now here. He will there have the benefit of a "jury of the vicinage," while the Government will have the guaranty of a fair hearing before a Southern community, although Byrd's father formerly resided there. If he is innocent he will be ignored by the grand jury, and if guilty fairly tried and punished. If not actually guilty but justly suspected those people will drive him out.

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Edward Taylor.—He is a native of Fairfax County, Va. Resident at the commencement of the war in Cincinnati. He went from his home to Washington, and from Washington he came out to the field of Manassas and was captured at Centreville. He says that he came to look at the fortifications on the Potomac, and see his relations near Alexandria. But the testimony before me ascertains that in Cincinnati he was one of the most violent and apparently vindictive of our assailants, giving in every way that he could aid and comfort to the enemy. His brother, Colonel Taylor, who commands at Culpeper Court-House, repudiated him last summer shortly after his capture. His case is like that of Ely's or worse. If he has never expatriated himself he is a traitor; if he has he is another Ely.

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Julius Fridle.—Of Cabell County, Va.; arrested by Colonel Clarkson. Prisoner was born in Germany. Has lived in Cabell since 1854. Is a Union man. Voted against the secession ordinance but has not voted for or sustained the United States Government since. Desired to be neutral and quiet; did not vote at any election held by authority of

the Peirpoint government. Believes the old government to be the true government of Virginia and is willing to support it as such. Is willing to take the oath of allegiance to the State of Virginia and the Confederate Government. Has never borne arms or been in any way connected with the U. S. Army. I recommend his discharge on taking the oath of allegiance. Witnesses examined, William L. Peters, M. Beekman, Mr. A. L. Wilson.

—

T. Moory.—Union man; voted against secession, but has never voted for or sustained the Peirpoint organization. Had no connection or communication with the Federal army. Has been a quiet, peaceable citizen, desiring to be neutral; is willing to take the oath of allegiance to the State of Virginia and the Confederate States. I recommend his discharge on taking these oaths. William L. Peters, Lewis Beekman, A. L. Wilson, H. C. Poteet, witnesses examined.

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H. Paine.—Arrested in Cabell; a quiet, peaceable citizen; Union man; never voted at the Peirpoint elections. His father's wagon was impressed by the Federal troops; he was sent along with it, and returned home with it. This compulsory service was the only connection he ever had with the enemy, and regards the Government at Richmond as the true Government of Virginia. Is willing to adhere to it and support the secession cause. I recommend he be discharged on taking the oath of allegiance. Witnesses examined same as above.

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Thomas Kyle.—Born in Frederick, Va.; has lived several years in Cabell. Had no connection with the Federal army; never furnished them with supplies. Voted for a member of the Wheeling congress and convention but is willing now to take the oath of allegiance. Two of his sons-in-law are in the Lincoln army. I am at a loss what to recommend here. The vote to sustain the western revolutionary government I consider treason against Virginia, and the State authorities ought to decide whether they will prosecute him for this act. Mr. Kyle is an old man seventy-two years of age. He is willing to take the oath of allegiance. So far as the Government of the Confederate States is concerned I think he ought not to be detained, but he should be turned over to the State of Virginia. Witnesses examined same as above. I ought to add that after the Yankees passed through Barboursville, it is proved that Kyle said Yankee bullets were the best pills for secessionists; that he took a musket to guard the court-house from secessionists, but Kyle says this was done on compulsion.

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John Douthit.—Aged nineteen; has never been in the Federal army. Was a Union man in his sentiments. Refused to join the Union army; has never aided them. Is willing to take the oath of allegiance to the State of Virginia and to the Confederate States. I recommend on doing so he be discharged. Same witnesses.

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Dr. J. H. Rouse.—Born in Ohio; says he was in favor of the Union till Virginia seceded. Was willing to abide by her action and to remain neutral if he could. He is willing to take the oath of allegiance. Seems to have been arrested on account of rumors. He was commissioner of the United States and postmaster. From the testimony of the witnesses it appears that a young man living in Doctor Rouse's drug store went to Ohio to visit his father and brought over the mails without reference to the political sentiments of persons to whom the letters

and documents were addressed. This was repeatedly done after the mails were stopped in Cabell County, but Rouse seems to have permitted this as a matter of kindness to his neighbors and not as an officer of the Government or as a partisan. He denies he was commissioner, and it is proved that J. C. Wheeler was commissioner and tried all the political cases in the county. Is proved to be a man of good character and a quiet peaceable citizen. I recommend he be discharged on taking the oath of allegiance.

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Stephen Eades.—Born in Albemarle County, Va.; has lived in Fayette County seven or eight years; voted against secession, but declared his willingness to abide by and support the result in the State; joined the Southern militia called out by authority of Governor Letcher, but after being one day in camp he was sent home to await further orders; proved to be a peaceable, quiet citizen; says he never had anything to do with the Northern Army or Government. Witnesses examined, Mr. Coleman, delegate in Virginia Legislature from Fayette and Nicholas; Mr. Alderson, of State Senate. I recommend he be discharged on taking the oath of allegiance.

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William H. Jones.—Born in Fluvanna; has lived in Fayette three years; is a slave owner, opposed to abolition; keeps a tavern near Dogwood Camp; some of the enemy in passing got their dinners at his house; he says he avoided communication with them and has never had communication with the Northern Army; was a Union man but willing to go out of the Union if Virginia seceded; is willing to take the oath of allegiance to Virginia and the Confederate States. I recommend his discharge on taking these oaths. Same witnesses examined as in the above cases.

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Samuel Short.—Born in Halifax County, Va.; raised in Franklin; has lived in Fayette ten years; is a secessionist; was arrested by independent scouts (a species of force not belonging to any military organization) who took from him two horses that have never been returned to him or delivered to the military authorities; was bitterly hostile to the abolition feeling in Fayette; is a quiet, peaceable, industrious man; has had no connection with the Northern Army; has furnished supplies to our army; supposed to be arrested in consequence of rumors started by the men who took his horses. I recommend his discharge. Witnesses examined, Mr. Coleman, Mr. Alderson.

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Henry Worrall.—Born in Rhode Island; has lived in Wayne three or four years; voted against secession; had had no connection with the Peirpoint government. Recognizes the government of Virginia and the Confederate Government as his government. I recommend his discharge on taking the oath of allegiance. Witness, Beekman.

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George Hunt.—Born in Massachusetts; has lived in Fayette County for ten years; has taken no part in the contest; voted against secession but considered himself bound by the act of secession to support the constitution and laws of Virginia and of the Confederate States. Man of good character and an orderly, quiet citizen. He had no connection with the Federal army and has given it no aid. I recommend his discharge on taking the oath of allegiance. Witnesses, Mr. Coleman, Mr. Alderson.

R. A. Flanagan.—Born in Fluvanna, Va.; age fifty-five; has lived several years in Fayette; voted against the ordinance of secession but supports the laws and constitution of Virginia and the Confederate States. Was arrested on a visit to a son who was sick in our army. A man of good general character. I recommend his discharge on taking the oath of allegiance to the State of Virginia and the Confederate States. Witnesses, Colonel Coleman, Mr. Alderson.

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Albert Fuller.—Native of Cabell County, Va.; aged eighteen; an unruly boy. His father and brothers Unionists. Albert Fuller was passing the house of Henry Shelton, a secessionist, armed with a musket and bayonet going in the direction of the Federal forces at Barboursville in company with another youth. W. Ward is the other youth. Shelton took the gun from him. Fuller went on to Barboursville, and a company of Ziegler's U. S. cavalry were sent to arrest Shelton. The boy who was with him went back to Fuller's father. Fuller's father and brother came on to Shelton's and killed him before Ziegler's cavalry arrived. Fuller's brother went to Ziegler's camp and thence to Ohio. His father was killed by a son of Shelton. I think Fuller ought not to be discharged but from the imperfection of the testimony I cannot advise where he should be sent for trial. I think he was the cause of Shelton's death and ought in some way to be brought to justice either by the State or Confederate authorities; but the seat of justice of the Confederate States for this district (Charleston, Kanawha County) and the committing of the offense are both in the possession of the enemy. I would suggest the propriety of an act of the Legislature of Virginia authorizing the trial in some other county. Witnesses examined, Peters, Poteet, Beekman, Wilson.

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William Henchman.—Sixty years old; born in Monroe County, Va.; has lived in Cabell; has been a magistrate and commissioner of the revenue. Union man; voted against secession; voted for a member of the Wheeling convention and the Northern Congress. Professes to have done it through ignorance and compulsion of the enemy. Says he thought the election for members of the Wheeling convention was ordered by the proper authorities of Virginia. Professes a willingness to support the constitution and laws of Virginia and the Confederate States. Is willing to take the oath of allegiance. [In this case I think as Henchman has voted for establishing the revolutionary government of Virginia he ought to be turned over to the State authorities to be tried for treason against the State. He does not seem to have had any connection with the army or the military authorities of the United States. His offense is civil and political, and as it is immediately directed against the State of Virginia he ought to be brought to justice by that State; or if suffered to go at large it should be by the Virginia authorities. His general character is good.] Witnesses, Peters, Beekman, Wilson, Albert Laidly.

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Alexander Williams.—A native of Nicholas County, Va.; did not vote on the question of secession; was willing to abide by the action of the State; is willing to take the oath of allegiance to the State of Virginia and the Confederate States. No cause of arrest known to me. Was probably arrested on suspicion. His general character is good. I recommend he be discharged on taking the oath of allegiance. Witness examined, Mr Alderson

Robert Miller.—Born in Randolph County, Va.; says he is one of Captain Tyree's company in the Wise Legion; on Wise's retreat from Kanawha went home for two reasons—first, his wife was sick; second, he was himself crippled. Before he entirely recovered he started to join Captain Tyree's company. Applied at Floyd's camp on his way for a pass to join Tyree, and was arrested and sent here. Captain Tyree tried to get him released that he might join his company and failed. Mr. Coleman proves he is a man of good character. I recommend he be sent here to Tyree's company.

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A. B. Gesh (Buck Mason).—Was born in Botetourt County, Va.; removed to Fayette several years since. Has borne a good character as an honest, industrious man; arrested by the militia. Was a Union man up to the passage of the ordinance of secession by Virginia; desirous now to go with the State of Virginia. No cause for his arrest stated; probably on mere suspicion. Colonel Coleman proves he was at General Beckley's camp immediately after the arrest, when the question whether Gesh ought to have been arrested was discussed, and no cause of arrest was then alleged. I recommend he be discharged on taking oath of allegiance. Witnesses examined, Colonel Coleman, Mr. Alderson.

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Addison Neff.—Born in Greenbrier; age twenty-one; lives in Fayette; no cause for arrest assigned; says his brother was stabbed and expected to die. As soon as the enemy left Dogwood Camp he started to Greenbrier to see his brother. Applied for a pass at Meadow Bluff; was arrested. He voted against secession but will abide by the action of the State. Mr. Snider proves Neff's brother was of a family faithful to the Southern cause and he believes Neff himself was faithful. Proves his brother was stabbed, and for a long time it was believed he would die, and that while the armies were not in the country the families passed to visit each other frequently. I recommend that he be discharged on taking the oath of allegiance.

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Dr. P. Lawrence.—Was born in Montgomery County, Va.; removed to Fayette near two years since. He was arrested going to join the camp of the Virginia militia. One Light had received a letter from Colonel Coleman requesting all the men from his vicinity to join the militia who could do so, and in consequence of this letter he started and was arrested on his way. Colonel Coleman proves that while he considered it dangerous to send a draft for the militia in that vicinity he did write such a letter, and that after his removal to Fayette he has conducted himself as a peaceable citizen. Mr. W. Staples proves that while he lived in Montgomery County Lawrence was faithful to the South. He voted against secession, but is opposed to the Wheeling government and supports the Confederate Government. I recommend he be discharged on taking the oath of allegiance.

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Samuel Ramsay.—Seems to have been arrested on suspicion. He was in Fayette County. His uncle and one of his cousins who lived in Nicholas County are active in supporting the invasion of Western Virginia by the United States. The prisoner has had no connection with the army of the United States or with the Peirpoint government. He professes to adhere to the Confederate States and to the State of Virginia, and is willing to take the oath of allegiance. I recommend his discharge on doing so. Witnesses examined, Coleman and Alderson.

Charles Clay.—Aged sixty-three. Born in Virginia; has lived in Raleigh County twelve years. Says he is a secessionist and on the Southern side. Has two sons in Floyd's brigade, in Captains Pate's or Adams' companies. Has done all in his power for the families of volunteers in the Southern army. Does not know for what he is arrested. Says he went to hunt up some cattle and hogs driven by the wife of a volunteer into the mountains when the Northern troops went to Raleigh Court-House. Did not expect them to return so soon, but they met him in the road on his return home, took him prisoner, and compelled him to show them where they could cross the creek, and then discharged him. Says he never had anything to do with the Northern army or with the Union men, except in this instance. Says he has slept out in the mountains at night to avoid them. I examined Colonel Coleman, the member of the legislature of Virginia from Fayette [and] Raleigh, and Mr. McDonald, the member from Wyoming, and they neither knew enough of this man to say whether he was worthy of credit. I recommend his discharge on taking the oath of allegiance.

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Greenville Clay.—Son of Charles Clay; does not know for what he was arrested. Never had any connection with the Northern army or the Union men. Once met a squad of Yankees on the road. They asked him the condition of the bridges and passed. He had nothing to do with the Northern army or the Union men. Has two brothers in the Southern army, one in Captain Adams', the other in Captain Pate's company, Floyd's brigade. In the spring put in a crop in partnership with one of his brothers. It was afterwards agreed one of them should volunteer. His brother being unmarried, volunteered in Captain Pate's company. Has aided the families of the Southern volunteers by cutting their grain in harvest, and by other labor. I have examined Colonel Coleman and Mr. McDonald. They can throw no light on this case. I recommend his discharge on taking the oath of allegiance.

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R. Clay.—A boy sixteen years of age, son of Charles Clay. Says he never had anything to do with the Northern army or with the Union men. I recommend his discharge on taking the oath of allegiance.

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George Caully.—Son-in-law of Charles Clay. Says he is a secessionist. Has a brother in Adams' company in Floyd's brigade. Takes care of both families. Has had nothing to do with the Northern army or the Union men. Colonel Coleman and Mr. McDonald have no other knowledge of this man than that he lives in this neighborhood. I recommend his discharge on taking the oath of allegiance.

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Jeremiah Combs.—Born in Raleigh County. Says he is a secessionist. Never had any connection with the Northern army or the Union men. No charge sent on with him that I have seen. Colonel Coleman and Mr. McDonald know he lived in Raleigh but can throw no light on his case. I recommend his discharge on taking the oath of allegiance.

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Maben Jackson.—Born in Orange County, Va. Joined the Virginia militia under General Beckley. Received information of the sickness of his wife and was permitted to go home. The permission signed by H. C. Richmore is herewith filed.* Says he was at home when the Yankees went to Raleigh Court-House. The militia were ordered to work on the roads. He remained at home working on the roads until

* Not found.

arrested. No cause for his arrest is known to him. Examined Coleman and Mr. McDonald, but they do not know him well enough to throw any light on his case. They do not know what character he bears. The prisoner in his examination seemed to be frank and candid and his statement is corroborated by the permission signed by Captain Richmore. I recommend his discharge.

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William Wills.—Says he has lived in Raleigh eighteen years. Does not know for what he is arrested. Had nothing to do with the Northern army or the Union men. Says he has always been a secessionist. Says he was a member of the Methodist Church, but when the rupture of that church took place he quit the church because the preachers all adhered to the North. Colonel Coleman and Mr. McDonald can give no information about him. I recommend his discharge on taking the oath of allegiance.

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J. Massey.—I have nothing to act on but this man's statement. He says he is a Southern man; never had anything to do with the Northern army or the Union men. He appears to be a fair and candid man. Colonel Coleman and Mr. McDonald can give no information about him. I recommend his discharge on taking the oath of allegiance.

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Peter Miller.—Was born in Canton, State of New York; removed to Ohio when young. Came to Virginia first as a volunteer last spring with the Northern army. Says he was only a three months' volunteer. At the expiration of his time went back to Ohio and returned to Virginia to avoid being called into service. Came to Point Pleasant, and went up to Charleston, Kanawha, while Lee's army was there Staid there a week. Boarded part of the time with one Snyder; the rest of the time with a man whose name he does not know. Paid no board. No bill was asked for or presented. Did nothing there. From Charleston he says he went to Peytona in Boone County. Staid there two weeks. Boarded with a man named Sam Allie; did nothing; paid no board. Says no, there were no Northern troops at Peytona. From Peytona went with the Northern troops to Raleigh. From Raleigh went to Wyoming County. Staid there some time with Jasper Workman. Did nothing there; paid no board; was not charged any. There he borrowed a horse to go to Peytona to get a pair of boots and was arrested by a party of militia on the road going there. Does not know for what. I examined Colonel Coleman and Mr. McDonald. They testified Peytona was a town in Boone settled by Yankees and Germans in which a company was raised for the Northern army just before the Northern troops went to Raleigh, and that Jasper Workman had the character of a disaffected and dangerous man. Mr. McDonald further testified that he was informed by Captain Pach that he had arrested a Captain or Lieutenant Miller. Miller was raising a company of volunteers for the Northern [army], and they were surprised while forming. Miller attempted to escape up a mountain and was shot while making this attempt. Was captured, and a valuable pistol taken from him, [and] a very valuable black horse borrowed in Wyoming. A quantity of letter paper and envelopes were found on his person. On re-examination Miller admitted he was wounded in the side, and admitted some envelopes and paper and a black horse were taken from him. Colonel Coleman and Mr. McDonald have both heard that while in Wyoming Miller was attempting to find out the position and strength of our forces. I think this man is certainly a Northern emissary and spy. His manner under examination was confused and

his statements contradictory. I recommend he be tried by the military authorities as a spy, and as the testimony can be most easily procured at General Floyd's camp I suggest he be sent there for trial. If not tried or if acquitted I advise he be held as a prisoner.

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Charles Arundel.—Prisoner says he was born in Fairfax County, Va. Was arrested by orders of Colonel Robinson. Prisoner keeps tavern. Has a blacksmith shop and is a farmer. Never was in enemy's lines. Has had no communication with them. Was in Washington last January. Has not been there since. Did not know for what he was arrested. Was told by ex-Governor Smith who interested himself in his case that he was charged with selling whisky to our soldiers. Says he never did so. Picket was stationed, the officer and men took their meals with him, but he never sold spirits to the men. He was an original secessionist. Voted for secession from the beginning. At the last election of Confederate States went to Prince William to vote for Davis as President and for William Smith for Confederate Congress. Has a son in the Confederate army. Colonel Brawner and Mr. Thomas state prisoner is a man of good character, and was always a secessionist. I recommend the discharge of this man. H. W. Thomas, senator, and Colonel Brawner, representative from Fairfax, Prince William County, proves he is a secessionist. Always voted the Southern ticket and voted for secession. Has procured provisions and forage for our troops, and has done blacksmith work for them. I recommend his discharge.

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Samuel Bays.—Born in Fayette County, Va. Lived some time in Boone County, and returned to Fayette last spring. Offered to vote for secession in May last, but his vote was rejected because he had not been in the county twelve months. Has always been a Southern rights man. Was probably arrested because there was a general removal of the citizens in the rear of General Floyd's army. Bays' brother-in-law was in the army. He is a man of good character, and of a family sound in the Confederate cause. I recommend his discharge on taking the oath of allegiance. Witnesses, Colonel Coleman, W. Atchison.

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Isaac Williams.—Aged fifty-one. Born in Giles County, moved to Fayette. Says he was arrested by Caskie Rangers when he was going to mill. Does not know for what cause. Says he supposes he was charged with being a Union man. Denies he was a Union man. Admits he voted against secession but says he did not know then the Union was broken. Says as soon as he understood the Union was broken he stood by the State of Virginia and the South. Man of good character. Opposed Peirpoint's government. Witness, Coleman. I recommend Williams' discharge on taking the oath of allegiance.

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Stewart Armstrong.—Born in Greenbrier. Moved to Fayette when he was a boy. Twenty-five years old now. Voted against secession, but turned when he heard the Union was broken; supported the South. Is opposed to the Federalist Never saw the Yankee army or had any communication with them. Willing to take the oath of allegiance. Fair character. I recommend his discharge on taking the oath of allegiance.

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John Hanaher.—Boy of sixteen. Lives with his father and was arrested at home in the absence of his parents. Says his father is a

Methodist connected with the Southern Church. Has had no connection with the enemy in any way. Mr. Coleman says the general impression is his father is connected with the Northern Church, but since secession may have changed. This boy's examination is not satisfactory, but as no connection with the enemy appears I recommend his discharge on taking the oath of allegiance. Witness, Coleman.

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John Deekens.—Says he was born in Grayson County, Va. Has lived in Raleigh since he was ten years old; now forty-nine. Does not know for what he is arrested. Thinks it was from malice of his enemies. Never saw a Yankee. When he heard they were going to Raleigh he took to the woods. Helped to support the families of the Southern volunteers. Worked for them and divided his grain with them. Was not called on to do more. Voted against secession, but says it was an ignorant vote and that he repented and stuck to the State of Virginia when she went out of the Union. I recommend this man to be discharged on taking the oath of allegiance.

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Isaac Motes.—Born in Rockingham County, Va. Says he does not know for what he is arrested. Was arrested when going to get salt. Staid all night on Cahua at Jack Pear's. Was arrested next morning. Saw the Yankees on the road from Raleigh. Voted against secession, but says he holds to the disunion party. Admits he has two sons in the Northern army. Two others went to Ohio this summer. I cannot recommend the discharge of this man. I think he is a dangerous man and ought not to be released while the country is in possession of the enemy.

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Isaac Motes, jr.—Fifteen years old, son of the above. Talks very indistinctly; so badly that I could not understand him without the aid of his father. He was arrested at the same time with his father. He is dressed in a U. S. uniform which he says his brother gave him. I cannot recommend his discharge. His father and himself may be hostages for the good conduct of his brothers who are now in arms against us.

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F. Stover.—Aged sixteen. Born in Raleigh. Says he is Southern. Does not know why he was arrested. Has two brothers in Captain Adams' company, Floyd's brigade. Captain Adams recruited several men in his neighborhood beside his brothers. Saw Captain Caskie's Rangers several times in his neighborhood. Never saw the Yankees. Says his father voted the secession ticket. Colonel Coleman proves his father was a man of good character and reputed to be Southern. I recommend his discharge on taking the oath of allegiance.

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William McKinney.—Says he was born in South Carolina and came to Richmond with the soldiers. He was reported to me as deranged, and on examination I find him to be so. I am satisfied he is unable to take care of himself. He is nearly naked and in every respect an object of charity. I recommend he be sent to some of the asylums for the insane in Virginia as soon as it can be done and in the meantime he be properly clothed and taken care of.

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Samuel Pach.—Prisoner says he was born in Lawrence County, Ky., and moved to Wayne County, Va. He says he was arrested by Captain Witcher on suspicion of being a Union man. Denies he is a Union man.

Says he is with the South. Affirms he never had any connection with the Northern army or the Union men of Kentucky or his own neighborhood. He lives near the Kentucky line on the Sandy River. I can procure no information about him and judging from his conduct under examination I should think he was an honest man. I recommend his discharge on taking the oath of allegiance.

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George Pach.—Prisoner says he was born in Giles County, Va. Removed to Lawrence County, Ky., and then to Wayne County, Va. Is the uncle of Samuel Pach. Lives near Sandy, across from Louisa, Ky., and about twenty-eight miles distant on Twelve Pole River from that town. Says he voted for members of the convention held at Richmond and never voted since. Is a Southern man. Never had anything to do with the Union men of Kentucky or of his neighborhood. Says some of his neighbors went to Ceredo and got arms from Zeigler. He remonstrated against it at the beginning of bloody times at home. Took the part of the South. I have no information in reference to this man except from his own examination and his manner creates some doubt in my mind of his sincerity. But he is a very old man (near seventy) and his health much broken by his confinement. He is willing to take the oath of allegiance. I recommend he be discharged on taking the oath of allegiance.

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Robert White.—Citizen of Fayette. A feeble old man of seventy, incapable of doing mischief. Says he is a Southern man. Never had anything to do with the Yankees or the Union men. Willing to take the oath of allegiance. I recommend his discharge. Proved to be a man of good character.

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George W. Fox.—Born in Nelson County, Va. Lived in Fayette for twenty-five years. Says he does not know for what he was arrested. Taken to Floyd's camp at Gauley just before the battle of Carnifix Ferry. Was under guard across the river during the battle. Voted for secession and says he is a secession man. Never had anything to do with Yankees or Union men. Mr. Alderson proves he is a man of good character. All the votes at Fox precinct were for secession, but does not know whether Fox voted. Mr. McLaughlin proves Fox a man of good character and was understood to be a secessionist. Says May, a noted scout in that country, told him Fox had agreed to give him thirty bushels of corn if he would kill fifteen Yankees. I recommend his discharge.

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James Kincaid.—Born in Fayette; moved to Nicholas last March. Arrested by some of the Wise Legion who called him a Union man. Says he is a volunteer in Captain Newman's company, Floyd's brigade, Colonel McCausland's regiment. Says he was taken sick and permitted to go home. On his recovery he went with the militia to Cotton Hill and remained there eighteen days. He then started to join Floyd's brigade; was arrested on his way. He is now hoarse from his sickness but expresses a desire to join his company. Mr. Robinson, the prosecuting attorney at Nicholas, proves him to be a man of good character, and he knows he volunteered in Newman's company. The man appears to be honest and candid. I suggest he be released from prison and be sent to his company.

James C. Kelly.—The only paper accompanying this prisoner is herewith submitted marked A,* in which the charge stated against him is infidelity. It does not appear by what authority this paper is made out or that any investigation of the cases stated in it has been made. Prisoner says he was born in Maryland. Has lived nine years in Prince William County, three miles and a half from Occoquan and this side of our lines. Was arrested by orders of Captain Nelson of the Quantico Guards. Has had no communication with the enemy. On the 9th of May he carried to Washington the goods of one Safford, a Northern man who left the country. He has never been since to Washington or inside of the enemy's lines. No person from the inside of the enemy's lines has ever visited him or held communication with him or his family. Thinks the war unjust on the part of the North. Stands by the South. Gave the Prince William cavalry two loads of hay. Has since sold hay to the Southern troops. Voted for Davis for President and William Smith for the Confederate Congress. Colonel Brawner proves Kelly to be an honest man. Has never heard any reason for distrusting his fidelity to the South. Has heard some individuals speak of Kelly as suspicious, but assigned no reasons for the suspicions. Others placed entire confidence in his fidelity. While Kelly was under arrest at Dumfrees he voted for Davis as President of the Confederate States and William Smith for Congress. On the evening of Kelly's arrest Colonel Brawner saw Captain Nelson, who told him the arrest was made as a precautionary measure, an advance of the army in that direction being expected, and not for any specific charge. Mr. Lynn, the delegate from Prince William, says that Kelly's general character is good, and he believes him to be faithful to the South. When Underwood was trying to raise a Northern party in that neighborhood Kelly was opposed to him. I recommend the discharge of this man inasmuch as no specific charge is preferred against him and there is no evidence that any competent military authority has adjudged his removal from our military lines. The testimony before me shows him to be a faithful Southern man.

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Robert Allen.—Sent on in the same manner with Kelly. Prisoner says he was born in Prince William County. Lives at Occoquan Mills. Says he does not know the cause of his arrest. Has not been in Washington or across the Potomac for twelve months. Has not been four miles from home since the war began. Never has been inside of the enemy's lines. Never saw a Yankee soldier since he came to Richmond. Never, that he knew, saw anyone from the inside of the enemy's lines after communication was prohibited. His sympathies are with the South. Voted for the President of the Confederate States and member of Confederate Congress. Colonel Brawner proves prisoner is a man of good character. Has never heard his fidelity to the South questioned. Prisoner lives in a village in which many Republicans lived and this has affected the reputation of all its inhabitants, but he says the impression of the neighborhood is the prisoner is faithful to the South. The prisoner did not act with the Republican party. Mr. Lynn proves the prisoner is a man of good character and faithful to the South. I recommend the discharge of Allen for the same reasons I recommended Kelly. Both these men should take the oath of allegiance.

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Matthew Milstead.—Sent with the two persons above named. This man is in the hospital, extremely sick, and his examination was conse-

* Not found.

quently very imperfect. He represented himself to be a secessionist and firmly friendly to our cause. Colonel Brawner proves he was a man of good character, friendly to the South, and who voted for the President of the Confederate States and member of the Confederate Congress. This man is in such feeble health that his longer confinement will endanger his life. I recommend his discharge on taking the oath of allegiance.

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William Weston.—Sent with the three above-named men. Says he was born in Fairfax County, Va. Is twenty-seven years old. In June last went to Washington as a hand on board the Lady of the Lake, a boat owned either by Samuel Dentz or Silas Dentz. Silas Dentz, son of Samuel Dentz, was captain. The boat was loaded with wood, twenty-six or twenty-seven cords, a full load. The prisoner says the boat was loaded at Accotink Mills. He was there and went up to see his sister who was married to James Water, of Washington, intending to bring her back. Dentz said it was the last trip he would make. Prisoner says he was taken sick and remained in Washington two months. He then left in company with F. Magruder. Magruder bought a skiff in which he and Magruder escaped from Washington. In nine days after his return he was arrested. Daniel Regan was a hand on board the boat. Prisoner says he had mustered in Pohick Church in May with some of the home guards, Burk commanding. In this case the trip of the prisoner to Washington in the latter part of June and his remaining there for two months properly subjected him to suspicion and I cannot at present recommend his discharge. But the subsequent examination of F. Magruder satisfies me Weston was sick, and anxious to escape from Washington and I therefore recommend his discharge.

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Joseph Plaskett.—Born in England. Lived in Fairfax nearly eight years. Has remained closely at home since the war began. Has only once in ten weeks been to mill. Says he is friendly to the Southern cause. Gave one valuable horse to a Fairfax company of cavalry; another impressed for the Southern army. Has had no communication of any kind with the enemy. Mr. Huntt and Mr. Thomas proved him to be a man of good character. I recommend his discharge on taking the oath of allegiance.

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Elias Beach.—Says he was born in Fairfax. Lives two miles and a half from Occoquan within our lines. Passed our lines once to go to mill at Accotink. Has had no communication with the enemy. Has not been to Alexandria since the middle of June, when he went to bring from Alexandria the cousin of his wife, Alfred Beach. Alfred Beach was a soldier in the Confederate service. Messrs. Huntt and Thomas proved him to be a man of good character. I recommend his discharge.

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Fielding Magruder.—Prisoner says he was born in Charles County, Md. Removed to the city of Washington in the year 1830. Was engaged there in keeping a wood and lumber yard. Twelve years ago he purchased land in Virginia on Occoquan Bay. Three years ago he started a steam saw-mill on this land and fixed his own residence there, going up to Washington every three or four weeks on Saturday night and returning on Monday. His wife and his son reside in Washington. His son keeps a wood yard there. Prisoner considers himself now a citizen of Virginia. His place was within the Federal lines when he was taken. Says he went to Washington a day or two after Alexan-

dria was taken. The Federal provost-marshal gave him a general pass to go up and return at pleasure. Went up to Washington once or twice after Alexandria was taken and before his last trip. Prisoner says he was taken sick at his residence at Occoquan and called in Doctor Whitehead. The doctor remained with him several days and advised him to go to Washington where he could have the attention of his wife and be better nursed. He went to Washington, where he was sick three weeks, and after his recovery remained some weeks. He says he found the state of things in Washington so much worse and distasteful to him than it had formerly been that he did not apply for a passport, but determined to make his escape. He applied to several longboatmen to bring him down, but they told him they had been required to give bond and security in $500 not to touch on the Virginia shore and would not take him. He met William Weston (mentioned above), who had been sick in Washington, who agreed to escape with him. He purchased a skiff and in the night went down the river on the Maryland side until after they passed Alexandria, when they went over to the Virginia side. On the Monday after his return he went to the picket at Mrs. Wiley's and reported himself and was permitted to return home. Subsequently he was arrested with others, taken to Dumfrees where he lay several weeks in jail and thence was sent here. Is a slave-owner. I knew Mr. Magruder in Washington before he started his steam mill in Virginia. His general character for veracity was good. He was considered an honest man. I was satisfied from his general character and from conversation with him he was a Southern man in his political feelings and opinions. I recommend his discharge on taking the oath of allegiance. (NOTE: On the statement he makes of Weston's sickness and desire to escape from Washington I recommend the discharge of Weston.)

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Clinton Buskirk.—Born in Pennsylvania, at Johnstown; has lived in Pennsylvania and Ohio and Logan County, Va., until the spring of 1859, when he removed to Piketon, Ky. Was arrested by Colonel Williams. Says two of his brothers are in Floyd's brigade. On his examination was confused, and I had great difficulty in extracting anything from him. Refused to take the oath of allegiance. General Johnson, of Kentucky, knows nothing of him. Mr. Wilton knows nothing of him except that he has heard he has two brothers in Floyd's brigade. Mr. McDonald, delegate from Logan, proves while in Logan he bore a good character and has one brother in Floyd's brigade. I cannot recommend his discharge, but think he ought to be held as a prisoner to be exchanged for some of our men taken in Kentucky.

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William Ferguson.—Born in Montgomery County, Ky.; arrested by Colonel Williams' command while attempting to serve process issued by Apperson, commissioner of the United States, for two witnesses in Magoffin County, Ky., summoned to testify in the cases of two men arrested as friends of the South. Says he sustains the present Government of the United States although he detests Lincoln; sustains the old government of Kentucky. Will not take the oath of allegiance to the Confederate States, but will take an oath to be neutral, and that he will not take part in the war or give any information to the enemy. General Johnston proves him to be a man of good character, who will stand by his oath. I cannot recommend his discharge, but think he should be held to be exchanged for our friends arrested in Kentucky.

Andrew Tennison.—Says he was born in Fairfax; believes he was arrested from a malicious charge preferred by Henry Sartain. Says when the Federal troops were going to Bull Run they took him and Joseph Lyles prisoners, destroyed his garden, and used his parlor as an office. Afterwards, when the confinement of his wife was approaching, she begged him to go to the store and get her some rice and other articles. On his way met Horace Edsall guiding a party of Federal soldiers under command of Colonel Taylor. Edsall said prisoner was a good secessionist and could guide part of them and he would go with the others. Colonel Taylor with part of the men told him to go to the brick house. He tried to beg off, saying if Sartain saw him he would be sure to report him. Taylor then drew his pistol and threatened to shoot him if he did not guide them. He submitted and went with them to the brick house. They brought him back to the railroad and discharged him. Sartain saw him on the way and told General Stuart prisoner was guiding the enemy. Says he is a Southern man in his feelings and went with Virginia. Refers to Capt. Murray Mason, of the Navy, as a man who knew he was a Southern man. Says he is a Southern Methodist and never agreed with the Northern men. Mr. Huntt gives him a good character. I think this case cannot properly be investigated here. If evidence exists to fix improper intercourse with the enemy on the prisoner it must be found at Manassas. No specific charge is made against him. If the prisoner is to be judged on his own statement then all that statement must be taken and on his statement his guidance of the enemy was compulsory. I advise he be returned to Manassas with direction if there be other proof against him to have it taken and the facts on which he is detained ascertained. If there be no specific charge against him of criminal connection with the enemy he ought to be discharged on the ground that his long imprisonment is a sufficient punishment for a venial offense. If there be criminal conduct which amounts to an offense against military law he ought to be turned over to a military tribunal for trial. If the offense be against the civil laws he ought to be turned over to the civil tribunals for trial. I would suggest that in every case in which a prisoner is hereafter sent to headquarters at Richmond a statement of the facts and names of the witnesses be sent with him.

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Wilson Arthur.—Born in Randolph; moved in 1819 to the place he now lives in Webster County. Says he does not know for what he was arrested; supposes it was because he had been against secession, but he says when the State went out he went with it. Has never had anything to do with the Yankees or their friends in Virginia. Says he never fought the Yankees because they did not come to his neighborhood. He is too old to go after them, but he lent his gun twice to young men to go after them. He is fifty-five years old. Mr. McLaughlin proves him to be a man of good character. Says he was arrested because of malicious charges preferred by a man he sued for killing a dog. Some persons doubted his fidelity. Mr. McLaughlin did not. Mr. Alderson gives him a good character. Says he voted for a secessionist to represent him. I recommend his discharge on taking the oath of allegiance.

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John O'Brien.—An old man; says he was born in Harrison County; moved to the head of the Little Kanawha, thence to the Sandy Fork of Elk, thence to Webster. The old man has spent his life in the woods hunting and seems to be very ignorant of what is going on in the settle-

ments. Has a great respect for the old Commonwealth of Virginia and great contempt and hatred for the attempted government at Wheeling. Does not seem to know much of the difference between the United States and Confederate States, but is willing to take the oath of allegiance to the old State of Virginia and any government she belongs to. Mr. McLaughlin proves he is a man of good character ignorant of all things going on in the settlements. He lives remote from settlements in the woods, and makes his living by hunting and digging ginseng. Mr. Robinson, prosecuting attorney of Nicholas, proves his general character is good. Has a son in Swann's company, Tompkins' regiment, Wise Legion. I recommend his discharge on taking the oath of allegiance.

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Miles O'Brien.—Son of John O'Brien; does not know for what he is arrested; has had nothing to do with the Union men or Yankees except to go with some of his neighbors to Sutton to fight them when he heard they were coming here, but they did not come; lives with his father; does not know much of what is going on in the settlements; stands for the old government of Virginia; is a cooper and farmer; hunts and digs ginseng. Is willing to take the oath of allegiance.

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Sampson Stover.—Born in Franklin; moved to Lawrence County, Ky., where he was separated from his wife; moved back to Raleigh, where he has lived several years. Says his children left him several years ago and went to Ohio. Has heard nothing from them. Says he has had nothing to do with the Yankees or Union men. Is willing to take the oath of allegiance. I have no evidence about this man, and from his examination I can find no cause for detaining him. I recommend his discharge on taking the oath of allegiance.

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J. Wills.—Aged thirty; born in Grayson; went to Raleigh twelve years ago and bought land there. Does not [know] for what he was arrested. Thinks it was from a malicious charge of Jasper Cole that he was a Union man. Says he is a Southern man. Is a Methodist. When the church divided he went with the Southern Methodists. Has never had anything to do with the Yankees since. Voted against secession, but when the State went out he went with it. Willing to take the oath of allegiance. I have no evidence about this man. His examination shows no cause for detaining him. I recommend his discharge on taking the oath of allegiance.

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William Deekins.—Of Raleigh; says he is a Southern man in his feelings and action. Had nothing to do with the Yankees or Union men. Saw some of the Yankees passing to Raleigh. Had no communication with them. I recommend his discharge on taking the oath of allegiance.

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Isaac Scarborough.—Fifty-one years old; says he was born in Monroe; moved to Fayette, near Raleigh; when arrested was within two miles of home going with a load of beeswax and ginseng down toward Kanawha to sell. Does not know to whom he expected to sell it. Had heard a man named Levens bought ginseng. Heard he kept a store; cannot say who told him so. Thinks Mr. Guss' people told him so. Denies he had any connection with the Northern or Union men. Arrested by the Caskie Rangers. They took his horse; told him they had orders to take back all the ——. Said there was no charge against him. Says he voted against the ordinance of secession, but supports

the South. Gave Caskie Rangers a horse worth $100 and fine beef-cattle. His arrest was just before the Northern men went to Raleigh. Willing to take the oath of allegiance. I have no evidence about this man except his own examination. His conduct in starting to Kanawha just before the Yankees went to Raleigh is very suspicious, and justifies his arrest. But it amounts to no more than suspicion, and after his long imprisonment I think he may be discharged on taking the oath of allegiance.

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Isaac Bays.—Says he was born in Fayette; moved to Boone, and moved back to Fayette last spring. Does not know for what he was arrested; was told all the men from that end of the county were to be moved. Says he had nothing to do with the Northern men or the Union men. Says he always held to the Southern side. Says he agreed to take care of the family and property of his brother-in-law if he would volunteer, which he did. Has now the family and property of his brother-in-law under his charge. Wanted to vote for secession, but his vote was counted out because since his return from Boone he had not lived long enough in Fayette to enable him to vote. I have no evidence about this man except his own. I recommend his discharge on taking the oath of allegiance.

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Isaac Williams.—Says he was born in Giles, near Fayette. Lives in Fayette; arrested because it was reported he was a Union man. Says he voted against secession, but did not know then the Union was broken; has no learning. As soon as he heard the Union was broken he stuck to the South. Has not seen the Northern army. Was opposed to the formation of a home guard. I have no evidence about this man other than his own examination, and if that be true he ought to be discharged. I therefore recommend his discharge on taking the oath of allegiance.

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Stewart Armstrong.—Born in Greenbrier; moved to Fayette. Does not know for what he is arrested. Voted against secession, but when the State went out felt bound to sustain it. Opposed to the formation of a home guard. Had nothing to do with Northern army or Union men. Prisoner was proved by Mr. Alderson to be a man of good character. I recommend his discharge on taking the oath of allegiance.

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John Honaker.—A youth. Born in Fayette. Says he was always a secessionist. His father voted for secession. His father and mother were from home when he was arrested. Says his horse was taken. He went to get him and was arrested. I recommend his discharge on taking the oath of allegiance.

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William A. Kelley.—Says he was born in Giles County, Va. Lives on Lyle Creek, in Fayette County, near Cotton Hill. Says when he was arrested he had been to Anderson Wilson's to look for a young steer. Was told he was arrested because the army wanted neither friend nor foe to pass. Says he is a secessionist but did not vote. Let the secession party have some oats and grain. Has several times seen the Yankee army at Fall's Mills (Fall's Mills are opposite the mouth of Gauley, on New River). Says he went to Fall's Mills because all the other mills were dry. Had no communication with the Yankees. Colonel Coleman proved the prisoner was a man of bad character, both for veracity and

integrity. He further proved the streams were unusually high in that vicinity this summer, so high that the mills were washed away. Prisoner then said he went to Fall's Mills because the mills were washed away. The examination of the prisoner created the impression on my mind that he was a spy for the enemy, and that such a man remaining in the vicinity of the enemy would be dangerous. I think he ought not to be discharged.

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William Workman.—Aged forty; born in Boone and now lives there. Says no great division in his county on the Union and secession question until recently. Some men in his neighborhood made a stir, six or seven gathered together, filled a part of the road; never heard of a fortification until he was brought out; saw it then about two miles from where the road was obstructed. He says he has not been to Kanawha; has been to Peytona. Says after Boone Court-House was burned Mrs. Smoot wished him to get her husband released from confinement as a prisoner taken by the Federals at Boone Court-House. Says he went to Peytona, where he saw a captain of the Federal army, who went to Charleston and informed him on his return Smoot would be exchanged. Says afterward he heard Smoot and Miller, who was taken with him, had got back and he left home to see if he could do anything for them. He went over to Coal and turned up a small creek to get his breakfast. After breakfast he saw two companies of the Federal troops passing down the road and the cavalry was immediately behind them. He galloped on and saw Augustus Pach, who had been taken prisoner by them with his cattle. Some salutations passed and he told Pach the cavalry would be on him in a minute. He galloped on and went to Peytona. He says the Federals did not go to Peytona. Declares he does not know what became of the troops engaged in the battles. Says he saw some at Peytona who might have been there. Says the Federal troops he passed when Pach was released were all strangers to him. Says he returned from Peytona home Friday morning and was arrested on Sunday morning at home. States there were men passing through the neighborhood not belonging to either army who would press horses in the name of the army and take them for their own use. To put down these thieves and protect their property he says a company was formed in the neighborhood to which he belonged. Says his brothers, Floyd Cook, four Gunnoes, William Walker and others belonged to it. This man's examination impressed me with the belief he was a very cautious and cunning man; but his account of himself was very confused and unsatisfactory. I examined Mr. McDonald, who states he has no personal knowledge of Workman's conduct since the secession question arose, but says immediately after General Wise withdrew from the Kanawha River it was generally believed Workman had gone to Kanawha and opened communications with the Federalists. The neighborhood was an unsound one. A company was formed there that placed obstructions in the road, fortified themselves on the head of Coal River and threatened to burn the town of Oceana. They took prisoners two of the militia scouts sent out to ascertain the state of things; took them inside of their breast-works and swore them. The scouts were Morris Cook and Henry Clay. One of these scouts professed to be a Union man and learned they expected the arrival of a regiment of Union men and that Workman had gone after them. I think this man ought not to be discharged, but if on further inquiry the evidence of Pach and the scouts can be obtained he should be brought to trial in the C. S. court at Wythe, or in county of Wyoming, Va.

k.—Born in Giles County, now Boone, near where he now
near William Workman. Says a company was organized
eir property from horse-thieves. Was arrested one mile
om home. Had gone to Amos Workman's to persuade
mbled there to disperse. Saw some men there; saw John
the one in prison), B. F. Perry and some men from Raleigh
ow. Saw another Perry and Micajah White. These men
d because they were informed a horse-stealing party would
ighborhood in a few days. This party had Morris Cook
custody as prisoners. Does not know what party left
nan's and was arrested on the road home. William Work-
sted immediately afterward. The party then proceeded
rkman's. He does not recollect who he saw there at that
is son who had just gone in from the mountains. Says
ys were arrested soon after he was. They had been out
e. Says he saw where some trees had been cut across the
saw some brush thrown up on the side of the mountain
lled a fortification. He did not go near enough to see if
y logs and stones in it. Says he was a member of the
nized in the neighborhood to keep off the horse-thieves.
William Workman, Amos, James and Lawson Workman
s; also M. G. White and his two sons; the Gunnoes, W.
F. Perry and Benj. Workman; does not remember the
nothing to do with the Southern or Northern army or the
Is willing to take the oath of allegiance. Mr. McDonald
g of his own knowledge of Floyd Cook's course since the
on, but says it was understood in the neighborhood Cook
r of the company which obstructed the road, fortified it,
Wyoming with invasion. Says Morris Cook and Henry
tia scouts who were arrested and disarmed by this party,
ok was the principal actor and that it was done within the
I think this man ought not to be released. His exami-
red with Workman's satisfies me he was a member of a
us and treasonable organization. They were attempting
ssion of mountain passes at the head of Coal River on the
ute from Kanawha to East Tennessee. If this organiza-
oken up it may give the Federal army most important
vement toward Tennessee. I think inquiry ought to be
nony of the facts stated by McDonald can be procured,
be procured the man ought to be put on his trial.

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old.—Says he was with three others, his cousins, hunting
hen he was arrested by Pate's company. He was stated
and Floyd Cook to be a member of that company and
when the party at the fortifications was taken, and was
of the persons taken in the fortifications and was armed.
he should be held as a prisoner of war.

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tz.—Born in Fairfax County, Va. Prisoner says when he
ne was told it was for furnishing the enemy with wood.
l so. Says he is a farmer and sold wood to the long-
ys he did not own a boat, and did not sell wood after the
o run to Washington when the governor's proclamation
he did not hold communication with the enemy in any
e is thoroughly Southern; voted for and supported the
ement. Says his son, Silas Dentz, twenty-nine years of

age and who is independent of him, owned a boat for which he (Silas paid about $1,500. To prevent this boat being destroyed Silas tool it to Washington. Prisoner says he remonstrated with him and urgec on him it was better to lose the boat, but Silas would not regard his remonstrances. Does not know what became of Silas after he went to Washington. Mr. Huntt proves prisoner to be a man of good character, a man of honesty and veracity. He owns land and slaves; has always been on the Southern side and voted for secession. Witness thinks the boat belonged to Silas Dentz and not to the prisoner. Colonel Brawner and Mr. Thomas prove the prisoner is a man of good character. Dr. Richard C. Mason (who was for some time a practicing physician in this neighborhood and has been for many years a justice of the peace) proves prisoner was a man of excellent character, a Southern man and a secessionist. He proves that in February or March last prisoner was present in a meeting held to expel from the country a man who was suspected to entertain incendiary opinions. Dentz is sent here by an order of the provost-marshal at Manassas on the 19th of November, 1861, which states he is represented as an unsafe man to go at large. Colonel Robertson, commanding the Fourth Virginia Cavalry, represents him as a notorious traitor, he having recently taken license to furnish the Federal Government with wood. The evidence satisfies me that up to the ratification of the secession ordinance by Virginia Dentz was a true Southern man, voting for sustaining the secession movement. Since then I have no evidence of his conduct except such as is afforded by his examination. On what evidence Colonel Robertson believed he had taken license to furnish the Federal Government with wood I do not know. I think it probable the offense of the son was charged on the parent. But the charge if there be evidence to support it ought to be tried in a criminal court instead of sending him here. He ought to have been sent to a justice of the peace to institute a prosecution against him. I have no evidence to justify the institution of a prosecution against him. If such evidence should exist a discharge now will be no bar to a legal prosecution. I recommend his discharge.

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Forest Olden.—Born in Alexandria; lived near Colchester eighteen years; longboatman by profession. This spring made three trips to Washington in a boat belonging to Mr. Trice. Stopped running when the governor's proclamation issued. When he stopped boating worked his garden until harvest. After harvest marketed to our camp; never had any intercourse with the enemy. Says the Southern pickets ate at his house and got fodder. Says he often helped Marylanders who came over to join the Maryland regiment. Mr. Huntt and Mr. Thomas testify to his good character. Sent here with the order of the 19th of November. Colonel Robertson says must be sent to Richmond as a person whom it is not safe to have at large. No charge is made against him. A large discretion must be vested in our military officers, yet when they arrest citizens and send them to Richmond they ought to send some evidence on which they may be lawfully detained. As there is no evidence on which this man may be lawfully detained I must recommend his discharge on taking the oath of allegiance.

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William H. Williamson.—Citizen of Fairfax County; resides where he was born two and half miles south of Burke's Station, Orange and Alexandria Railroad, and four miles from Occoquan; place called Williamson's Cross-Roads, two and a half miles from Marshall's

(vidette post) where he was taken. He came over to Marshall's to bring him some meat which he had sold him. He has not seen a Federal since the 22d of August, when he went to Alexandria after his horse which had been taken from him on the advance. He was taken prisoner by the enemy on the 16th or 17th of August and released same day. He gave them no information during his imprisonment. His wife has not been to Alexandria since its occupation nor has she been more than a mile from home in twelve months. His daughter married in Baltimore. Has not heard from her since the war began. His other children are small. His oldest son is in the C. S. army. He has one or two nephews also. His wife and three small children are now at home with no one to look after or protect them. He protests that he is true to the South and is willing to leave it to his neighbors. He was taken Wednesday, 20th instant, and brought to Colonel Robertson. I file the papers sent with this man. His examination concurs with the statement in the papers. He says he went through the pickets to deliver some beef he had sold to one Martin. Whether he ever passed them at other times does not appear. He has a son and two nephews in the army. Mr. Huntt says his character for veracity is not very good. He voted for secession. A large discretion must be vested in our commanding officers. It is necessary to the safety of the army. In this case there is a specific offense which if overlooked might result in great mischief to our forces. I am not sufficiently acquainted with the minute details of our position or with the facts alleged against this man to form an opinion on the questions: (1) Whether this man's confinement has been a sufficient punishment for his offense? (2) Whether he might now be released without endangering the safety of our operations? I would advise that the military authorities at Manassas be written to for information on these questions.

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Isaac Hall.—Born in Fairfax County; lives near Occoquan; was always a Southern man; voted for secession; owns a farm and slaves. Never had any communication with the enemy. Yankees once stole one of his slaves but the boy escaped and returned home. Mr. Huntt, Mr. Thomas and Doctor Mason proved his character is good, and he has seven nephews in our army. He was sent here from Manassas with an order dated November 14, in which it is said Major Boyle will forward the five men to Richmond, noting Bayless as a dangerous character, understood to have been specially active in communicating with the enemy. The other four persons it is not considered safe to have about our lines. No specific charge is made against Hall. I am satisfied he is a Southern man of good character, and his feelings are with our cause. On what grounds he has become an object of suspicion to our officers I do not know. From the evidence before me I do not see anything charged against him which would prevent his immediate discharge on a writ of habeas corpus. While I feel a large discretion must be vested in our officers, yet that discretion must be reconciled to the rights of the citizen, and I know of no mode of doing so but to require with each prisoner sent here there should be a statement of some fact which justifies the arrest and detention, with the evidence to sustain it. In this mode each case may be reached and the proper prosecutions be instituted. In the present case the continuance of this man's confinement for anything I can see would be simply an exercise of arbitrary power on suspicion. I recommend his discharge.

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Peyton Hall.—Nephew of Isaac Hall; a young man who has been trading to our camp this summer. Has a brother and several cousins

age and who is independent of him, owned a boat for which he (Silas) paid about $1,500. To prevent this boat being destroyed Silas took it to Washington. Prisoner says he remonstrated with him and urged on him it was better to lose the boat, but Silas would not regard his remonstrances. Does not know what became of Silas after he went to Washington. Mr. Huntt proves prisoner to be a man of good character, a man of honesty and veracity. He owns land and slaves; has always been on the Southern side and voted for secession. Witness thinks the boat belonged to Silas Dentz and not to the prisoner. Colonel Brawner and Mr. Thomas prove the prisoner is a man of good character. Dr. Richard C. Mason (who was for some time a practicing physician in this neighborhood and has been for many years a justice of the peace) proves prisoner was a man of excellent character, a Southern man and a secessionist. He proves that in February or March last prisoner was present in a meeting held to expel from the country a man who was suspected to entertain incendiary opinions. Dentz is sent here by an order of the provost-marshal at Manassas on the 19th of November, 1861, which states he is represented as an unsafe man to go at large. Colonel Robertson, commanding the Fourth Virginia Cavalry, represents him as a notorious traitor, he having recently taken license to furnish the Federal Government with wood. The evidence satisfies me that up to the ratification of the secession ordinance by Virginia Dentz was a true Southern man, voting for sustaining the secession movement. Since then I have no evidence of his conduct except such as is afforded by his examination. On what evidence Colonel Robertson believed he had taken license to furnish the Federal Government with wood I do not know. I think it probable the offense of the son was charged on the parent. But the charge if there be evidence to support it ought to be tried in a criminal court instead of sending him here. He ought to have been sent to a justice of the peace to institute a prosecution against him. I have no evidence to justify the institution of a prosecution against him. If such evidence should exist a discharge now will be no bar to a legal prosecution. I recommend his discharge.

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Peyton Hall.—Nephew of Isaac Hall; a young man who has been trading to our camp this summer. Has a brother and several cousins

in the Southern army. Has had no intercourse of any kind with the enemy; proved to be a man of good character. He is included in the same order with Isaac Hall. No specific charge made. I recommend his discharge on the same grounds I recommend Isaac Hall's. To take the oath of allegiance.

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Elibeck Hall.—Nephew of Isaac Hall; this young man's character is good. His feelings and associations are with the South. Included in the same order with Isaac and Peyton Hall. For reasons given in Isaac Hall's case I recommend his discharge on taking the oath of allegiance.

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George Bayless.—Born in Alexandria; farmer and overseer. Says he never has been inclined to the North; always a Southern man. This year he is overseer for Mrs. Lemoine. Says the scouts of the enemy often came onto the plantation of which he is overseer, but he always kept out of their way when he could. Never gave them information or aid. Believes he was arrested on the information of one Milstead, who was a tenant of Mrs. Lemoine's, and with whom Bayless had some difficulty about a field, which Mrs. Lemoine told Bayless that Milstead had not rented, but which Milstead claimed. Proved by Mr. Huntt and Mr. Thomas to bear a good character. Doctor Mason says he has known him for many years, and his character is as good as can be. Says his impression, founded on conversations with Bayless, is, he was a Southern man. Says Mrs. Lemoine is in Louisiana and all her property is in Bayless' care. The charge against Bayless is active communication with the enemy. It is not directly made. It is said he was understood to be active in communicating with the enemy. No proof is before me. If any exists, Bayless as a citizen is entitled to its production, and to have the charge tried before the proper tribunal. No evidence has been furnished me to institute proceedings in any form. A prosecution in the proper forum for this charge will not be barred by his discharge now. For want of evidence, I recommend his discharge on taking the oath of allegiance.

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A. Abott.—Prisoner says he was born in England. His father moved when prisoner was four years old to Andover, Mass., and eight years afterward to Concord, N. H., where prisoner lived eight years. From there he went to Camden County, Ga., and engaged in the lumber business, which he has followed since. Has three partners, two in Maine, one in Nova Scotia. His lumber was shipped to the North from Charleston, but afterward sent from Satilla River, Ga. Says his last cargo was shipped the 16th of June last consigned to a New York house. He went on with it to get an advance on it. He failed to do so and after staying in New York four or five days returned to Charleston and Savannah; thence went to Camden County, in Georgia. Then he took care of his teams, placing them with Taylor; then took passage in a lumber sloop to Baltimore. Staid there three or four days and came to Virginia. He assigns the following reasons for coming to Virginia. He says a year ago last spring he purchased from one Wilson, then and now a clerk in the Treasury Department, one-fourth of 400 acres of land in Fairfax County, Va. For this he paid $2,000. He does not know whether Wilson ever made him a deed. The other three-fourths were owned by Snow, Smith and by Wilson. Snow lived on the land, but paid no rent. Money was advanced to improve the land.

Wilson called on prisoner to advance money for this purpose. When he arrived in Baltimore he met Wilson who informed him Snow was a prisoner, and offered to pay him $50 a month to go on the land and take care of it. Prisoner accepted the offer; left Baltimore, came across the Patuxent, and crossed the Potomac above Aquia Creek. There he was arrested by a part of General Holmes' command and taken to Fredericksburg, where he was imprisoned. After some days he says he was examined by General Holmes and the mayor and permitted to go to his farm in Fairfax. The day after he got to the farm Snow returned home. He says he then went to find Chester Avery on business of Lant & Harris, of Baltimore. Was arrested and taken to Manassas. Says his memorandum book and papers were taken from him at Manassas. From this man's statement and from his manner under examination I am satisfied he is a spy, and it was obvious to me that he was giving false accounts of his conduct in South Carolina and Georgia and Virginia. I think he ought to be held in custody as a spy until evidence sufficient to try him can be procured.

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E. Birch.—Says he was born in Alexandria County; is twenty-seven years old; lives with his father near Falls Church. His father went regularly to Washington under a general pass until August last. Prisoner has not been to Washington since 1st of August, then he got a pass from General Sumner, who he says told him he would not give him another unless he moved within the lines. General Stuart's pickets were stationed at his father's house from the middle of August to last September, when prisoner was taken and brought away. He refuses to take the oath of allegiance but is willing to take an oath of neutrality. I think he should be retained as a prisoner of war.

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George W. Cook.—Son of Floyd Cook, one of the Union company formed in Boone County, who fortified the pass at Little Coal River. He was taken when the fortifications there were taken. I suggest he be held as a prisoner of war.

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J. McDonald.—Born in Hardy County, Va.; lives six miles from Moorefield, on Looney Creek; age twenty-eight. Says after State went out of the Union he wanted to go with the State, but was persuaded by leading men to join the home guard. Was advised by others not to join it. Joined the home guard at Greenland. Says he was four days with them at Shell's Gap. He received a musket and bayonet. The evening before his arrest he went home to get his supper. Returned and stood guard at Rhinehart's Mill. Was arrested next morning by the Rockbridge Cavalry. Was arrested on Saturday, the 6th of September, he thinks. On Monday afterward the first raid was made on Petersburg. Had not heard anything since about this attack on Petersburg before he was arrested. Says the home guard had some beef-cattle, which he was informed were taken from one of the Weltons, a secessionist. The muskets issued to the company came from Wheeling. I think this man should be held as a prisoner of war.

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George W. Mangold.—Born in Hardy County, Va.; is twenty-eight years of age. Says he is a secessionist and goes with Virginia and the Confederate States. Says his brother Henry joined the home guard. Prisoner says he never did. He was urged by his father-in-law and others to do so and to satisfy his father-in-law he went one day to the camp of the guard at Shell's. He found they were a rascally set, com-

mitting thefts and robberies on the citizens opposed to them, and intended to support the Northern army. He made his escape. Says he is willing to take the oath of allegiance to the Confederate States. Says he wishes to go into service in Harness' regiment. Wilhite says in his deposition: Mangold was with them eight or ten days, when he returned home dissatisfied with his captain for threatening to punish him for leaving without permission. I recommend this man be discharged on taking the oath of allegiance, and as he has expressed the wish to serve in Harness' regiment, now with General Jackson, near Winchester, I recommend he be sent there.

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Noah Getz, Hardy County.—Says he voted for the Union but is willing to abide by the decision of Virginia to secede. Supports the State. Has never joined the home guard. Says he had intended to move to Ohio since he was married. He started to go there and was stopped by the home guard at Shell's Gap and turned back. Staid a day with his family at Shell's Gap. Served with the militia and fought against the Yankees at Petersburg. Says he will support the South and is willing to take the oath of allegiance. Of this man Wilhite in his deposition says: Was with them several days at Shell's Gap. Wanted to move his family to Ohio, but could not get through. Had been in a fight in Petersburg on the side of the South. Was with them at Mill Creek and has drilled with them. He seems to be an ignorant man not acquainted with the condition of the country, but I think is with the South. I recommend his discharge on taking the oath of allegiance.

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J. B. Bowman.—Says he was born in Montgomery County, N. Y. Has lived in Fairfax twelve years. Lives at Vienna Station, near Falls Church. Says his employment for the last five or six years was getting timber for the Loudoun and Hampshire Railroad. Says he goes with the South in this war. Furnished a horse to get up Ball's cavalry. Would have volunteered himself, but for a defective ankle which unfits him for military service. Says his teams have been employed for the Southern army. Is willing to take the oath of allegiance. Thinks he was arrested on an [article] printed in the Dispatch taken from some Northern newspaper, but says he does not know anything about it. No charge is sent against this man. Having no evidence I recommend his discharge on taking the oath of allegiance.

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M. L. Kendrick.—Born in Loudoun County, Va.; lives eight miles from Leesburg in the direction of Fairfax Court-House. Arrested 3d August. Marketed to our camp at Fairfax Court-House. Was well acquainted with the men in Rogers' artillery. Had a brother in that company who had been sick with the measles. Says the soldiers requested him to bring them some whisky. He bought four gallons; sold to two men each one pint. General Stuart ordered his whisky to be seized and arrested him. Before it was seized he gave two gallons to a man named Connell. The whisky was poured out. Says he is a Southern man. Would have volunteered, but when his brother left home he was the only person to take care of an aged and infirm mother and his sisters. No charge has been sent against this man. His long confinement here is a severe punishment for his offense. I recommend his discharge on taking the oath of allegiance.

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John A. Sites.—Born in Hardy County. Says he never belonged to home guard; was solicited to join them and refused. Says he was

over with them at Shell's Gap. Got there in the evening; left the next morning; was taken sick and remained within two miles for several days. Says he never was with the guard at Alleghany. Says he never belonged to the home guard. Is willing to take the oath of allegiance. Wilhite in his deposition says: John A. Sites joined their company; did the duty of a soldier; was in the first raid on Petersburg and sick at the time of the second raid. I think this man ought not to be discharged. During his examination he affected deafness. When a question was asked him it was difficult to get a direct answer and his whole manner impressed me with the belief he was studiously withholding the truth.

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William Sites.—Was a member of the home guard; received a Northern musket and did duty with the company he says eight or ten days. I recommend he be held as a prisoner of war.

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Polycarp Sites.—Says he never joined the home guard; never was asked to do so. Wilhite says he was at Shell's Gap once. Does not know what he was doing. Says he thinks he mustered with them once. Prisoner is very young and in bad health. Says he never joined the home guard. I recommend he be discharged on taking the oath of allegiance.

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Josiah Sites.—Denies he ever joined the home guard. No proof against him or that he was ever concerned with the Northern troops. I recommend his discharge on taking the oath of allegiance.

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D. Shears.—A boy of seventeen years of age; joined the home guard; had a musket given him; stood guard at Rhinehart's Mill; was taken prisoner there. I think this boy must for the present be held as prisoner of war.

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J. Keplinger.—Another youth; joined the home guard; taken prisoner at Rhinehart's Mill. Says he received his musket from Daniel Shell. I think this boy should be held as prisoner of war.

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T. R. Connell.—Sixty-two years of age; miller at Rhinehart's Mill. Denies he had anything to do with the home guard. Says he saw some of them on the turnpike a mile from the mill. Next morning they brought their breakfast to his house, and his wife permitted them to eat it on the porch. Says all he heard of the guard was from May, a millwright, who was repairing the mill. Other prisoners say the mill was guarded at Connell's request, and that he permitted them to eat their breakfast on his porch. He says he has twelve children, one of them an idiot and helpless; some in the West. I cannot think this old man was candid in his examination, but as he is very infirm and sickly and offers to take the oath of allegiance I recommend his discharge on taking the oath.

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William Connell.—A boy of seventeen; hardy. Taken with the home guard at Rhinehart's Mill. Says he had left his father and was in Kellar's store when he joined the home guard. Says he was persuaded by Daniel Shell. Says his father was much distressed when he heard it. Is the son of T. R. Connell. As this youth was taken with arms in his hands I suggest he be held as a prisoner of war.

L. Kurtz.—Arrested July 18. Born in Maryland; has lived for twenty-five years in Pennsylvania. Lives now in Waynesborough, ten miles from Hagerstown. Brought four officers of the U. S. Army from Waynesborough to Hagerstown. Says he then sold a load of bacon to one Hurst in Smithfield, Va., and agreed to deliver it. Went home for it and came with it to Hagerstown. Says he went from Hagerstown to Martinsburg. Accounts for going to Martinsburg by saying he had trusted some business to a lawyer in Hagerstown, who went West and left his business with one Luster. He heard Luster was in Martinsburg, and went to see him. He was not there. Then went to Smithfield to deliver his bacon and was taken. Does not know that the purchaser of the bacon lived in Smithfield, but he told him he did. Denies all connection with the U. S. Army. Owes allegiance to Pennsylvania. I suspect this man was a spy, but do not find evidence to try him. I suggest he be held as a prisoner of war.

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Joshua McCumpsey.—This man went with Kurtz; was arrested with him the 18th July. Says he is a canal boatman carrying coal for the Borden Mining Company. Owes allegiance to United States. I think he ought to be held as a prisoner of war.

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James R. Connell.—Born and lives in Loudoun County, Va. Has two brothers and one brother-in-law in our army in the Loudoun Artillery. Went with Kendrick in his market wagon to see his brothers. When Kendrick's whisky was condemned by General Stuart he claimed what Kendrick gave him. Was arrested and sent on here. Is a Southern man. Desired to volunteer, but was rejected because he was disabled. I think this man ought to be discharged on taking the oath of allegiance.

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Thomas Cooper.—Born in Ireland; came to New York in the fall of 1853; staid there two weeks, then came to Washington. Became a citizen of the United States. Remained in Washington until July last, when he became servant to Captain Franklin, of the U. S. Army. Was taken after the battle of Manassas between Manassas and Centreville. Says he did not join U. S. Army. Disabled for military duty by an injury to his hand. Says he never has taken part in the war in any way. Wishes to go home on parole of honor. Was groom in Mr. Buchanan's stables; thinks President Davis knows him. I cannot on the information I have recommend his discharge. I think as he was the servant of an officer, and taken on the battle-field, he should be treated as a prisoner of war.

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Thomas James Martin.—Born in King George or Westmoreland County, Va. Has lived at his mother's in Washington. Says he is a kind of sailor; sailed in Chesapeake Bay, and made a voyage from Baltimore to Rio Janeiro. Says this summer he has been out of employment. Came down to his brothers in King George. Started to go to Washington two or three times and was turned back by our pickets. Fourth time he was arrested. I think this man's intellect is unsettled. He is badly clad, and seems to be suffering for want of clothing. He is not a suitable person to be permitted to go at large about our lines. I recommend he be held as a prisoner until it is ascertained whether he is deranged, and then some humane disposition be made of him.

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Thompson Moulding.—Born in Fairfax County, Va.; has lived in Washington since December, 1858. Boatman. Was taken in Novem-

ber or early in December on a wood boat at Accotink, seeking a load of wood to take to Washington. His second trip. The captain and another hand escaped. Says he could not make a living in any other way. Says he holds up for the South. He hesitates much about taking the oath of allegiance, unless he can be sent to his sister's in Fairfax. He is ignorant, and something of his reluctance may be from ignorance. He says he will be forty-five the 21st February. He looks like a man of from thirty to thirty-five. As this man was taken in an illicit commerce with the enemy, and he does not clearly show an attachment to our cause, I think he should be held as a prisoner of war.

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Albert Peacock.—Says he was born near Baltimore; was taken when a child to Fairfax County. Lives about three miles from Great Falls. Is a farmer; two years previous to the last worked on Danville railroad in Charlotte County, Va. Last year lived at home. On the 26th September was taken prisoner by Northern army; taken to Washington; was discharged fourth day, then took the measles. Remained a month in Washington. Said he was not sick all the time, but going about the streets. Went across the river to Virginia. Stopped at Mr. Croker's, within the Northern lines, until he got well. Started for home and was stopped by Northern pickets. Had a pass to go to the pickets, not through them. A skirmish took place. During the skirmish he passed the pickets with Mr. Croker's son, who had a pass to go through. Was arrested by our scouts before he got home. Declines taking the oath of allegiance because his property would be endangered. Says he is willing to serve with the militia. I think this man ought not to be discharged.

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J. Visser or Wisser.—Born in France. Came to United States twenty-five years ago. Is a naturalized citizen of the United States; has lived in Washington fifteen years. Keeps a fancy store No. 301 Pennsylvania avenue, near old market. Says he owns an interest in a farm near Dranesville. Between 3d and 10th April last went to his farm. Overseer left him and he was compelled to remain. Has not heard from his wife nor any one in Washington since. Knows nothing of the Northern army. Has had no communication with it. Was arrested at his farm. Says he is friendly to the South, but will not take the oath of allegiance. I think he should be held as an alien enemy.

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G. Pollock.—Born in Ohio. Came to Guyandotte to join a regiment which Wheeler was raising for the U. S. service. Was captured at Guyandotte by Colonel Clarkson. This man should I think be held as a prisoner of war.

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S. Gosnell.—Says he was born in Maryland. Is a blacksmith. Came to Virginia twelve years ago. Worked in Petersburg and Richmond. For five years past has carried on his business in Fairfax County near Accotink. Was arrested by a party of [the] South Carolina Legion. Says he is true to the South, rather against secession, but goes with Virginia. Has had no communication with the enemy. Willing to take the oath of allegiance. Has lost the sight of one eye. Mr. Clemens testifies Gosnell worked in Richmond five or six years ago. Was a good, quiet man of good behavior, but not a good workman. Has seen him work in Baltimore. He is proved by J. Weller to be a Baltimorean, but has been absent from that place ten or twelve years. No charge

was made against this man. He says if released he will go up to Manassas to get his tools and return to Richmond or some other place to work. He is willing to take the oath of allegiance. I recommend his discharge on taking the oath of allegiance.

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Abe Hamilton.—Born in Washington. For seventeen years has been a fisherman and boatman on the Potomac. Last summer was fishing in Saul Gibson's boat about Freestone Point, Chopawamsic and Evansport. The fish were taken to the Washington market. Ran one trip from Blackiston's Island to Washington in John Gibson's boat. After the fishing season was over worked in Mason's Neck. Was taken there gathering fodder. Says he is friendly to the South and opposed to the North. Could have joined the Northern army, but would not fight against the South. Wishes to have nothing to do with the war, but if he goes in the army will go into the Southern army. Says he is unwell, suffering from cold and a cough, but if permitted to go to his father's near Stafford Court-House will volunteer when he gets well. Willing to take oath of allegiance. This young man seems to be candid and has excited my sympathies. I can get no information about him except his own examination. From his examination it appears he has spent the summer in fishing for the enemy and in the vicinity of points important to us to keep the enemy from. I will if I can inquire further into his case. At present I must advise he be retained as a prisoner.

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W. Randle.—Born in New York, Madison County. Married Miss Jones, a Welch woman. Moved to Wisconsin on the solicitation of E. R. Jones, his brother-in-law. Moved in the year 1859 to Loudoun County near Fairfax line and near Dranesville. Has not been from home except to go to Dranesville for a year. Has not in any way communicated with the enemy. Is ready to take the oath of allegiance. There is no charge against this man. I have no evidence about him. From his examination I think there is no reason to suspect him, except that he was born in New York and lives in Wisconsin. I recommend his discharge on taking the oath of allegiance.

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E. R. Jones.—Born in Wales. Came to New York in 1850. Married a girl of Welch and German parentage. Settled in Madison County, N. Y. Remained there three years. Did not like the people and came to Virginia in 1856. Settled in Loudoun near the Fairfax line, about two miles from Dranesville. Has kept close at home. Knew nothing of the Northern army. Had no communication with it, direct or indirect. Was arrested and taken to Dranesville. Was there three nights and two days. Was permitted to go about without a guard until several of his neighbors were arrested. Then they were sent to Fairfax, thence to Manassas, thence to Richmond. Does not know for what he was arrested. Says he took the incipient steps to become a citizen of the United States while in New York. Never took the final oaths. Says he is willing to take the oath of allegiance to the Confederate States and the State of Virginia. Says as Virginia could not get her rights she ought to have seceded, though he wished in his heart peace could have been preserved. Says he served in the militia when the Loudoun and Hampshire Railroad was destroyed and aided in taking up the rails. Says William Randle married his sister. Was an easy kind of man and persuaded him to leave Wisconsin and come to Virginia. I recommend Jones be discharged on taking the oath of allegiance.

Thomas McDonough.—Born in Philadelphia; lived in Boston seven years; returned to Philadelphia. In October, 1860, he came South. Worked in Wilmington, N. C., eight months. Left Wilmington in July last. Says he traveled on foot. Went to Raleigh; thence he came to Petersburg and Richmond; thence attempted to go to Baltimore. Was arrested and imprisoned at Frederick and was released. He then attempted to get to Baltimore and was taken at Dumfries and sent here. Says he was in search of work. Will not take the oath of allegiance. I think he should be held as a prisoner.

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F. Fillmer.—Born in Germany; came to America three years since. Lived in Baltimore. Came to Alexandria 19th or 20th April. On the 23d April volunteered in the Virginia volunteers. Was regularly and honorably discharged for disability last fall. Says he went from Richmond to Fauquier to get his clothes. Was arrested and sent here. Says if discharged he will go to work in Richmond. I recommend his discharge on taking the oath of allegiance, but that no transportation be furnished him.

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J. M. Smith.—Says he was born in Alabama; moved when seven years old to Indiana. Came to Pocahontas, Va., to see an uncle and was arrested. After a long examination admitted his uncle was commissary in the Indiana brigade on Cheat Mountain; that he had traveled in a United States Government wagon. He was arrested within the lines of the U. S. Army. Owes his allegiance to the United States. Although I think this man was not candid in his statement as he was not in our lines I do not see how he can be treated as a spy. I recommend he be held as a prisoner of war.

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Daniel Scully.—Born in Ireland; came to Canada 1842. Returned to Ireland and came to New York about 1848. Lived in New York and Canada about ten years. Four years ago was in Virginia and worked for the Loudoun and Hampshire road. Worked at Louisa Court-House. Went to Moore County, N. C., and worked for Sowers. Came to Richmond and worked near here. Last spring went back to North Carolina; then started to go back to New York and Canada. Is a wagon maker. Says he is still a British subject and not a citizen of the United States or Confederate States. Seems reluctant to go to work unless he can be better clothed than he now is. Desires to get to Canada. This man seems to be a harmless wanderer. Perhaps he had better remain in prison until something more can be learned about him.

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Floyd Gerrold.—Aged twenty-one; arrested by Pate's company on the day the fortifications on Coal River near Amos Workman's were taken by Pate's company. Prisoner says that Simon Gerrold, Parris Gerrold, Jackson Gerrold, Irvine Gerrold, Harrison Wall and himself had been hunting cattle in the mountains the day before their arrest. Night came on them near Amos Workman's. They lay down in the woods and slept. In the morning they got breakfast at Amos Workman's. His party each had his hunting rifle. Says several men he did not know breakfasted at Amos Workman's. After breakfast his party started home and were arrested seven or eight miles from Workman's near Gunnoe's. Says he never was a member of the home guard. Never knew of such an organization. Says he and his companions carried their rifles because it was their habit to do so whenever they

went into the mountains. Knew nothing of the fortifications. Had no intention to resist any authorities civil or military. In his examination before me William Workman stated the Gerrolds belonged to the home guard. Of the five Gerrolds, three, Simeon, Jackson and Irvine have died in prison. They are all youths related to each other and from seventeen to twenty-one years of age. I cannot help believing they were part of the force dispersed at Amos Workman's fortifications by Pate's company. But I believe they were dupes of older men engaged in this treacherous rebellion, all of whom except William Workman and Floyd Cook have escaped. I think the boys may hereafter be proper subjects of mercy; but at present, as this country is in possession of the enemy, I cannot recommend their discharge.

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Harrison Wall.—Aged twenty. Another youth arrested with the Gerrolds. His case is similar to Floyd Gerrold and the remarks made on that case apply to this case.

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Samuel Clothier.—Born in Winchester, Va., and lived in that vicinity till he was twenty-one. Went to Lewis County, Va. Was taken at foot of Powell's Mountain, in Nicholas County. Says he went from home to the post-office. While from home a company of Northern troops on the way to Cross-Lanes impressed his wagon and team and his son as driver. Says his son was in bad health, and he could not procure his release except by taking his place. He was promised his release at Sutton. Was taken on to Cross-Lanes and Gauley. There he was discharged on the urgent solicitation of friends from his county, whose teams had also been impressed. On his return a party of scouts from Meadow Bluff arrested him. His team was confiscated and he was sent here as a prisoner. Says he had always been a Democrat, but voted against secession. Never had had anything to do with the Wheeling government. Voted for Jackson Arnold to come to the legislature in Richmond. Arnold was not elected, but went to Wheeling. He is willing to take the oath of allegiance, and as far as he can support the South. Belongs to the old Methodist Church. Did not see cause to quit it when it split. James Bennett, surveyor of Lewis County, former member of the legislature, testifies: Clothier has always been a man of good character for veracity. Had the character of a Union man. His sons, who were of age, were acting as guides and pilots for the Northern troops. Has no doubt if Mr. Clothier takes the oath of allegiance he will firmly adhere to it. He thinks in the present condition of that county Mr. Clothier's discharge on taking the oath will be beneficial. His connection is large and divided. He thinks Mr. Clothier if discharged will procure the release of several secessionists who are prisoners. Has known Clothier thirty years. Mr. J. M. Bennett, auditor of Virginia, has known Clothier near twenty-five years. Says he is a man of truth and honor. If he takes the oath of allegiance will adhere to it. Says he thinks his release will have a good effect. Concurs in the reasons assigned by James Bennett. Mr. Brannon, State senator, has known Clothier twenty years. Says as a man he stood high in society. Is a man of truth. Says when our difficulties occurred he was considered from his associates identified with the Union party. Says Clothier belongs to a church which has created most of the difficulties in that county. Mr. Brannon concurs with Messrs. Bennett in the opinion that Clothier's release now will be beneficial. Rev. Mr. Crooks, a Southern Methodist preacher, who was two years ago preaching in Lewis County, concurs in the opinions of Clothier's character

expressed by the other witnesses. He and Clothier belonged to different churches. Has been absent from Lewis County two years, and can express no opinion on the effect of his release. Believes if he takes the oath of allegiance he will firmly adhere to it. In this case the circumstances under which Clothier was arrested make him clearly liable to be held as a prisoner. The question of his release is therefore one of mercy and policy. Of this question I am not able to judge from information before me; but as the three gentlemen who recommend his release are all leading men in this region, men of character, intelligence, influence and actively identified with our cause in that county, in deference to their judgment and as a matter of mercy and good policy I recommend his release on taking the oath of allegiance.

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Simeon Nelker.—Born in Kalisch, Russian Poland. Educated in part in Kalisch; completed his studies at Berlin; Jewish rabbi. In pursuance of the arrangements of his church traveled before he could assume the full functions of his order. Traveled through Great Britain and in May, 1860, came to New York; staid there two or three weeks, then went through several other cities to New Orleans; went from New Orleans to visit Solomon Franklin of Richland, Ark., who he says is his cousin. Returned to New Orleans; thence to Mobile; traveled through Alabama; went back to New Orleans; then to Saint Louis and through to Canada. Visited the cities of Canada as far as Quebec. Then back through Detroit, Chicago, Saint Louis to New Orleans; then came to Tennessee and through Lynchburg to Warrenton, Fauquier. On his return from Fauquier he was arrested on the cars and sent to Richmond. Says he wishes to go to Solomon Franklin's, in Arkansas, and remain there until the war is over or until he can return to his own country. Says his father is a man of great wealth. Says he never inquired into the condition of our armies, or gave any information, directly or indirectly, to the enemy. I inclose with this examination Provost-Marshal Boyle's order sending him here. Jacob Peck, of Richmond, tailor, testifies: He knew the prisoner in Kalisch. They went to the same school. He is the son of a rich merchant in Kalisch, and was educated as a rabbi. Witness came to the United States several years ago, and has lived in Richmond two years. Samuel H. Rich testifies that he (witness) came to Richmond two years ago. Was to have come to the United States when Nelker left Kalisch but could not get off. Says he knew Nelker. He was educated as a rabbi and traveled according to the regulations of the church before he was fully inducted into his position. Col. Robert Johnson, member of Congress from Arkansas, informs me Solomon Franklin is a firm friend of the South. I recommend Nelker be discharged and be furnished when he requests it with a passport to go by Memphis and Napoleon to Richland, in Arkansas.

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Leonard Noyes.—Born in Connecticut. Went at twelve years of age to New York to learn a trade. Left his master at sixteen. Lived several years in various places in Connecticut. Then went to Key West in a fishing smack. Lived there, fishing, wrecking and working at his trade. Returned to New York. Went to California in a sailing vessel. Returned in another vessel by way of Sandwich Islands. Afterward went to Key West, where he remained as a fisherman, wrecker, &c. Was taken prisoner in a Northern fishing vessel by one of our privateers. Says he owes his allegiance to the United States. I suggest this man be held as a prisoner of war.

Hamilton Smith.—Born in Ohio. Says he came to Guyandotte to bake for a man who had the contract to bake for the regiment Whaley was raising for the United States. Was taken prisoner by Jenkins' men before he commenced baking or concluded a contract to do so. Says he owes his allegiance to Ohio and the United States. I suggest he be held prisoner as an alien enemy.

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Thomas Wauldron.—Born in Ireland; came to Philadelphia in 1851. Has lived in Philadelphia and New Jersey, and a short time in Maryland. Came to Prince William to live with Mr. Cutts. Was arrested at Mr. Cutts'. Says he is a naturalized citizen of the United States and cannot take the oath of allegiance. I suggest he be held as a prisoner.

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Sanford Thomas.—Born in Breckinridge County, Ky. When twelve years old removed to Cass County, Ind. Has for twelve years roved about the country. Lived the last three years in Brown County, Ohio. Was promised the appointment of sutler to Whaley's regiment. Went to Guyandotte to make his arrangements; was taken prisoner before the regiment was raised. I suggest he be held as a prisoner of war.

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G. Thornton, alias Thornton Gunnoe—This man was examined before me on the 7th of January and then stated: He was born in Morgan County, Va.; was raised in Morgan. Lives on Sir John's Run; shoemaker by trade, but sickly and unable to follow his trade. Has worked for several years for the Baltimore and Ohio Railroad repairing track, &c.; quit work when the bridges were destroyed. After he quit work on railroad went to Berkeley County to work in the harvest field for Pitzer and for Sybert. Says he never had anything to do with the Northern men or their friends. Says he went to see his sister-in-law in Frederick, Md., and in so doing passed through the Northern army at Williamsport. Says he was recommended by Richard Gregory, of Hancock, to Mr. Kennedy who gave him a written pass. The men who arrested him destroyed Gregory's letter. On his return came through Middleton, cut off from Hagerstown and Williamsport, and crossed the river way below; does not remember where. Came up through Hancock and around home. His brother, one of the company raised by General Carson's orders, was shot by Rector, a Union man. Says he voted for Michael to go to the legislature and Kennedy to go to Congress. On the 10th (to-day) he was called up again for examination in the presence of Mr. Sherrard, the delegate from Morgan. He had previously passed in prison by the name of G. Thornton. Mr. Sherrard recognized him as Thornton Gunnoe, of Morgan County. Prisoner said he had told the clerk of the prison several times his name was Gunnoe. He said he forgot when examined to tell me so. Gave the same account of his birth and residence he gave on his first examination. Said his brother was killed by Cornelius Spriggs and Henry Rector. Says he got over the river by a pass procured by Gregory. Says Shanks was with him when he was arrested, but Shanks made his escape. Denied he belonged to Dykes' Union company. Had not seen Dykes for four days before his arrest. Says he ran when he was arrested, but did so because he was scared. Admits he was one of the party guarding Capon bridge to prevent it being burned by a parcel of rowdies; but says John B. Stuart, the superintendent, ordered them not to resist if the Confederate troops came to burn it. Mr. Sherrard says Gunnoe is an ignorant man led by the employés of the Baltimore and Ohio Railroad

and others. Says he is a thorough Union man. Says Gunnoe's brother who was killed by Spriggs and Rector was a Union man and was supposed to be killed by mistake, the design being to kill Hunter, a secessionist. Says Gregory who procured the pass for Gunnoe to go to Maryland is now provost marshal of the United States at Hancock. Says Gunnoe was regarded as a harmless, inoffensive man before these difficulties, and his chief fault is his devotion to the Stars and Stripes and being the dupe of the mischievous men who have brought the enemy into that country. I think this man ought not to be released.

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E. E. Hughes.—Born in Rockbridge County, Va.; learned the carpenter's trade; lived two years in the South; visited his mother and removed to Iowa in 1850. Owns a farm which with the stock is worth $7,000; deeded it to his mother. Having heard the people in Virginia were in great want he came to Virginia to take care of his mother. Crossed the Ohio into Cabell County. Got directions from Southern men how to get through the country. Started to go through but was arrested in Logan County. Says he is unwilling to take the oath of allegiance because he might lose his property. This man is candid and honest. If he had taken the oath I would have recommended his release. I must advise he be held as an alien enemy prisoner.

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C. Rodman.—Born in Rhode Island; came to Virginia in May last. His examination corresponds closely with a letter herewith inclosed.* He refuses to take the oath of allegiance. I think this man liable to be held as a prisoner and I do not see how mercy can be extended to him. But in consideration of his good conduct I should be pleased to see him exchanged as soon as the enemy will exchange.

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Caleb N. Stevenson.—Born in Cabell County, Va., now Wayne; lives six miles and a half from Guyandotte. Was arrested by Capt. Vincent Witcher's company; for what he does not know. Voted for the Union because he was told it would keep war out of Virginia, but when Virginia went out of the Union he went with her. Had nothing to do with the Northern army or their friends. Staid close at home to keep out of their way. Ready to take the oath of allegiance. Mr. Laidly, delegate from Cabell, says prisoner is an ignorant, obscure man, but honest, and has kept himself very quiet in the disturbances in that county. Says Captain Witcher's company is one of independent scouts and are supposed to be indiscriminate in their arrests. I recommend this man be discharged on taking the oath of allegiance.

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William A. Dolby.—Eighteen years old; born in Hardy County; lives on Patterson's Creek. Says his father is a Union man. He is a secessionist. A man named Michael, his cousin, was killed by the militia of Hardy. His father was much enraged and compelled him to join the Union guard under D. Shell. Says his father threatened to turn him away from home if he did not join. He is crippled in his left hip and shoulder, and feared he could not make a living. He joined the guard and had a musket given him. The article signed by him only bound him to defend property from marauders not belonging to either army. Would not have joined the guard if he had been required to make war on the South. He is just out of the hospital and has a bad cough. I believe this young man's story, but as he was taken with arms in his

* See p. 1383 for Rodman's statement.

hands he is properly a prisoner of war. I would recommend him to further mercy if I saw how it could be properly extended. For the present I must advise he be held as a prisoner.

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Oliver Jarrett.—Lives on Cabin Creek, Kanawha County, six miles above its mouth. Voted against secession, but when State seceded went with it. Has never had anything to do with Northern troops. Once saw a party passing down the creek, but he kept out of their way. Has been from home once to buy groceries. Went to Malden; saw no Northern troops there. Willing to take the oath of allegiance. I recommend this man be discharged on taking the oath.

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Seth Jarrett.—Brother of the above; makes the same statement with his brother, except he says when Wise's Legion was on the Kanawha he worked to fix guns and swords for Slusher Brady, Augustus Manser and other persons who were going to join the Southern army. Will take the oath of allegiance. I recommend his discharge on taking the oath. Note that these men were in the hospital when the other Paint and Cabin Creek men were examined, and the general remarks I made as to those men apply to the two now under consideration, viz, I think all these men were removed as a measure of precaution when our army was on the Kanawha.

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James M. Cornan.—Born in Greenbrier County; removed to Nicholas County; is a farmer. Says he did not vote on the question of secession. Was a Union man until Virginia seceded; now he is for the Confederacy. Says he was arrested at home. When the enemy took possession of the county they camped near his house. He says they came to his house in search of corn. He could not resist them and permitted them to take what they wanted, and they told him if he would go to their camp they would give him coffee for the corn they had taken. He went to the camp and got coffee. Says he served in the militia till he was honorably discharged by his commanding officer. He has a brother serving in the Wise Legion. He is willing to take the oath of allegiance. Mr. Alderson, senator in the State legislature, and Mr. Robinson, prosecuting attorney, both give this man a high character for integrity and veracity and say he has the character of a Southern man. I recommend his discharge on taking the oath of allegiance.

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W. L. Watson.—On prison books D. Wartrous. Was born and raised in New York. Left there early in July last. Came through Philadelphia, Wilmington, Baltimore to Washington. Says he swam across the river between Chain Bridge and the Aqueduct. Went to our pickets. Was taken to General Bonham's camp with a view of coming to Richmond to work. Was a member of the workingmen's committee. Was opposed to the policy of Lincoln. Sustained the course of South Carolina and was compelled to flee from New York because of his political opinions. Says he was master mechanic on the Panama Railroad. Was in Cuba as a steam-boat architect and in Mexico building lighters for the Pacific steam-boats. In each of these places he was involved in political troubles and made his escape from prisons. His last employment in New York was as engine dispatcher on the New York and Erie Railroad. Says he was a voluntary contributor to the New York Daily News. Thinks it probable General Smith would know him. Says he has a plan for steam-boats which he thinks might put

an end to the war. Says he left the plan in Washington with a friend with directions to send it to Richmond if he heard from him in two weeks. If not to return it to New York. Expresses an unwillingness to submit his plan to navy officers because of their prejudices. Prefers submitting it to merchants in Charleston and Savannah, but says he will submit it to naval men if relieved of suspicion and from confinement. He will not take the oath of allegiance to the Confederate States but desires to be released on his parole of honor. In this case it is clear the prisoner is an alien enemy, and as such may be rightfully held. It is not clear he is not a spy, but as General Smith's testimony may show him to be a political refugee I hope he will be written to on the subject. I cannot recommend his discharge, and for the present I recommend he be held as a prisoner.

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James Kincaid.—Boy of sixteen; born in Fayette County; son of James Kincaid; lives on head of Loop Creek. Says he never had anything to do with the enemy or the home guard. Was arrested in August; has been in jail since. Willing to take the oath of allegiance. Colonel Coleman says this boy lives in a disaffected neighborhood. His father is a quiet man, and it is understood he and his family are not of the disaffected party. I recommend his discharge on taking the oath of allegiance.

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Thomas H. Duke.—Born in Shepherdstown; raised there, and worked in the mill of Alexander Boteler until July, 1860; then went to Antietam Mills, in Maryland. Staid there till Christmas, 1860; then returned to Shepherdstown and worked for two months for William Sherrard; then went back to Antietam Mills and worked off and on there until harvest; then went back to Antietam and worked until he came over to see his mother, when he was arrested. Says he got there on Thursday and was taken on Friday, and taken to Colonel Ashby's camp. This boy is strongly suspected to have guided the party that seized Capt. Alexander Boteler when he (Captain Boteler) was taken by the Massachusetts men. Duke acknowledges he came over that night and returned the next morning. He denies all connection with the affair, and says the party was led by one Kezer, a deserter. He is also suspected to have come over when he was taken as a guide to a party intending to attack Colonel Ashby's camp. He admits he was with the party, and escaped them by promising to return; but says he gave information to prevent Ashby's surprise. Says he was with the same party when they crossed the river some nights before; that he was compelled to go with them but pretended he did not know the road and they turned back. I do not like this boy's manner, and strongly suspect him to be in complicity with the enemy in these two affairs. He is near twenty-one years old. Is willing to take the oath of allegiance and is desirous to enlist. I think the best disposition that can be made of him is to permit him to enlist provided he is sent to the South.

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George W. Smith.—Born in Albemarle County, Va.; lived in Augusta and Rockingham; volunteered; was sent to Harper's Ferry; was discharged by the surgeon of his regiment; went home and worked as a hand till the corn crop was laid by, and then went to hunt the soldiers; was taken up by some wagoners and brought here. This is the account this young man gives of himself. He is I think of feeble and deranged intellect. I would advise he be examined by a medical board, and if it be proper to do so, he be sent back to Augusta County.

Edward Barnes.—Says he was born and raised in Upper Canada. Left Canada a year ago last summer. Worked two weeks in New York. Came through Pennsylvania by way of Pittsburg to Virginia. Gives no account of the route he traveled. Professes great ignorance of his route. Evades every question asked. Says he worked ten months for Mr. McLaughlin, in Pocahontas, on Tygart's Valley River. Says he was arrested in Pocahontas, and afterward said he was arrested near Meadow Bluff. I believe this man is a spy, but I have no information of the time or place of his arrest or of the charges against him. My conclusion is formed from his examination. I must express a regret that officers in command send citizen prisoners here without any evidence or reports that may aid in ascertaining their true character. I would advise this man be held as a prisoner.

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Joseph F. Griffin.—Says he was born in Eaton, Ohio. Was arrested at Gauley Bridge. Pretends to be stupid. I think he is acting a part. I have no return or information about him. I recommend he be held as a prisoner and further inquiry be made about him.

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Armstead Magaha.—Born in Loudoun County, Va. Lives a mile and a half from Lovettsville, between that and the river. Says he carries on a blacksmith shop at Berlin, in Maryland. Has done so for five years. Rents the shop from year to year. His lease expired last Christmas. Before the bridge was burned at Berlin he crossed every day. Says after the bridge was burned he boarded in Berlin and crossed frequently until the enemy's pickets were placed on the river. Says since the 1st of July he never crossed until the night he was taken. Says he got a skiff and evaded pickets. Afterward he said on the night he was taken was permitted by the captain in command of the pickets to cross in company with Rouse, Smith and Slater. They got a skiff and crossed. They promised the captain to return that night. Says they had nothing to do with the gondola boat. Were going to their skiff when arrested. Says he had about $2,000 due him for work on the Maryland side of the river and his object in remaining there was to secure it. I submit the report of General Hill and the affidavits of S. Price and S. Crumbaker. I recommend this man to be held as a prisoner.

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E. Rouse.—Lives in Lovettsville, Loudoun County, Va. Says for thirty years he has worked as a carpenter in Berlin at times. This spring did some work for C. F. Weimer, and early in July went to finish a house for him and worked until within a month past. The enemy would not permit him to return. Says on the night he returned he, Magaha, Slater and Smith were permitted to come over on promise to return that night. They got a skiff and came over and on their return were arrested. Denies they had anything to do with the gondola boat. I refer to General Hill's report and the affidavits of Price and Crumbaker filed with it. I recommend this man be held as a prisoner.

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W. J. Working.—Born in Adams County, Pa. Lived there till he was twenty-one; then his father moved to Frederick County, Md. Says he lived in Hamilton, west of Leesburg. Went to Maryland some time in July. Was sick two weeks and when he desired to return could not get permission to pass the pickets. At last a corporal put him secretly over the river. Says he has forgotten the corporal's name. I file the affidavit of Elijah White and refer to General Hill's report. I think this man ought not to be discharged.

[Indorsement.]

JANUARY 16, 1862.

Acted on and James M. Cornan and James Kincaid ordered to be discharged.

R. O[ULD].

JANUARY 19.—George W. Smith ordered to be discharged.

R. O.

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Miles Johnson.—Was born on Loop Creek; son of William Johnson. Was arrested at Light's Mill on Loop Creek. Had gone to get corn ground. Never had anything to do with the home guard. Never saw the paper or had anything to do with it. Did not know who were in it except from reports. Is Southern and willing to take the oath of allegiance. Went to Paint Creek to his uncle's, Jesse Jarrett, to help him in his work. Was there the first time the Caskie Rangers were in his neighborhood. Says the Southern soldiers have been at his house. He boarded the men. Sold them all his potatoes and gave them his apples. Says the Northern soldiers passed up the creek on which he lives once. Did not serve in the militia when called out because he did not get notice. Witness A. C. Bailey, captain of militia in Fayette County, says Miles Johnson is a man of good character; knows little of his position. The neighborhood is disloyal and Johnson has to keep very quiet. His father-in-law is a firm Southern man and his father is also Southern. Captain Caskie, of Caskie Rangers, by whose troops he was arrested, has heard of no act of disloyalty and thinks he might properly be discharged. I recommend his discharge on taking the oath of allegiance.

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James Morris Fayette.—Says he was born in Patrick County, Va. When he was twelve years old his father moved to Marsh Fork of Coal River. Prisoner says he now lives on Sand Lick Creek, a fork of Coal River. Says he was arrested at home by a part of Phelps' company. They stated he was a deserter from Captain Adams' company. Says he was with Adams' company awhile, perhaps a month. Mustered with them but never signed a paper or was sworn in. Says he was never regularly mustered into service. He says when Wise retreated from Kanawha his captain gave his company leave to go home, but to meet again to go to Greenbrier. Says only twenty-four met at place of rendezvous. He was sent by the captain to get fifteen of the men to return. Names eight only of them. He represents he was riding about the county hunting for these men until he was arrested. Says he was three times at Jacob Petries'. Was on Paint Creek the 15th of October; cannot tell why. Was at Brownstown purchasing goods for his family. Does not remember from whom he bought them or whether it was from an old store or one newly established. Will not tell where he was the day before his arrest. (Note.—He was arrested on the 25th of October; the 24th, the day before, was the day of the election held by the usurping government of Wheeling.) Captain Bailey says he knew the prisoner as a citizen and a soldier. As a citizen he was generally regarded as a dissipated man. As a soldier all he knows was stated by Captain Adams before a court-martial in which this man's case was heard. He was regarded as a faithful soldier until his desertion. Says the case was postponed by the court until further evidence. After the prisoner was sent to the guard room Doctor Moss, who had been requested to appear as a witness, appeared. Doctor Moss said he came to the pris-

oner's house immediately after his arrest and the soldiers who arrested him found an Enfield musket and a Northern uniform in his house. The prisoner was re-examined and stated the musket and uniform were left the night before in his absence by one William Workman, a cousin of the man now in prison. What they were left at his house for he does not know. I called at the adjutant-general's office but the adjutant-general and Colonel Chilton were out and I was informed there were no returns of Adams' company in the office, but the clerk made no examination. In this case I am satisfied that Morris is a deserter from Adams' [company], Floyd's brigade, and that after his desertion he was actively going about the country and among the disaffected tories and was on the Kanawha near the enemy. He does not account for the uniform and Enfield musket found in his possession. I think he should be held and further inquiries be made to bring him to justice as a deserter who joined the enemy.

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Isaac Slater.—Aged eighteen; born in Loudoun County. For the past five years lived in Lovettsville as a clerk for Stoneburner. Soon after the 19th of April says he went to Washington to stay with his father, who is a clerk with A. & T. A. Richards, brickmakers. Says his father is poor and he had been in the habit of sending him his wages, and fearing trouble he went to his father to aid him. Says he staid in Washington till 14th of August when he went to Berlin, in Maryland. Was a clerk there for Hoffman & Howell; then for C. F. Weimer, and lived with him till he was taken. Came over with three other persons to see his friends and acquaintances the night he was captured. They got permission from a Northern captain to come. Came in a skiff; knew nothing of the gondola boat. Was taken going past it to the skiff. Says he came across two or three times before. Denies any participation in taking Stoneburner's horse. Says he was in Berlin when it was taken. Says he never thought of citizenship. Was willing to take the oath of allegiance if I would advise him to do so. Says William Smith who was taken with him is his cousin. Refers for his good character to H. M. Fellers, Jacob Stoneburner and various other citizens of Loudoun. Is much subdued and anxious to be released. I file the affidavit of Cruzen. I refer to General Hill's report and deposition. I think favorably of this young man's deportment and apparent candor on his trial. If I could see how with propriety he could be discharged from prison I would suggest it; but although my sympathy for him is strong no mode of extending mercy to him occurs to me. I must suggest that he be held as a prisoner.

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William Smith.—Born in Loudoun; went to Maryland 17th of June. Says he staid below Fredericktown working on the farm of his stepmother's brother. Several times came to Berlin. Crossed over 2d of August; returned 4th of August. Was not interrupted by the pickets. Crossed again when he was arrested. This is one of the men sent by General Hill. I refer to his letter and the affidavits filed with my last report, especially Crumbaker's. The impression of this man's character made on me by his examination is that he is a bold, artful, unscrupulous man who went over to the enemy when the militia were called out. I think he is able to play the part of a spy. I recommend he be held as a prisoner.

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Robert Power.—Born in Loudoun County. His father lives six miles from Leesburg. For more than a year prisoner has lived at his uncle's,

Thomas Gheen, four miles from Centreville, working on his farm. Says before Christmas he went up to his aunt's, Mrs. Rose, of Loudoun, to get some money. His aunt gave him some eggs which he took to the post nearest to him to sell. He was arrested and taken to Colonel O'Neal, of the Ninth Alabama Regiment. Was told they were in search of Shelton Ambler, who had passed Indiana money on some of the soldiers. Suspected him to be a partner of Ambler's; thought he had given notice to Ambler, and suspected him to be a spy. Declares he is innocent of the charges. Says he has never had anything to do with the enemy. Says last summer he was at his brother-in-law's, Bodine, and saw the tents across the river. He was at Leesburg and saw the Yankee prisoners brought in after the battle. These are the only times he has seen Yankees. Has a brother and several brothers-in-law in the Southern army. His brother is in Mead's Loudoun Cavalry. Two of his brothers-in-law are in the Loudoun Artillery. Is willing to take the oath of allegiance. Mr. Huntt, delegate from Fairfax, says he does not know this young man, but he knows Gheen, his uncle with whom he worked the last year, is true to the South. Colonel Ball, of the senate, from Loudoun, says his brother and several of his brothers-in-law are in the Southern army. His whole connections are faithful Southern people. Does not know him. Colonel Ball handed me the petition of Power's brother for his release and the petition of officers and men of the Eighth Virginia Regiment for his release, herewith sent. This young man is modest, and I think true and honest from his examination before me. No charge has been sent on with him. I unhesitatingly recommend his release.

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Charles Holland.—Born in Saratoga, N. Y.; his father is an Englishman; came to Prince William County, Va., when prisoner was a child; prisoner is now twenty-six years old; lives five miles from Occoquan. Says he was arrested under a charge of selling spirits to men in Hampton's Legion. Says he was imprisoned and afterward acquitted of that charge, and when he was about to be dismissed he was accused of disloyalty and sent on on that charge. He says he fell under bad influences about Occoquan, and under false information he voted for Lincoln and against secession. Says he has repented sorely of these votes and goes cordially and earnestly with the South. Says his brother is a volunteer in the Southern army. He (prisoner) offered to volunteer but was rejected because his leg is so injured he cannot perform military duty. Is willing to take the oath of allegiance. Says he lives within our lines and has never crossed them. Since the war began he has never been two miles from home. Capt. Aylett Nichol, of the Prince William Militia, examined as a witness, says Holland has a brother in the Southern army who stands high as a soldier. Says prisoner's general character is good; has seen him rarely since the war commenced; has heard reports unfavorable to his political character; has heard that before the war he was involved with the Underwood party. Mr. William E. Goodwin, sheriff of Prince William, says Holland has a brother in the army who is a good and faithful soldier; says he conversed with the prisoner last spring and summer and reprimanded him for his votes. Prisoner said he had been misled and was very sorry for what he had done; said he wished to go into the army with his brother but his disabled leg prevented his doing so. Witness says he has been frequently in the prisoner's neighborhood and has kept his eye on him in consequence of his vote, and he believes Holland has staid quietly at home and has not been connected with the Northern army

or with its friends. Says the prisoner is a man of good general character. Mr. Lynn, delegate from Prince William, says prisoner acted with the Underwood party up to the secession vote. After the course of Virginia was known prisoner declared he had been misled; expressed his sorrow for his course and his determination to stand by the South. He says in consequence of prisoner's votes witness watched his course. He says Holland separated from his Union associates; remained quietly at home; most of his associates ran off; he believes Holland has behaved quietly and properly since the war. All three of these gentlemen think if Holland takes the oath of allegiance he will keep it faithfully. They say he is a man of truth. There is no charge filed against Holland. His vote for Lincoln indicates a state of political feeling when it was given which subjects him to suspicion then and ever afterward, but it is not an offense for which he can be legally punished. It certainly would give an unfavorable color to any subsequent offense; but the man expresses penitence. He has been closely watched and nothing wrong observed in his conduct. Under the circumstances before me I do not see how he can be held as a prisoner without trampling on the constitutional rights of citizens. I recommend his discharge.

NOTE.—After this report was prepared I received the papers sent me herewith in an envelope. I have examined these papers and they have not materially affected my opinion. The omission of Slater's name in Stoneburner's affidavit is unfavorable to him. Magaha's statement that he had rented a shop in Berlin is confirmed, but it was to say the least a serious error in him if he was true to the South to attempt to carry on business in the enemy's lines. His crossing back and forward afforded opportunities for communication with the enemy that might seriously endanger our interests. In the affidavits submitted some revengeful expressions are proved to have been made by him. I think it probable if the enemy had arrested him in Berlin he could have made a much stronger case of fidelity to them than he has to us.

[Indorsement.]

JANUARY 19, 1862.

Acted on, and Miles Johnson, Robert Power and Charles Holland ordered to be released.

R[OBERT] O[ULD].

Samuel Reeves.—Cripple; age twenty-four; born in Prince William, at Occoquan; arrested by Prince William Cavalry. Says he was told he was arrested on suspicion of infidelity. Voted for Lincoln; expressed penitence for his vote. Voted for reference to the people of the action of the convention. Did not vote on question of secession because he found he was going wrong and wanted to separate from the persons who had deceived him. Says his father is a shoemaker, and he (prisoner) has been a cripple since he was two years old. Depends on his father for his support. Usually voted with his father, but got to drinking with Gould and other Northern men. They persuaded him Lincoln was the best man for the Presidency and would make money plenty and give him good employment. His only occupation has been on wood boats and fishing. Has not been on a wood boat for a year. Has been fishing since the difficulties commenced with Captain Gray and Marshal Davis. Did not go out of Occoquan Bay but once, and then went only three-fourths of a mile out. Caught nothing but white perch. Met no boats except boats from Occoquan. Had no communica-

tion of any kind with the enemy or persons connected with them. Had no communication with Mr. Abe Lincoln associates. Has completely separated himself from them, and goes with the South. Is willing to take the oath of allegiance. Mr. Lynn, delegate from Prince William, says he knows the father of this man well. He knew his brother well. They are all men of truth and true Southern men. He knew less of the prisoner. He has always been a cripple. He was led off by the Underwood party. They had plenty of money and prisoner was led to frolic and associate with them. He voted with them until the troubles began. He then separated from them and has since continued separate from them. He knows when that party left prisoner could have left with them, but he chose to separate himself from them. He says prisoner in consequence of his vote and association with the Underwood party has been watched, and is satisfied he has behaved with propriety since our troubles began. He says the village of Occoquan is purified from the tories and the prisoner could not communicate with the enemy if he wished, but thinks he does not wish. He thinks this man is a man of truth and integrity. In this case there are no charges against the prisoner. There is no evidence he has committed any offense either against Virginia since secession or against the Confederate Government. He is too much crippled to be a soldier, and from Mr. Lynn's testimony cannot do injury as a spy if he were so disposed. He seems to be honest and truthful. I recommend his discharge on taking the oath of allegiance.

[Indorsement.]

JANUARY 21, 1862.

Acted on and Samuel Reeves ordered to be discharged.

ROBT. OULD,
Assistant Secretary of War.

Robert Scott.—Born in Monongalia County, Va. Went to Maryland. Enlisted in the Regular Army of the United States. Served in the Mexican war in Company F, Third Artillery. Was discharged in California in 1849. Has lived in California until March last, then came through Texas to Fort Smith. At Fort Smith found General McCulloch's courier was sick. Carried dispatches back to Texas. From Fort Smith came to Tazewell County, Va. There for a month he drove cattle from Tazewell to Chapman's army. Hansbarger employed him from Chapman. Says he was discharged from this service at the Salt Sulphur Springs, in Monroe. Went to Lewisburg, Greenbrier County, where he was arrested and discharged. Then he went to Frankford, Greenbrier County, where he was arrested by citizens; his horse, saddle, bridle, revolver and bowie-knife taken from him and he was sent on here. General Chapman says this man was employed by Hansbarger to drive cattle from Tazewell to Monroe for General C.'s brigade. Says he was mounted on a mustang and he had a Mexican saddle. He did not suspect anything wrong. General Haymond informs me the Scott family of Monongalia are Southern in their feeling. Two Scotts were in the Regular Army in Mexico. He was not present at the examination, and did not know whether this man was one of them. Scott is willing to take the oath of allegiance. Says if his horse, saddle and bowie-knife and pistol are returned he would be willing to volunteer in a cavalry company; but he is forty-two years old, and would not be willing to serve in an artillery or infantry company. Assuming this man's

statement to be true as far as it goes he is a citizen of California. Has traversed the whole extent of the Confederacy. Has not disclosed his purposes and intentions to any one. He ought therefore to be dealt with as an alien enemy passing through the country improperly. But I am not satisfied his statement is true. His account of his trip from California through Texas to Fort Smith and from Fort Smith to Tazewell is too meager to be satisfactory. I cannot avoid the suspicion he is a spy. For the present I recommend he be held as a prisoner of war.

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Caleb Wriston.—Born in Fayette County. Raised on the Clear Fork of Coal River. Now lives on Johnson's Branch of Loop Creek, near its head. Says he has been at home all summer except to go to mill and to go twice to his father's on the Clear Fork of Coal. Says he moved last spring from Paint Creek and this spring has had part of his crop on the place from which he moved, four or five miles from where he now lives. Does not know who were members of the home guard except from report. Saw the Northern troops the day he was arrested. They were stationed on Loop Creek. William Johnson, prisoner's brother, John Wriston, prisoner and another neighbor came down the branch going to mill. They were stopped by the pickets and on request of William Johnson were suffered to pass. Did not hear the conversation between Johnson and the officers. Does not know what Johnson said. They went to the mill and were arrested by Caskie Rangers. He says this was the only time he ever saw the Northern troops. Another time they came up Loop Creek but he did not see them. He says when Caskie Rangers before this came up Loop Creek all the men on the creek ran off. The men on Johnson's Branch remained at home. Says when Jenkins' cavalry came up the branch he sold them his grain and gave them his apples. The Northern men afterward threatened the men on the branch with destruction because they were "secesh." Captain Caskie and Mr. Ticknor, private in the Caskie Rangers, aided me in this examination. Both of them say they know nothing against this man. I recommend his discharge on taking the oath of allegiance.

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John Wriston.—Born on Clear Fork of Coal River. Lives on Johnson's Branch of Loop Creek. Says [he] voted against the ordinance of secession but when the State went out he went with it. Says he has not been from home this summer except to go to places in the neighborhood. Had nothing to do with the home guards; knows only from report who belong to it. Says he saw the Northern troops the day he was arrested. Says he went with his brother Caleb and Mr. Johnson to mill. Does not know what Johnson said to induce the pickets to let them pass. Denies there was any concerted story. Says he went to mill because he was out of meal. He was arrested at the mill by Caskie Rangers. Says he saw the Northern troops at another time. They came up the creek. He had gone to a neighbor's to get some snap beans and saw them pass. Never gave information in any way to the enemy. Captain Caskie and Mr. Ticknor, private in Caskie Rangers, know nothing against this man. There is another John Wriston, the uncle of this man, living on Paint Creek who has been active in aiding the enemy, and another man of the name of Wriston whom it was desired to arrest. I think it probable these two men have been supposed to be the two dangerous men. I have no information which justifies holding this man a prisoner. I therefore recommend his discharge on taking oath of allegiance.

J. B. Bowman (re-examined).—After using all exertions to get newspaper article in reference to Bowman I re-examined him without it. The letter of Mr. Moore was shown him. He said on the Wednesday preceding the battle of the 21st the First and Second New Jersey Regiments were stationed at his house. On Sunday morning the colonel of the Second New Jersey Regiment impressed his team to take a surgeon to Centreville. He could not resist because he says as he said before his team had been used in the service of the Confederate Government. He says his negro driver ran off on the day the New Jersey regiment came to his house. He was told if he did not go they would find a driver for his team. He feared he would lose his team if this was done. He hitched up his Jersey wagon to go. While he was doing this the surgeon asked him to take two gentlemen along who would pay him well. He agreed to do so. They turned out to be reporters. He says on the way Mr. Moore fell in behind them on horseback and went to a relation's. Prisoner says he went to Centreville and immediately returned, getting home to dinner. He further says he told me he had gone with this party to Centreville that day. I asked him if he was willing to move his family back into the interior of the county and remain in the Confederacy. He replied he could not get his family out of the enemy's lines. Said his father-in-law is an Englishman, living in New York and taking no part in this war, and able and willing to give him and his family the means of support. Says he wishes to be discharged on his parole not to aid in this war. He expresses now reluctance to take the oath of allegiance. Says the enemy have taken his property. If he takes the oath he will not be paid for it. Expresses a wish to go to New York. Says two of his neighbors are prisoners in Washington. If released on his parole he will procure the release of one of them.

Case: On this examination I must say I do not recollect his stating to me he was at Centreville the day of the battle. He did tell me the First and Second New Jersey Regiments were at his house and impressed his team for the service of the enemy. I remember he told me the negro had run off. But I do not remember his telling me this in connection with the battle at Centreville. His account of that matter now is clear and distinct, and on it I might have recommended his release on condition of removing into the interior of the State if he had manifested now the same interest in the Confederacy that he did on his former examination. But when tested with this proposition his heart appears to be with the North. I cannot with my present views recommend his discharge.

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William H. Williamson (heretofore examined.)—I return herewith a pencil note received from Williamson. He expresses a desire to go to work here as a shoemaker if he cannot return home. I recommend his release on condition he does not go within our lines on the Potomac without special permission of the commanding general to go there and remove his family. If it would not be improper I would suggest whenever this can be done it is the best disposition which can be made of all persons on the theater of action who may have incurred the suspicion of the commanding officers.

[Indorsement.]

JANUARY 25, 1862.

Acted on, and Caleb Wriston, John Wriston and W. H. Williamson ordered to be released.

ROBT. OULD,
Assistant Secretary of War.

James Mayner.—Says he was born in Raleigh [County], on Clear Fork of Coal River. Raised where he was born. Was arrested half a mile from home at John Stover's. Two men were with him, Sampson Stover and Creed Mayner. Creed Mayner ran and was shot. Sampson Stover was arrested with prisoner but afterward discharged. Says for the last year he lived with his brother on the Pound Fork of Sandy, in Wise County. There are no Union men there. Says he is not a Union man—is a Southern man. Never had anything to do with the home quarrel. Had not been at home two weeks when he was arrested. Heard Captain Dunbar, who lives on Coal River, was trying to get up a Union company, but he, prisoner, had nothing to do with it. Heard this from some men who had been down on Coal, but he would have nothing to do with it. Says he saw Dunbar once after he came home but had no conversation with him. Is willing to take the oath of allegiance. Heard an election for the Wheeling government was to be held on Coal River but he did not have anything to do with it. Captain Linkons of his neighborhood says this boy was away from home, he supposes in Wise County, when the Union company was formed. As there is no charge against this youth and I can find no one who makes any charge and as he seems to be fair and truthful I recommend his discharge.

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Jasper Melum.—Not sixteen years old. Had on a Northern fatigue uniform. Says Captain Dunbar gave him this uniform and a gun. Says he had not volunteered or joined Dunbar's company. Says Dunbar was recruiting for the Northern army and his company had been stationed at Charleston. Says he was arrested at Jacob Harper's, on marshes of Coal River. Says part of the company had been on Coal River and he had been with them. He was taken up by two citizens. Captain Linkons testifies this boy was suspected to be one of a company Capt. William Dunbar was raising for the U. S. army on Coal River. This boy seems to be truthful and honest and well disposed, but I do not see how he can be discharged. I recommend he be held as a prisoner of war.

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Otey Fellows.—Born in Patrick County, Va. Lived in Montgomery County. Married a Cassidy. Moved to Fayette. Lives on Laurel Creek. Says Kennedy Cassidy and James Cassidy, his brothers-in-law, were decidedly for the United States and against the Confederate States. Says he did not agree with them in opinion, but wanted to be neutral between the United States and Confederate States. Says a home guard under command of James Cassidy, his brother-in-law, was gotten up in his neighborhood. Was asked by Kennedy Cassidy and others to join it. Says he told them they might put his name down. Says he sent three sons to the Southern army. They were volunteers in Captain Adams' company, Wise's brigade. One was wounded at the battle of Scary[town] and died from his wounds. Of the other two he first said he did not know what had become of them. Afterward he admitted they came to his home. Said Captain Adams had permitted him to go home to rejoin his company and go to the White Sulphur Springs. Said the enemy took possession of Fayette Court-House and his sons could not join the army. It afterward appeared from the examination of the prisoner by Captain Caskie that the enemy remained only one day at Fayette Court-House and his sons had remained in the county, making prisoner's house their home, but had visited the enemy and had piloted them in their invasions of this part of the country, and on one occasion when the Yankees took a double-barreled shotgun

his son James got it, and this gun was taken to his house. Capt. Robert Caskie, of Caskie Rangers, says he heard a Union company had been formed in this neighborhood. Sent a detachment composed of militia and some men from his rangers to disperse them. They were fired on near Fellows' blacksmith shop; returned the fire, took some prisoners and returned next day. He sent a detachment to arrest the men suspected to have been at the shop. The prisoner was arrested by them. Mr. Ticknor, private in Captain Caskie's rangers, says he was one of the party that arrested Fellows. They went to Fellows' house. Ticknor was born in New York. When they entered the house the females asked him who he was. He told them he was from the North. Was told prisoner was in the yard. He was found there on his way down to Lieutenant Woods' party. Witness asked prisoner if he was one of those who was firing last night. Prisoner told him he was asleep in his blacksmith shop. That he came out and had a good chance to fire with his barrels, but did not know who the parties were. If he had known it was Sam Woods and his damned rebels he would have let them have both barrels. Says Spragg Laurence was a noted Union man acting as a scout for the Northern army, and made Fellows' house his headquarters. Prisoner on this statement said he was at his shop near Cassidy mill that night. Some of James Cassidy's home guard were there. Says his two sons were there, Spragg Laurence was there, and Kennedy Cassidy and his son James Arthur and one of his sons. Ben Mallory and his son were there. Denies he had a double-barreled gun. Says when he told Ticknor if he had thought it was Woods and his damned rebels he would have fired both barrels he did not know Ticknor was a Southerner; he thought he was a Yankee. If he had thought he was a Southern man he never would have called them rebels. Says he was in a hard place. Had to make fair weather with both parties. Says he could not fight either army and had to do the best he could. Says when the firing began he was in the shop. It was so dark he could not find his gun, and got out and went home without it. I think this old man desires to hold with both sides, but the influence of his brothers-in-law, the Cassidys, made him go over to the enemy. He has joined the home guard and was found with them in arms. I recommend he be held as a prisoner of war.

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Kennedy Cassidy.—Is a local preacher of the Northern Methodist Church. Says a man named Gregg was the circuit rider in 1859–60. Says he was from Pennsylvania; spent much of his time in trading in lumber at Point Pleasant and much in geologizing. Says he did not fill Gregg's appointments when he was geologizing, but says he did when he was at Point Pleasant selling lumber. (Note.—From several prisoners and citizens I learn Gregg had made minute and accurate maps of this portion of the State which are in the hands of the enemy, and this man Cassidy filled his appointments while he was doing this.) Cassidy denies he knew anything of Gregg's making maps. Denies he was a member of James Cassidy's home guards. Denies all connection with the Union troops or Northern army. He says he went to Montgomery in Kanawha County about the middle of August. Arthur, Spragg Laurence and James Cassidy were with him. Went to hear Colonel Ruffner speak. (Note.—Colonel Ruffner was an active officer of the Wheeling government.) Ruffner did not speak. They were stopped by Yankee pickets. A man they called Cop appeared. Says it is likely some of the party had some conversation with him. It is likely they

had some conversation about arms left by Governor Wise when he retreated from Kanawha. They all were permitted to pass through the pickets and return. Says the night he was taken he was in James Cassidy's mill grinding corn. There was a swell in the creek and they had to take advantage of it. There had been a long drought previously. He heard some firing. Says he does not know by whom. Got a musket which was hid in the mill; started home. Heard somebody making a noise first like a whippoorwill, then like an owl. Thought it was some of the Fellows boys trying his nerves. Went to them and was taken prisoner. Captain Caskie proves he sent out this party composed of militia and some of his rangers, under command of Lieutenant Woods of the militia. The party reported they had been fired on and returned the fire and took two prisoners. Cassidy was one of the prisoners. Mr. Ticknor says he was of the party. They were fired on near the mill and blacksmith shop. Some of the party gave the signal of the tories by imitating the whip-poor-will and owl. Kennedy Cassidy came across the bridge to them and was taken. He was armed with a Virginia musket marked "Princess Anne." Cassidy, being examined, said the musket was left in the mill by James Fellows. It might be the musket he had when he left the army or one gotten from deserters after Wise's retreat, or one gotten at Gauley out of the muskets left there by General Wise. This man is obviously in part a negro. He is a man of fine natural intellect, self-possessed, artful and insensible to the obligations of an oath. I recommend he be held as a prisoner.

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Tallison Stover.—Belonged to Captain Adams' company. Left it in August. Says he asked Captain Adams for a furlough. The captain refused it and he went home. Says he only volunteered to go to Charleston. He was raised in the woods; had never been so far from home and so long from home in his life. Says he wishes to go back to his company; says he staid quietly at home. I can find no evidence that this young man had any connection with the tories. He denies all connection with the Union men and the Northern men. Captain Adams' company is now I understand attached to McCausland's regiment, Floyd's brigade. It seems to me his case is more within military jurisdiction than the commissioner's. I suggest the rolls of Adams' company be examined. If he is a deserter, as I believe, that he be handed over to the military authorities.

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Isaac Siers (on the book Sias).—Born in Monroe. Removed to Braxton, then to Nicholas County. Was a volunteer in Captain Chilton's company, in the regiment of Colonel Tompkins, now Colonel Jackson's. Says he was wounded in the right arm in a skirmish near Charleston. Was permitted to go home till his wound was healed. Says before his wound was healed he was arrested on suspicion and sent on here. Says he never was sworn in. Mr. Alderson, senator from this district, and Mr. Robinson, prosecuting attorney of Nicholas County, both say Siers is a man of bad character. Has been prosecuted for passing counterfeit bank notes and for other offenses. They say when he volunteered he was in jail in Nicholas on a charge of petit larceny. He is a good-natured man, but it is said he deserted from cowardice. Reference to the muster-rolls of his regiment ought to show whether he is a deserter. No political offense is charged against him. I recommend he be turned over to the military department.

[Indorsement.]

JANUARY 28, 1862.

Acted on, and James Mayner ordered to be released and Stover and Siers to be turned over to the military.

ROBT. OULD,
Assistant Secretary of War.

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William Working.—Re-examined. I return the petition of citizens of Loudoun for the release of William Working with the indorsements of Captain Ball of the senate and Mr. Harrison of the house of delegates. I have re-examined my note in this case and think this man may lawfully and properly be held as a prisoner. But I know some of the signers of the petition and the two gentlemen who indorse it. They are citizens of Loudoun, well acquainted with the prisoner and the state of things in their county. On the question whether mercy should be extended to the prisoner they are better judges than I can be. General Hill's report excepts him from the class of prisoners who were sent on with him. I recommend that as an act of mercy he may be released on taking the oath of allegiance.

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J. L. Grubb.—Born in Loudoun County. Lives between Lovettsville and Harper's Ferry. A Virginia constable. Says he spent the principal part of the summer at home. Has gone over to Maryland at various times to get his goods and groceries. Once in the summer he went over to testify before Captain Stedman, of the U. S. Army, on behalf of Samuel W. George and Gideon Householder, citizens of Loudoun, who were charged with riding with secession soldiers and pointing out persons to be arrested. George was accused of dining with secession soldiers at his uncle's and going with them in the evening. Prisoner proved George could not have been there. Was asked by Stedman how he voted and replied he voted against secession. Says he was once arrested in Maryland as a secessionist. Says the citizens of Virginia going to Maryland usually went in skiffs. Were arrested by the pickets; taken to headquarters and got passes. He says he got a pass when he testified in favor of George and on some other occasions. Does not remember what they were. Says passes were so difficult to be procured that he did not go even for what he needed. He says he went over in September. Several men had left Virginia on whom he had claims. He went over to collect them and to collect the debts due George Wright & Co. A. J. Everhart was trustee and made him agent. Staid among the relations of his father. Says he was taken sick; was sick for several weeks. Before he was in condition to travel dragged himself home. Says he came to the river and the picket would not let him pass. He was informed several Virginians would go over that night and if he was smart enough to manage it he could go over with them. A party of whom he names A. J. Everhart and six others went over. He went with them. Does not know by what means they got permission to go over. He went ove. with them; parted with them on this side of the river. Was sick with chills and fever and remained at his father's and at home until he was arrested. Says when persons were permitted to come over they promised to go back. All who came with him returned. He gave no promise but was informed a party of soldiers would be sent to take him back. Did not know any of the men who came over with him. Does not know whether they belonged to a company of Virginia refugees raised by Means. Says while he was in Maryland he was informed White and Smith Read

wished some friend in Maryland to get back some runaway slaves. He went to Colonel Geary to get them back. Was not acquainted with Geary. Failed to get them. Geary said the owners must make personal application and give assurance of fidelity to the Union before they could get them back. Says he owned property in Virginia and had debts due him; some coming through Hindman. The citizens of Virginia in Maryland heard their property was to be confiscated. They were much enraged and determined if it were so they would do something desperate. All the men who came over with him partook of this feeling. In this state of feeling he heard Hindman had attached his property. Supposed it was the beginning and wrote to Hindman. Had Hindman's affidavit shown him. Says he was much excited at the time. Does not remember what he wrote, but thinks the letter will not sustain Hindman's statement. Says he stood to the Union as long as he hoped it would be saved, but now the North and South are so divided that they can never unite and he goes with the South. I refer to the report of General Hill, returned with the cases of A. Magaha, E. Rouse, William Smith and William Working, and to the affidavits of S. H. Price therewith returned. I return now the certificate of Mr. M. Harrison, delegate from Loudoun, and several affidavits sent on by General Hill, noting especially Hindman's. I think the letter of Grubb referred to by Hindman should be written for. I think Grubb should be held as a prisoner.

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H. Dane.—Aged sixty-seven. Born in New Hampshire. Staid there till he was twenty-three years old. Lived in New York till he was forty-eight. Now lives in Prince William County, six and a half miles from Occoquan. Farmer; sells wood to longboatmen. Has sold none since last spring. Trades to Occoquan. Was an acquaintance and political associate of J. C. Underwood. His sentiments similar to Underwood's. Did not vote at the last election. As to allegiance he says he is inclined to the Government of the United States. Was not able to alter his mind when the State went out of the Union. Hoped to keep along and take sides with neither party. Went to look for his cows. Went up to the pickets and was arrested he believes on the information of A. D. Rowe. Mr. Lynn, delegate from Prince William, says he cannot say for this prisoner what he said for Holland and Reeves. Says prisoner was an abolitionist and of the Underwood party and has given no evidence of change of opinion. I think this man should be held as a prisoner.

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Henry Stone.—Aged nineteen. Born in New York. His father died when prisoner was four years old. He has lived in Cincinnati. Says he belongs to Second Kentucky Regiment; joined it at Gauley. Was sent by General Cox to find where the militia were in Fayette. Went in citizen's dress; says he had no uniform. Spent first night at Huddleston's. Does not know whether Huddleston is a Union man. Did not disclose his objects. Went next night to McCoy's. Was arrested next day in Fayette. I cannot learn from him by whom he was arrested. He has passed in the prison as a citizen until to-day. I am satisfied this man is a spy, but as there is not now sufficient proof I can only suggest that he be held as a prisoner under suspicion of being a spy.

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Spencer Lloyd.—Born near Great Falls of Potomac, on Virginia side. Raised there. Lives one mile north of Dranesville. Was not told for what he was arrested till he came to Richmond. Was then told he was arrested because he had been in the camp of the enemy. He says he

never was in their camp. He says on one occasion they passed up through Dranesville Saturday evening and returned that night. Sunday morning he went out to look for his cattle. He passed through some cedars and saw where they had cut off the twigs and laid them out for beds, but they were all gone. Another time he was gathering corn one cold frosty morning near the river on some ground he had rented. A negro man in another part of the field had brought some fire in a pot and had it burning. Some Northern soldiers came into the field and asked him if he was not late getting his corn. He said he was, that he had been delayed by the frequent firing over the field. They asked him if he had heard any bullets that morning. He told them he had not. They then said they were firing at the fire, supposing it to be our pickets. They said they supposed their bullets fell short, and went away. This was the only time he had ever seen them nearer than across the river. Colonel Thomas testifies Lloyd is a man honest, industrious; stays at home and attends to his own business. Mr. Huntt testifies that Lloyd is a man of integrity and veracity. Says since the war commenced he has rarely been in that part of the country and knows nothing of Lloyd's course. Mr. Harrison says Lloyd had a suit in Fairfax in which he (Mr. Harrison) was his counsel. He saw Lloyd quite frequently and thinks him an honest, straightforward but ignorant man. Lloyd says he had no communication direct or indirect with the enemy except as above mentioned. I have seen no charges against Lloyd, and my only means of forming an opinion are from his examination and the testimony of his character. I recommend his discharge on taking the oath of allegiance.

[Indorsement.]

FEBRUARY 10, 1862.

Acted on, and Working and Lloyd ordered to be released.

ROBT. OULD,
Assistant Secretary of War.

A. C. Staunton.—Born in Augusta County, Va., and raised there. Shoemaker by trade. When he was of age he removed to Alleghany County, where he engaged in business. His business was in Alleghany and Pocahontas Counties. Says he quit business there and returned to Augusta. Last summer he went to Alleghany and Pocahontas to collect money due him and get any jobs of work he could. From Pocahontas he went to join the Wise Legion. He says he volunteered in Captain Pollock's company, Wise's Legion. He had a pair of pistols he offered for sale soon after he got to the camp and before he was regularly mustered into service. A man who wished to purchase his pistols was examining them with him. While prisoner had one of the pistols in his hand it went off and wounded a man in another tent. He was arrested and sent on here. Says he is a Southern man. Wishes to support the Confederacy and is anxious to volunteer. Mr. William Tate, delegate from Augusta, says he has known the father and family of the prisoner for a good many years. They are very much respected in their position in life and are true to the Southern cause. Some years since Mr. Tate removed from the neighborhood in which Staunton lived to another part of the county and has not since seen much of the prisoner and heard he had gone to some [*sic*]. Is a respectable man and his statements may be relied on. Mr. H. W. Sheffey, delegate, and Colonel Christian, senator from Augusta, both say Staunton's family are respectable and on the Southern side. They have no particular knowl-

edge of Staunton. If this man is here as a military prisoner there ought to be some notice of him in the War Department. He is returned to me as a citizen prisoner. If he be a citizen prisoner I recommend his discharge on taking the oath of allegiance and that he be permitted to join some company.

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Nicholas King.—Claims to be a citizen of California but desires to join the Confederate service. Sent here from Manassas by an order dated November 7, herewith inclosed. I inclose with it a letter from King. King swears his statement in this letter is true. He says he was born in Fairfax County, Va., and was taken to Washington when young. Lived there till he was thirteen, then lived in Virginia till his father was appointed surveyor-general. Prisoner was then seventeen or eighteen years of age. He remained in the office of the surveyor-general as a draftsman until his father was removed, and one year with Captain Hays, his father's successor. Was then connected with surveys of public lands. In the spring of 1858 went with Captain Stone, now General Stone, of the U. S. Army, into the northern provinces of Mexico on a surveying contract. They were driven away by the Mexican authorities and came to Washington to settle their accounts and prosecute their claims for damages against Mexico. Refers to his written statement for his course since this war commenced. Says he did not see his Virginia relations until October, 1861, when he paid them a visit of a day or two. Says H. T. Pairo, broker, of Richmond, married his mother's sister. Says he never heard his father was accused of embezzling funds or being a defaulter. Says his father could not have been either, because the funds were in bank and could only be drawn on checks. Denies he ever made checks in his father's name or drew money wrongfully. Says he never heard he was suspected of doing so. Says he never went from Fairfax Court-House or did anything to cause suspicion against him. H. T. Pairo, who was summoned as a witness, testifies Nicholas King is the son of a sister of Mr. Pairo's wife, and witness has known him nearly all his (King's) life. When King was sixteen or seventeen years old his father placed him in the revenue service. King soon left it, Mr. Pairo heard, as a deserter. King's father had influence sufficient to have the matter passed over. A few years afterward King's father was appointed surveyor-general of California. The reports from there were King had forged his father's name and caused his father's defalcation, but witness does not know these reports were true. Says King came to Richmond before the battle of Manassas and staid two or three weeks. Owing to the trouble he had got his father into Mrs. Pairo, his aunt, took no notice of him, but witness saw him quite frequently while he was here. When King was in Richmond he represented he was in the employment of General Beauregard in the engineer service. King was very anxious to visit Yorktown and Norfolk. Witness did not countenance him in these efforts and thinks he did not go. From his impression of King's character witness cautioned his own sons, who were at Manassas, to have nothing to do with King unless they found he (witness) was mistaken. He thinks King a man of fine talents and address, and if so disposed he could be very useful to the Confederacy; but if his disposition were not good he could do much mischief. I think King under the law of Virgina must be regarded as a citizen of California and not of Virginia. He is therefore an alien enemy. He professes great friendship for our cause, but from his bad character, his connection with

General Stone and the suspicions excited in the minds of our officers I do not think he ought to be permitted to take the oath of allegiance or be treated as a citizen. I recommend he be held as an alien enemy prisoner.

[Indorsement.]

FEBRUARY 10, 1862.

Acted on, and A. C. Staunton ordered to be released.

ROBT. OULD,
Assistant Secretary of War.

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A. Bailey.—Says his name is A. Lincoln Bailey. Says he was elected President of the United States and went to Washington to discharge the duties of that office. Does not tell me how he got to Virginia. Says he was born in Pennsylvania; has lived in New York and New Hampshire. He says he was in Richmond some years since in the store of J. Winston Jones, who he says is now dead. Says he was once a watchman and timekeeper in Joseph R. Anderson's works. He says he was arrested near Charlottesville attempting to make his way to Washington through the Valley. I examined this man carefully and can discover no symptoms of derangement. I think he is feigning derangement to conceal his true character. His own statement makes him an alien enemy and I think he is a very suspicious one. I recommend he be held as an alien enemy under suspicion of being a spy.

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James Dutton.—This man is stated on the return of the clerk of the prison to me to be deranged and he probably is. He says he was born in Nova Scotia and went to Mobile in 1858. He joined the Dan Boone Rifles of Mobile. Says he came to Lynchburg with his company. They were mustered into service of the Confederate States. He was taken sick. Went into the hospital at Lynchburg. Was for some time an attendant on the hospital under charge of Doctor Owens. Says he left his papers with a clerk of Doctor Owens. Says he has never received either money or clothing. He is now without a shirt or stockings and is in want of clothing. I return with this report the letter of Capt. J. Taylor committing him. I think this man is probably deranged, but his case ought to be inquired into at Lynchburg. Doctor Owens can say whether such a man was there. I would also respectfully ask that the rolls of his company may be examined and if anything is due him that it may be applied to his use. I would also respectfully suggest some provision be made for his comfort.

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C. R. Branch.—Says he was born in Sumter County, Ala. Was first a printer. Was in the office of the Mobile Register in 1848, 1849 and 1850. His health gave way and he turned sailor. Was on oyster boats in Mobile Bay and in schooners trading in lumber to New Orleans. In 1859 went as a sailor on the brig American to Liverpool. Was on the oyster boats in Mobile Bay till 1860 when he went to Baltimore on the schooner Adair; then went on the schooner Sun Flower from Baltimore to Boston. Sailed several times between Boston and Baltimore. Says when the war broke out he desired to come to the Confederate States but could not. Was making money and did not leave till the schooner on which he sailed was laid up in Baltimore. He then came from Baltimore. Came in an oyster boat of Captain Fallon to Northumberland County, Va.; landed at Wicomico; went up to Heathsville; came to Union Wharf and came to Fredericks-

burg. Says he is not in the habit of drinking too much, but when he got safe in Dixie he took a frolic, became noisy and was arrested. The only paper sent to me is his letter to General Winder herewith inclosed.* I recommend this man be discharged on taking the oath of allegiance and that he be permitted to join a volunteer company.

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Solomon Van Meler.—Born in Pendleton County on South Branch. Lives in Pendleton County on North Fork, about two miles from the mouth of Seneca. Has never seen the Northern army or any of their allies. Has no acquaintance on the Dry Fork of Cheat. Heard Snyder was gallanting the Yankees about on the Dry Fork of Cheat and in Randolph. Does not believe anybody went from his neighborhood to join them. Has not been in Hardy County for two or three years. Says he was for the Union until the State went out, and he goes with the State and for the Government at Richmond. Is a poor laboring man. Rents land and his family is dependent on his labor. Stays at home and attends to his business. There is no charge or evidence against this man. He is in feeble health and has suffered much in prison. I recommend his discharge on taking the oath of allegiance. I would further as a matter of humanity recommend he be permitted to remain until able to travel home.

—

Henry Henderson.—Eighteen years old. Prisoner says he was born in Iroquois County, Ill. His father and his mother died in his childhood. He then went to Columbus, Ohio, to live with an uncle who, he says was librarian of the State and died two years since. Says he volunteered in the Twenty-third Ohio Regiment, Colonel Scammon. Went to Clarksburg, Va. From there with Rosecrans. Was in the battle of Carnifix. Then was sent to Raleigh Court-House. Says he acted as scout in Fayette and Mercer Counties. Was once in Monroe at Sandcroft's. Says he never got to the railroad. In relation to the papers found on him, he says No. 1 is a copy of a memorandum given him by a man in Raleigh. Will not tell who the man was. No. 2. He says when passing by the post-office at Shady Springs, in Raleigh, he saw the door open; he went in and found a basket of letters, near 200. He carried them off and this paper was among them. No. 3 he says was given him by Aden Thompson. The names on it are names of bushwhackers. He explains this one thus: Men who were brought in by the U. S. troops and took the oath of allegiance; afterward they violated their oaths by shooting at their trains. These men were to be shot when found and his business was to hunt them up. He says he was taken with a scouting party when in pursuit of such men. No. 4. This paper contains the certificates of several men that Henderson was a spy. The signers are said to be men worthy of credit on oath. I recommend this young man be held as a spy.

—

George W. Walker.—Says he was born in Waynesborough, Franklin County, Pa., and was raised there. Had several friends who were three-months' volunteers in Patterson's army. He expected they would be discharged. He wanted to see the army. Went with a friend, William H. Brotherton, to Martinsburg to see them. At Martinsburg he was informed the army had gone to Bunker Hill. They went to Bunker Hill and were informed the army had gone to Charlestown.

* Not found.

They were arrested by a scouting party on the 16th of July. Says he is a citizen of the United States, opposed to the present administration of that Government and determined to give no aid to the war. He says he has relations in the South and before the war commenced he promised them not to take up arms. Names the Rev. Mr. Bittinger as the person to whom he first made the promise. His conduct in prison I am informed has been uniformly correct. I recommend he be held as a prisoner of war, and as he has been here six months I respectfully recommend he be placed in the first exchanges.

—

George Ryan.—Born in Abingdon, Va.; raised in Carter County, Tenn. Was working in Wytheville when arrested. Says he was against secession, but afterward wished to be neutral. When the rebellion* occurred in East Tennessee he opposed it and desired to prevent it. Expected to be neutral. Says if Northern troops came to kill his neighbors he would be with the South. Admits Tennessee had the right to secede. When pressed to decide his position says if compelled to decide now he must go with the North. I recommend he be held as a prisoner.

—

Joseph Snapp.—Born in Woodstock. When fourteen years old taken to Augusta County; then to Greenbrier; thence to Monroe; thence he moved to Mercer County, where he was arrested and sent here. He says he was arrested by the Yankees and compelled to take the oath of allegiance. On his return he was trying to get his family out of Mercer to take them to his father's in East Tennessee when he was arrested. Says he is entirely Southern in his feelings and does not regard the forced oath of allegiance to the United States binding. Says he intended to volunteer as soon as his family were placed in safety. Is willing now to volunteer. I have learned from persons I have examined, particularly from Northern soldiers I have examined that the U. S. troops in Western Virginia compel citizens unfriendly to them to take the oath of allegiance, and very often the persons thus compelled to take the oath become the most deadly and dangerous enemies of the Northern army. I recommend he be permitted to volunteer.

—

Peter Couse.—Born and raised in New Jersey; in May, 1840, came to Virginia and settled in Spottsylvania. Was negotiating with Doctor Grinnan to exchange his land in Virginia for property in Iowa, Kansas and Missouri and was arrested before the negotiation closed. Is a farmer and gets lumber for market in Fredericksburg. Says he had a Government contract to get ship timber. His contract was under one Peleg Clark. Does not know what Government Clark's contract was with. Clark is a Northern man. Has taken no part on the secession question. Wishes to be neutral. Has done militia duty but will not go into the army. Will not take the oath of allegiance to the Confederacy but wishes to take an oath not to interfere. I recommend this man be held as a prisoner.

—

Thomas N. Fisher.—Aged seventeen. Born in Loudoun; moved to Fairfax. Says when arrested he was coming in to volunteer in Bob Radford's cavalry. Passed our lines (not knowing it) in the night; was arrested. It appeared on evidence before me this boy is warm in the Southern cause. On two occasions he borrowed a gun from a neighbor

*See Volume I, this series, p. 824, *et seq.*, for "Union Rebellion in East Tennessee."

and scouted on the Potomac to get a shot at the Yankees who were expected to cross. He wishes to go either into a cavalry company or the Eighth Virginia, as his relations are in that regiment. He is a brave and true Southern boy and I hope his wishes will be gratified.

—

William Stallins.—Aged nineteen. Born in Loudoun; moved to Fairfax and volunteered in the Seventeenth Regiment Virginia Volunteers. At Lewinsville he got scared and went to his home and was turned out of his regiment, dishonored and branded with cowardice. This boy is proved to be faithful to the South and seems penitent for his conduct. He admits he behaved badly and was scared, but he is very anxious to volunteer and redeem his character for courage and good conduct. He was going with Fisher to volunteer when arrested. I recommend an opportunity be given him to redeem himself and that he be permitted to volunteer again.

—

Daniel Hunt.—Born in Lowell, Mass.; lived in Boston; moved to Richmond twenty years ago; has lived here since and never been farther north than Baltimore. Prisoner married the daughter of Mr. Rixey, of Fauquier. He owned two houses in Richmond and some negroe on which he owed money, and when he closed business five or six years ago Mr. Rixey paid the balance due on them and they were secured to Mrs. Hunt, and all Mrs. Hunt's interest in her father's estate is in slaves. In his old age Mr. Rixey married a Yankee woman. Eighteen months ago Mr. Rixey was taken sick and after lingering nearly a year died. When he was taken sick he sent for Hunt and his daughter. They went up to see him and remained with him till his death. When they went up they closed housekeeping and had their furniture stored away. Since his death they have been trying to get a house in Richmond. When our army fell back from Centreville Mrs. Rixey, the stepmother, prepared a flag which indicated her wish to make peace with the Yankees and showed it to Hunt. Hunt did not object until he went to Warrenton and saw young Mr. Rixey, who sent him a message disapproving it and refusing to consent to it. This message was delivered by Hunt, who also expressed then his disapprobation of the proceeding. Hunt is willing to take the oath of allegiance but his health does not permit him to enter the army. He is now over forty-five. I have inquired carefully into Hunt's character and course in Richmond and find he was always a good citizen; for a long time a Whig but for the last seven or eight years acting with the Democratic party and with the secession wing of this party. I am satisfied he is a good citizen and entirely Southern in his feeling. I recommend his discharge on taking the oath of allegiance.

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Elias Love.—Born in Loudoun. Says he does not know for what he was arrested, but says his son left him in December and denies he knew where he went. Says he does not know now. Passed the pickets returning home from Leesburg without permission. Says his son was a teamster in our army; returned home, and on close examination says he thinks he intended going to the West. Says he has taken no part in this contest except to vote for the Union. Is willing to support the laws of his country but cannot tell whether he is for the Union or the Confederacy. Wishes to take the oath of allegiance to the country where he lives but cannot tell whether it is the Confederacy or the Union. He is obviously an intelligent man and quibbling about his allegiance. I recommend he be held as a prisoner.

John Rowzie.—Arrested February 10, 1862, for getting drunk and fighting at Herndon; aged fifty-seven; born in Loudoun, Va.; lives near Great Falls, one mile from the river. Commenced life an overseer; now owns a plantation and negroes. His three negro men are hired to officers in the Confederate Army. Says all his dealings have been with the Confederate Army. He has refused to deal with the U. S. Army. He is represented to me by several highly respectable witnesses as a true Southern man. I hand in with this a letter of Lieutenant Emack, who was aided to cross the Potomac by Rowzie, and General Stuart's order sending him here. I think Rowzie is a true Southern man and has been sufficiently punished for his offense. I recommend his discharge on taking the oath of allegiance. I think although he is too old to be a soldier he would be a valuable man as a manager of hands.

—

Samuel T. Walker.—Born in Fairfax; lives near Great Falls. Was in our service as a wagon-master from 1st of September to Christmas, when the transportation was turned over to Major Barbour. Walker continued at Centreville with a Mr. Hubbell, going with his teams to Gainesville and Manassas. In February he received a letter from his wife informing him of the death of one of their children and her own sickness and asking him to remove her within our lines. He procured a pass to go out by Picket No. 5, but finding this would delay him too long he procured the officer in charge to alter it to No. 7. On his return he was arrested for this offense. I am satisfied from the testimony of various witnesses that Walker is faithful to the South and is a truthful and respectable man. He is the same man mentioned in Lieutenant Emach's letter returned with Rowzie's case. I think he has been sufficiently punished for his offense. I recommend his discharge on taking the oath of allegiance.

—

William P. Spear.—Age fifty-two. Born in Essex County, N. J.; moved to Virginia in 1840; carpenter. Owns a farm but no negroes; hires negroes. Was a Breckinridge Democrat and a secessionist. Arrested by order of General Stuart. Says he had no communication with the enemy. Has fed the pickets without charge and nursed the sick Confederates at his house. He is proved to be a man of good character. General Winder informs me he can employ this man as a carpenter. I recommend his discharge on taking the oath of allegiance and agreeing not to go to our lines or encampments.

—

David Watkins.—Born in Accomack County; lived there till he was twenty-one, then moved to Staten Island where he lived for seven years; then he came to Gloucester County and about four years ago went to Philadelphia. Has been engaged in the oyster and lumber business. Quibbles about the oath of allegiance. Says he wishes to live in the Union in peace. I recommend he be held as a prisoner.

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Isaac Wybert.—Born in Saratoga, N. Y.; lived in Virginia fifteen years. Denies all communication with the enemy. Would rather not take the oath of allegiance. Calculates to abide by the laws of the place in which he lives. I cannot recommend his discharge.

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James Oscar Wren.—Born in Fairfax. I submit with this case General Stuart's order and the statement of Messrs. Thomas and Huntt.

He says he never passed our pickets knowingly. Never was a dealer in liquor. Says he kept liquors and sold some to his neighbors as medicine. Says when the army fell back last October he took a negro woman and his other movable property to Prince William and staid there till Christmas. He then returned, got his negro man and took him back to Fauquier out of reach of the enemy. Owns only two negroes and he has placed them in our lines to save them from the Yankees. He says on his return from Fauquier he heard he had been charged with selling whisky and thinks the reports were got up by Thompson to injure him. He voted for secession. This man is said by Messrs. Thomas and Huntt to be a man of good character. It is difficult to reconcile his statement with General Stuart's order, but as General Stuart says he is regarded as a dangerous man to be beyond the outposts and is faithful to the South, I recommend he be discharged on taking the oath of allegiance and promising not to go to any place in the vicinity of our camps.

—

C. White.—Born in Columbia, N. Y.; left there young; came to Virginia; lives in Fairfax. Voted the Union ticket but adheres to the South. Renounces allegiance to the United States, and is willing to take the oath of allegiance to the Confederate States. Has done all in his power for the South. I submit the letters of Mr. Word and Messrs. Huntt and Thomas in relation to this man. I recommend his release on taking the oath of allegiance.

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William P. Flood.—Born in King George; raised in Jefferson County, Va.; lived in Winchester. Agent for several Virginia insurance companies. When General Jackson retreated from Winchester prisoner promised Colonel Ashby to procure a horse in Culpeper. He had some claims due his societies to collect in Culpeper. He made his escape from Winchester. He had a letter for one of Colonel Radford's men and rode through his lines to deliver it. Prisoner says he did not know he was acting improperly. He was arrested by Colonel Radford and sent on here. Lieutenant Turner testifies he has known prisoner for several years and he is a man of good character. I submit the letter received from Mr. Boteler in relation to this man. I have no doubt he is faithful to the South and recommend his discharge on taking the oath of allegiance.

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James E. McCabe.—Born in Leesburg, Va.; was engaged as overseer of negro hands employed on works for the army. These negroes were always placed under a guard. When our troops moved to the Plains Lieutenant Atkinson selected the quarters and placed the negroes in it under guard. Afterward Colonel Chancellor arrived with some militia and ordered prisoner to give up the quarters to the militia. Prisoner remonstrated on the ground the negroes were placed there by direction of the provost-marshal and if they were turned loose some of them might run off, and asked him to refer the matter to General Hill. Chancellor refused to refer it to General Hill, saying he would take the quarters by force. Prisoner went to find General Hill and did not find him, but found his aide, Mr. Rodgers. Mr. Rodgers told him not to give up the quarters without General Hill's orders, and gave him two more negroes to put under guard. Prisoner returned with them. Chancellor had forced the quarters and the negroes were under guard in the yard. Prisoner opened the gate to put the two additional negroes

under care of the guard. Chancellor resisted him and struck him with the hilt of his sword and continued to press on him. It was dark and from the noise of the sword prisoner thought Chancellor was drawing it to strike with the edge. Several of the bystanders called on him to fire. He believed it was necessary to preserve his life and did fire. Chancellor was wounded. Prisoner was arrested and General Hill considering it was a case proper for investigation by the civil tribunals declined investigating it. I submit the written statement of Mr. Thomas L. Edwards, who I know is a gentleman of as much character as any in Loudoun. I have learned from many sources that McCabe is an honest, good man. His bearing and demeanor under examination were that of a gentleman. He is faithful to the South. McCabe is not under the Articles of War and the writ of habeas corpus had not been suspended then. General Hill therefore properly considered his case one for examination by the civil authorities; but an examination by the proper authorities cannot now be had. The discharge from custody will not exempt him from prosecution if hereafter one should be instituted. I do not think his case one which requires confinement indefinitely. If discharged he may be useful to our cause. I recommend his discharge on taking the oath of allegiance.

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William Ayres.—Merchant of Philadelphia. Says he was not connected with the army. Had business in Washington with Colonel Irvin, of Pennsylvania regiment. Came over to see battle-field of Manassas. Was taken prisoner. I recommend this man be held as a prisoner of war.

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E. Githen.—Railroad contractor, New Jersey. Had been working on the railroads near Washington. Went over to Manassas to get a contract to repair roads from Alexandria into Virginia; was taken prisoner. I recommend he be held as a prisoner of war.

—

Daniel Paterson.—Dentist; from Boston. Says he was seeking an office in the Treasury Department at Washington. Came out to see battle-field of Manassas; was taken prisoner. I recommend he be held as prisoner of war.

—

B. F. Copeland.—Born in Maine; has lived in Missouri, Iowa and Illinois. Is a carpenter. Says he was working at Washington last winter. Was promised a job at Alexandria. Went up to see Bull Run; was taken prisoner. Citizen of United States, but manifests a desire to take the oath of allegiance to Confederate States if he can thereby get work and get back to the North. I recommend he be held as a prisoner of war.

—

F. B. Coburn.—Born in Preston County, Va.; learned his trade in Uniontown, Pa. Was in Kansas during the revolution; says he took no part in it. Returned to Virginia; stole a horse; was in the penitentiary two years and a half; was discharged in March. Arrested passing our lines on suspicion of being a spy. He says he has lost his citizenship in the State of Virginia by being sent to the penitentiary, but wants to claim citizenship in the United States. I recommend he be held as a prisoner of war.

S. S. BAXTER.

[Indorsement.]

WAR DEPARTMENT, *April 23, 1862.*

Examined and approved. Respectfully referred to General Winder to be carried out as recommended within.

GEO. W. RANDOLPH,
Secretary of War.

Case of William Henry Hurlbert.*

RICHMOND, *June 24, 1861.*

General R. E. LEE.

GENERAL: Nothing but the pressure of a weight of misrepresentation which is too hard for me to bear moves me to intrude my personal troubles upon you in the midst of all your official troubles. But I met you once in circumstances so agreeable that I venture to hope you may not have utterly forgotten me, and in the name of our dead friend, Mr. Vernon Childs, as well as of his daughter who charged me with kindly messages for you at her house in Baltimore, I write to you to ask you to grant me but half an hour in which to tell you how it is that I find myself in the hands of the sheriff, charged with playing the spy in a country to save which from the horrors of war has been my sole aim and passion for long months past.

I saw the Hoffmans in Baltimore on the 4th. I passed the Confederate lines at the Ferry with a note of introduction from Robert McLane to General Johnston. I went on to my sister in Charleston, and was denounced by newspapers because I once was an editor of the New York Times in the days when your brother-in-law respected and aided my efforts to make that journal a journal of decency and truth. I am subjected to this unnameable disgrace. Once more let me beg you to spare time for such explanations of all this wretchedness as I cannot here inflict upon you, and believe me, with sincere respect,

Your most faithful friend,

WM. HENRY HURLBERT.

RICHMOND, *July 6, 1861.*

General R. E. LEE.

GENERAL: I refer you to my letter to you (in regard to the case of Bryan† submitted to you by General Huger) upon the subject of General Holmes' communication.‡ Unless he can be arrested as a spy or proceeded against by the civil authorities according to the opinion given by me in Bryan's case his case should be submitted to the governor, who if the party be a citizen of a State not in the Confederate Government may apprehend and secure him under the code of Virginia, chapter 17, section 6, page 118. This is the clause under which Hurlbert has been arrested, and the habeas corpus has been denied by the judge of this circuit. If the charge against a party be for a legal offense and the arrest is by legal authority the habeas corpus will not release the party where he is detained for the prosecution which is

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* Throughout these papers the compiler has spelled this name "Hurlbert," which is proper, except in the report of James Lyons, at p. 1497, where his use of the name "Hurlbut" is allowed to stand for obvious reasons. The family name was Hurlbut, but for reasons of his own the prisoner, long previous to this event, changed his name to Hurlbert.—COMPILER.

† See p. 1361.

‡ Not found.

pending. That writ only authorizes an inquiry into the legality of arrest and detention. Where the authority is sufficient to apprehend and detain and a prosecution for a legal offense by military or civil authority is pending the party will not be discharged.

I would advise wherever the party is suspected of being a spy that the proceeding be by military authority, arresting and prosecuting; where for any other offense that the party be delivered to the civil authorities, unless it be the case of a citizen of the United States, when the case should be reported to the Executive for his action under the provision of the code before referred to. In all cases of suspicion the general in command would have full power to remove such parties from his encampment and to forbid them from coming within his lines, and I suppose under the laws of war to punish disobedience of such orders.

I am, very respectfully,

J. R. TUCKER.

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DEPARTMENT OF STATE, *Richmond, Va., July 8, 1861.*

Mr. Toombs presents his respects to Mr. Crane and begs leave to say that after an interview with the President he declines interfering in any way with the case of Mr. Hurlbert, it not being within his jurisdiction.

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CHARLESTON, *July 17, 1861.*

MY DEAR MR. MORTON: From my sense of the qualities of humanity and conscientiousness that enter into your character I feel confident of having you on my side whenever a question as to what is becoming and what is right is to be discussed; and it is in such circumstances that I appeal to you to interfere in releasing a poor creature from durance vile who is the mere victim of clamor.

It is William H. Hurlbert of whom I speak. He has been guilty of no offense that human laws have a right to punish. Early in life he became a writer on political and literary subjects, and embraced Northern views of slavery. One of his lucubrations was admitted into the Edinburgh Review, which gave great offense at the time. I confess I was rather disappointed in it as below the importance of the subject, and leaning on popular prejudices. Since that time he has changed his tone so much as to lose the confidence of the Republican party and his place in the editorial corps of the New York Times. In these circumstances he came to Charleston in my absence, and finding that he was the object of great suspicion left it suddenly. There are always shallow people ready to join in running down a popular idea and one man made an affidavit that he was an alien enemy, which in legal parlance he may be on account of his New York domicile; and another telegraphed to Atlanta to arrest him. One mob of that very excitable place got hold of him, and the best that men of sense it seems could do was to send him to Richmond for the benefit of habeas corpus, a thing which the patriots of Atlanta had very little idea of. In Richmond the effusions of the Charleston Mercury had the effect of causing him to be turned over to the governor under the law of 1793 allowing alien enemies to be sent out of the country by the executive. The executive having little time to bestow on the case which the courts have nothing to do with has not interfered. So the poor man remains a prisoner indefinitely.

If he is an alien enemy he ought to be gone but cannot go if the door is closed upon him. There is not the slightest reason for believing him a spy, and the only pretense for detaining him now is that it is to protect him from violence. It may be the best thing for him to keep him in jail, but it certainly is not the best thing for the State to trample on principles and inflict hard imprisonment on an innocent man because he is helpless. If the intention was to assassinate I could see how that might gratify revenge, but if they ever intend to let him out alive they ought not to send him out with an authentic story of lawless imprisonment to amuse the world.

Now, my dear sir, my only interest beyond the common sentiment of indignation against wrong in this individual is that his father was my friend, and I think that a word from one who has the manliness to speak out would not fail to procure the assent of so good a man as Mr. Letcher to the evident justice of his claim to be discharged from custody, and I beg of you to let Mr. Letcher know what I say and that I am responsible for the truth of it.

Yours, truly,

J. L. PETIGRU.

RICHMOND, VA., *July 26, 1861.*

TO THE HONORABLE MEMBERS OF THE CONGRESS OF THE CONFEDERATE STATES OF AMERICA.

SIRS: I beg leave respectfully to invite your attention to the following statement of facts connected with my arrest at Atlanta, Ga., on the 18th ultimo; my journey to Richmond on the 21st ultimo; my rearrest in this city on the 24th ultimo and my imprisonment continued up to the present date without a hearing on the merits of my case; without the appearance of any responsible accuser against me and with no definite charge offered to account for or to justify my confinement. I crave your patience then for a brief recital of matters which it seems to be impossible for me in any other way to bring to the effective cognizance of any regularly constituted authority in the Confederate States.

A native of Charleston, my relatives reside mainly in the Southern States. June 3, 1861, I left New York for Richmond with the intention of visiting my friends at Richmond and in Charleston, S. C., and of enabling myself better to prosecute a course of opposition to the existing war policy of the United States Government which I had independently pursued ever since the beginning of the movement of secession. I had not then nor have I had for many months past any connection whatever with any journal in New York or elsewhere, having dissolved my editorial relations with the New York Times, the only salaried relations which I have ever sustained with any newspaper, when that journal gave itself to the support of Mr. Lincoln. I advocated the election of Mr. Douglas down to the autumn of 1860 when I acceded to what was known as the "Fusion Ticket" in New York. I was a delegate from New York to the Conservative Convention at Albany in February, 1861, and drew up in great part the anti-coercive resolutions there offered by the Tammany delegation. In the end of May I published at my own expense a pamphlet on the "financial aspects of the war," of which I deposited several copies with my friend, Mr. Robert McLane, of Baltimore, for transmission to a high functionary in this city.

From Mr. McLane I received, June 4, a long verbal communication for the President of the Confederate States and a note of introduction

to General Johnston at Harper's Ferry. From this officer I came with a pass to Richmond, arriving here Saturday, June 8. I that day called on the Assistant Secretary of State, with whom I had long been in familiar correspondence, and in the evening related to Mr. Toombs in his own rooms the substance of Mr. McLane's communication to myself. I remained in Richmond at the hotel, constantly seeing Mr. Browne, Mr. Attorney-General Benjamin and other personal friends until Tuesday, when I left for Charleston. I there went to my sister's house and remained several days, calling on various friends and publishing in the Courier of Saturday, June 15, nearly a column of comments upon the financial and other aspects of the war at the North.

On Monday, June 17, my brother-in-law, a citizen of Charleston, coming home advised me to hasten my departure North, as he had learned that certain persons calling themselves a vigilance committee had determined to annoy me if I should stay. I was indisposed to accept this advice, but my sister being in delicate health earnestly deprecated my remaining any longer and I accordingly consented to leave via Louisville the next morning. I did so, explaining the reason of my departure to some of my friends, and taking with me two communications from his Imperial Majesty's consul at Charleston to the French minister and chancellor at Washington. These were confided to me as a personal friend but bore the official seal of the consulate.

At Augusta stopping only to dine I did not register my name at the hotel until I was requested by one Mr. Evans, calling himself a councilman, so to do. I then did so, stating to this person who I was, and exhibiting to him my address and letters in my possession. I reached Atlanta at midnight and was there arrested by the marshal, who exhibited a telegram from the mayor of Augusta describing my baggage, giving my name as Hilt, and denouncing me as a suspicious person. I at once demanded an examination. This was accorded to me by the Hon. B. C. Yancey, who pronounced the charge unfounded and recommended my immediate release. I voluntarily proposed to await replies to telegrams which I dispatched to friends in Charleston, and to Messrs. Browne and Benjamin at Richmond.

On Wednesday, June 19, Mr. Browne and Mr. Benjamin replied that I "was unjustly accused and should be immediately released." Mr. Yancey having also of his own motion telegraphed to Mr. Toombs (a note from whom lay among my papers), that officer replied that he had no personal knowledge of me. This circumstance, taken in connection with the arrival on the same day of a violent personal attack made on me in the Richmond Examiner of June 17, excited so much popular feeling against me that Mr. Yancey advised my waiting a day or two at the hotel in Atlanta. The next day brought another article denouncing me as a spy in the Charleston Mercury, with telegrams to the same effect from several persons, none of them personally known to me. My cousin, Rev. E. P. Palmer, of Marietta, Ga., coming over on this day to see me, joined with Mr. Yancey in advising me not to face the populace thus excited or to pursue my journey through Middle Tennessee. My brother-in-law and sister coming to Atlanta the next day, Friday, took the same view. Mr. Yancey receiving telegrams demanding me from Augusta and from Charleston replied that while I sought justice in Atlanta I should not be surrendered to any other authority.

I then proposed to leave for Richmond, asking an escort of the mayor and offering to pay the expenses of any intelligent person who would go with me to relate the true state of the case to the authorities here. This offer of mine was accepted by one Mr. W. S. Bassford, and Mr.

Yancey and the mayor finally coincided in my proposition. The marshal was detailed to accompany me, and one or two citizens of Atlanta going to Richmond joined the party. We left Atlanta June 21 in the midst of a tumult excited by ill-disposed persons, who profited by the presence on the train of an Alabama regiment, commanded by Hon. Colonel Hale, a member of your body. This gentleman soon reduced his troops to order and entering my car rode with me to his destination, Dalton.

I reached Richmond June 24; went to the Spotswood, took a room myself and sent Mr. Bassford to the President. Mr. Browne soon after came to me with Mr. Bassford and stated to me that Mr. Toombs having gone by request of the President to the governor of Virginia that gentleman had ordered me to be at once committed to jail. They both assured me that I should be released at once, the Confederate Government merely wishing to avoid any conflict with the Virginia authorities. For two days I remained in jail, having no communication with any one and my baggage lying at the hotel.

On the third day Mr. Crane visiting the jail on business I engaged his services at once as my counsel. He put himself in communication with my friends in Charleston and in this place and took steps to sue out for me a writ of habeas corpus. This writ was granted me by Judge Meredith, who appointed July 4 for the hearing. On the hearing the judge ruled out all inquiry into the causes or justification of my arrest and confined my counsel to setting aside the jurisdiction of the governor of Virginia under the ordinance of April, 1861. The judge July 6 decided in favor of the governor's jurisdiction and remanded me to jail, but after seeing the evidence only in part recommended an application to the governor.

This I made on the same day through Mr. Attorney-General Benjamin. The governor promptly declared that he had no charge against me; that he had committed me at the request of the Confederate Government and would discharge me at once, "if they would state that they had no charge against me." Mr. Crane took this declaration to Mr. Toombs, who in his presence stated that I had been committed merely to take me out of the hands of a rabble; that he had not and never had had any charge against me, and that he condemned all the proceedings against me as illegal and disgraceful. Mr. Crane's statement to this effect will be found hereto appended. I have reason also to know that Mr. Toombs had expressed himself to the same effect in a letter written July 3 to a distinguished citizen of South Carolina. He said further to Mr. Crane that he must see the President as a matter of form before stating in writing what he had stated in words.

Tuesday, July 9, my counsel succeeded in obtaining from Mr. Toombs a statement to the effect that the Confederate Government had "no jurisdiction" in my case. Governor Letcher maintaining his point first taken declined to act on this, but leaving town soon after he deposited with one of his aides an order for my release to be executed immediately on the receipt of a more explicit statement from Mr. Toombs. My counsel notified Mr. Toombs' chief clerk of this, and I have myself addressed a brief sketch of the facts through Mr. Crane to the President.

But I still remain here incarcerated in the jail appropriated to felons. On the face of Governor Letcher's committal I was held to await a requisition from the authorities in Charleston. No such requisition has been made, and I have reason to know that the acting attorney-general of South Carolina and his honor Judge Magrath refused to have anything to do with any such requisition.

Born in Charleston in 1827, I removed thence with my parents in 1831, returned there on the death of my father in 1843 and remained there till July 1, 1845. Since that date I have visited the city twice—once in June, 1853, for a few days on my return from the West Indies, and recently when I remained there from Saturday, June 15, to Tuesday, June 18, 1861. It is not easy therefore to conceive what crime committed in Charleston can be laid to my charge or how I can have rendered myself in any way a suspicious character in that city. I have abundant evidence from persons officially connected with the Confederate Government to show that my whole course since my native State seceded has been one of friendship to and sympathy with her, and I have challenged the severest scrutiny.

I have made this statement because I cannot think it right that in any country at any time a citizen traveling on his lawful occasions and willing to render an account of himself to any proper authority should submit in silence to the treatment which has been inflicted upon me.

I have the honor to be, your most obedient servant,

WILLIAM HENRY HURLBERT.

[Inclosure.]

RICHMOND, *July 23, 1861.*

WILLIAM H. HURLBERT, Esq., *City Jail.*

DEAR SIR: You ask of me a brief statement of my interview with Mr. Toombs. I do not feel that I am at liberty to decline it. After securing a short note from Mr. Benjamin (who was kind and courteous, to whom I had explained the position of your case and the decision of Judge Meredith, viz, that he had no jurisdiction) to Governor Letcher I sent it under inclosure to the governor with all the documentary evidence which had been secured for your hearing before Judge M. Governor L. very promptly returned the papers and a note addressed to Mr. Benjamin which stated substantially that "he had committed you only at the instance of the President and Mr. Toombs, and that if they would say (in writing) that they had no charge against you he would order your release."

Mr. Benjamin (as I think very justly) declined to go further, and I begged of him Governor Letcher's note, and accompanied casually by my friend Dr. T. H. Fisher, of Fauquier, I called on Mr. Toombs at the office of the Secretary of State. Mr. Toombs received me kindly, and I proceeded to state the object of my call and handed him Governor L.'s note. (I left the note with him.) He read it and then in a free manner spoke of your case and at considerable length. He disclaimed having had anything to do with your commitment except going at the President's request with Mr. Bassford to the governor and carrying the papers which Bassford brought. He declaimed strongly against the law under which you were committed; said he saw nothing in the papers forwarded to require (or justify) your imprisonment, and generally stated that the Confederate Government had nothing to do with your arrest or confinement and knew no reason for its continuance.

I give only the purport of his remarks. I could not undertake to report with verbal accuracy a conversation chiefly on his part lasting perhaps twenty minutes. I replied to him: "Be good enough, sir, just to say in writing one-tenth of what you have assured me of and it is all I desire." He replied that he felt it due as an act of courtesy to the President to see him first, he would endeavor to do so as early as possible. On Monday (this was on Saturday) in reply to a note from me

he sent the note* which is hereto appended. Finding that the reply of Mr. Toombs was not satisfactory to the governor (rather as I supposed on account of its form or mode of expression than any substantial deficiency) I sent another note to Mr. T. politely asking (if possible) a modification of his note to suit the governor's views. To this note I received no reply.

I ceased to trouble Mr. Toombs, though (as counsel for you anxious to discharge my duty) I have not ceased to endeavor to secure your release or an avowal somewhere beyond newspaper articles that there were grounds patent or latent for your confinement. So far I have been unable to get any anchorage beyond what the bare fact of your imprisonment and the circumstances I have detailed afford.

Ah, yes! It has been alleged in private circles that in 1856 while in Europe you wrote an article for the Edinburgh Review in which you gave an unfavorable view of slavery. Now, Mr. Hurlbert, I have not read it but it was wrong of you and I do not doubt you regret it, but I could not think it a sufficient ground for your arrest when I remember how many Southern men have at some period done the same or worse; and they are not confined.

Permit me to add on my personal account that in an acquaintance formed under circumstances eliciting necessarily confidential interviews and communications I have found you always frank, open and honorable. I have seen some of your private correspondence with Southern men and others, and any man may be proud of the position which they assign you. After all that has transpired within my knowledge your confinement in a felon's cell for more than a month has been to me something of a puzzle, as I have not on the one hand been able to conceive that the Government is so much wanting in strength as to fear to avow the causes of your detention, or so unjust as to protract it without cause on the other.

Very truly, &c., yours,

A. JUDSON CRANE.

RICHMOND, *August 31, 1861.*

Hon. R. M. T. HUNTER.

SIR: It is now some weeks since I invited your attention to the part played by the Confederate Government in my detention at this place. I have received no reply from yourself, but I have been unofficially informed that you did not feel at liberty to reopen a "case closed by your predecessor in the Department of State." This I was sorry to learn, since a decided difference of opinion as to the finality of Mr. R. Toombs' action in the case seems to exist between yourself and the governor of Virginia, of which difference I remain here the innocent victim.

But I now learn from the Hon. T. R. R. Cobb that "indisputable evidence now is in the possession of the authorities to prove me a secret correspondent of the New York Times traveling in this country to convey information as opportunity should offer." As Mr. Toombs never made nor pretended to make such a charge or any charge against me, openly at least, and as no such evidence was ever heard of under his administration I respectfully submit that if your Department or any Department of the Confederate Government now possesses such evidence it is my right to insist upon open prosecution of the charge and the production of the evidence, which truly does of itself reopen the case most emphatically.

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*Not found.

As I cannot for a moment suppose that the Confederate Government wishes to inflict inquisitorial injustice upon any man I can conceive of no reason why I should not most fearlessly advance and the Government most readily grant this claim of a citizen who has already suffered the extremity of "illegal and disgraceful" oppression. I borrow the language of your predecessor in relation to my case addressed to a conspicuous citizen of South Carolina.

And I have the honor to be, your obedient servant,

WM. HENRY HURLBERT.

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EXECUTIVE DEPARTMENT, *Richmond, September 5, 1861.*

Hon. WILLIAM M. BROWNE, *Acting Secretary of State.*

SIR: I have received your letter dated yesterday inclosing for my examination certain papers relating to W. H. Hurlbert, now in confinement at the instance of Hon. Robert Toombs, late Secretary of State. The papers having been perused by me are herewith returned. In a note addressed to the honorable Mr. Benjamin I stated the manner in which I became connected with this case, and stated what would be my future action respecting Mr. Hurlbert. If Mr. Hunter, the Secretary of State, will inform me that he is satisfied of Hurlbert's innocence and will request his discharge in writing he will be released at once. Until this is done his imprisonment will continue.

I am, truly,

JOHN LETCHER.

—

LABURNUM, *September 27, 1861.*

Hon. J. P. BENJAMIN.

DEAR SIR: I have received this morning the inclosed letter* from Mr. Hurlbert. Will you have the kindness to say whether I am to examine him or not, and may I ask the favor of you to return me the copies of Mines' letter† to me and my reply to it and to say whether it meets your approbation that I should send that or any other reply to it. The originals are on file in the War Department, having been sent to the honorable Secretary of War for his examination because I did not feel at liberty or willing to send any reply without the authority and approval of the Department of War.

With great respect, I am, very truly, yours,

JAMES LYONS.

—

Report of the Confederate Commissioner on the case of William Henry Hurlbert.

[RICHMOND,] *November 1, 1861.*

This case has caused me much trouble and solicitude and I have considered it very carefully. Hurlbut is a young man about thirty-five years of age; well educated; of considerable literary attainments and polished manners. He is a native of Charleston, S. C., where he still has relations, but was educated at the North and has passed most of his time at the North and in England. In 1856 he wrote an article in the Edinburgh Review against slavery which fully justified the Southern people in regarding him as their enemy. Subsequently he became co-editor of the New York Times and is said to be the writer of the famous "Elbows

*Not found. †See case of Mines, p. 1508, *et seq.*

of the Mincio" article. At the last Presidential election Raymond agreed with him to oppose Lincoln, but Lincoln bought Raymond off, and Hurlbut withdrew from the Times and united with Captain (now General) Lovell and others to oppose Lincoln and the war policy, and finally came to the South for the purpose of visiting his relations in Charleston, and tendering his pen and other services in England to the Confederate Government, when he was arrested at Atlanta and sent here, himself as he says soliciting that destination and paying the expenses of the escort.

The testimony up to this point is very high and conclusive in his favor, showing what he now upon his oath affirms to be true; that the sentiments expressed in the article in the Edinburgh Review have been entirely renounced upon conviction; and if the case had rested here I should have recommended his discharge without hesitation.

But it takes here a new and very remarkable aspect, viz: After the battle of Manassas a man named Windsor was captured upon whom a letter was found addressed to "William H. Hurlburt, British subject, traveling for his health in the South, Richmond, Va., to be called for." The letter is dated Park Row, New York, July, 1861. It was written before the 1st of July because it alludes to the meeting of the approaching Congress of the 4th of July. The letter is of the most offensive kind to us, and refers to and seems to be in reply to letters previously written by Mr. Hurlbut to the writer.

Mr. Hurlbut admits that he knew a person named Windsor as an employé in the Times Office when he was one of its editors, and Park Row is the locality of the Times Office; but he denies all knowledge of the letter and its writer and protests that he has not written a letter to or for the Times since his separation from it. He denies that the letter is in the handwriting of Raymond, and there is some conflict in the testimony upon that point, though it preponderates very decidedly against the identity of the writing with Raymond's.

Upon these facts the question is is the prisoner Hurlbut the Mr. Hurlburt to whom the letter is addressed? The difference in the spelling of the name amounts to nothing. The insertion of the "r" might be a trick or an accident, and the English address rather strengthens than weakens the case because the prisoner had the word London on his trunk and the English address was the best disguise, and notwithstanding all the delay and notoriety of the case no other person of the name of Hurlbut or Hurlburt has been heard of, and it is moreover exceedingly improbable that there were in the country two men whose names differed from each other only in a single letter; that there was a William H. Hurlbut and a William H. Hurlburt. I do not doubt therefore that the letter was intended for the prisoner.

But the question arises was there any authority for writing it? Is there any truth in its statements that it is a reply to letters written by Hurlbut? The letter is no proof of its contents; it is but the operation of an anonymous writer, which is opposed by the oath of the prisoner and much testimony showing that he did not entertain the sentiments supposed to be ascribed to him by the letter; for the letter is not explicit by any means as to those sentiments. In fact it is conjecture only that they were inimical to the South. The answers to these questions must be in my opinion in the negative. If this is proof then the prisoner is a spy, at least in the odious sense if not the strictly legal sense of the term, but it is very clear that if he were upon his trial as a spy he could not be convicted upon this evidence, for so far from the letter's being sufficient to convict him it would not be competent evi-

dence and could not be read upon his trial until he was connected with it by competent proof, such as finding it upon him or proving by the bearer or writer that it was for him and that the statements contained in it were true. Here there is no such proof. The letter was not found upon him; the writer is not known, and the bearer of it was set at liberty by the Government.

I am of opinion therefore that he should be discharged, but as he is now laboring under some excitement very naturally against our Government because of his imprisonment, and the moment is a little critical possibly, I respectfully suggest that he be paroled and for the present restrained to the limits of Richmond until the further order of the Secretary of War.

* * * * * * *

Respectfully submitted.

JAMES LYONS.

RICHMOND, *December 16, 1861.*

Hon. JAMES LYONS, &c.

MY DEAR SIR: I supposed that when you decided upon my case after the full, patient and careful examination which you gave it that your judgment upon me would be carried into effect, and I have been much surprised to learn that my continued detention here is not because of your judgment against me but because I am regarded as an "alien enemy" under the decision of Judge Meredith on the 6th of July last. If I comprehend what is the meaning of "alien enemy" it is that one is a citizen of one of the States now at war with the Confederate States owing allegiance to it. This is certainly not my case. But if it was am I under the circumstances liable to detention on this ground? I had supposed that the only alien enemies not combatants so liable were persons who had failed to avail themselves of the President's proclamation of August 15, or since that time found within the Confederate frontiers. I have not understood that even in regard to such persons the Government meant to imitate the policy of Napoleon I toward the English in France.

To imprison non-combatants indefinitely at the risk of life, health, property is so cruel and unprofitable a thing that I had hoped the monopoly of the practice might be left to Mr. Seward; and this the more that the recent release with passports of Mr. Eagle, of New York, arrested in Western Virginia at the end of September, seems to warrant the belief that the Confederate Government is disposed to conform itself to other than Federal precedents. But I belong to neither of the classes above mentioned. I came here openly and honorably early in June. I was on my way out of the country when I was causelessly and frivolously arrested in Georgia June 18. Coming again to Richmond voluntarily at my own expense that I might leave the Confederacy honorably as I had entered it I was arrested here June 24 and vilely incarcerated. I sought my liberty through a writ of habeas corpus July 6. I was then pronounced an "alien enemy," and as such with no specific charge against me remanded to a felon's jail there to await the pleasure of the governor of Virginia. I repeatedly in various ways and in vain sought a hearing from that functionary or from any other authority. When the President's proclamation appeared it found me a prisoner in these circumstances, unaccused, unexamined. I at once requested to be sent out of the country under the proclamation. But in vain.

The "forty days of grace," sir, had elapsed when I first learned from your lips officially the existence of any shadow of a charge against me. I was then entering the fourth month of my confinement. I stand now innocent of any offense against the Confederate laws or people. Is it my fault that I am still here an alien enemy? Am I to be denied my right to leave the country simply because I was for months unable to make my calls for justice heard? Is this, sir, I will not say legal—is it right, just, honorable, humane? But further. What sort of an al en enemy am I, thus selected for special torment? I came here after rendering services to the Southern cause for which the Government had thanked me through the Assistant Secretary of State. I came here invited by the same officer in a letter dated April 8, 1861, to visit the Southern capital; see for myself the strength of the Southern organization, and if possible conclude arrangements for acting extensively in behalf of the cause abroad. Had I supposed it possible I should here receive indignity and be insulted by suspicion, or that I should be forbidden to leave the country after being forbidden to remain in it, I should have gone to Europe at the time when I came to Virginia, there independently to defend a cause which I had embraced not as a matter of allegiance, of interest, or of ambition, but solely as a matter of principle.

Born in Carolina; connected by the dearest ties with friends in that State whose fortunes are identified with hers, my long residence at the North and in Europe may have made me an alien in the law. Do my actions show that it has made me an enemy also? I came here leaving all my worldly goods at the mercy of the Federal Government. I hoped to be able to preserve them, but I came prepared should the success of my plans require it to risk their absolute loss by passing through Mexico to Europe. Against this contingency, besides my intimate acquaintance with M. de Saligny, the French envoy there, I provided myself with letters of introduction from Mr. Eustace W. Barron, of Mexico, a friend of mine well known to Mr. Benjamin. So much for the antecedents of my presence here.

You will yourself, sir, I think remember that I have repeatedly expressed to you my deep sense of the justice of the Southern cause. This with me is not a question of impulse but of conviction. As my faith is so have my works been. They speak for me. My character and the facts of my case are my titles to liberty. On them I stand. If I am a Southern citizen my loyalty has been proved by my course of action. If I am an alien enemy I am an alien born in Carolina; an enemy doing the duty of a friend.

But whatever I am, sir, I am not a man to assail the rights of millions in avenging my personal wrongs nor to tamper with my own self-respect, nor to forget how truly, sir, I am your obliged and obedient servant,

WM. HENRY HURLBERT.

EXECUTIVE DEPARTMENT, *January 6, 1862.*

[Hon. JAMES LYONS.]

DEAR SIR: Understanding from your communication of this day that you have examined the case of Hurlbert and have recommended his discharge I take occasion to say that I have not considered him under my control since he was taken before you for examination under the order of the War Department. I know of nothing against him save what was communicated to me by Hon. R. Toombs at the time the warrant for his imprisonment was made out.

I am, truly,

JOHN LETCHER.

Case of Dr. Stephen Hagadorn.

RICHMOND, *July 30, 1861.*

President DAVIS.

MY DEAR SIR: Can you be prevailed on under the circumstances to release a poor distressed man, one that is laboring under rheumatic pains, one whose general health is poor, and of a broken-down constitution? I am here a prisoner, not because I have waged war against anybody; only on account of possessing a parent's anxiety to know if my son was alive, who enlisted in Wisconsin, not having seen him in many months. I reside when at home at Bath, Steuben County, N. Y.; left on the evening of the 17th instant, promising to return last week. I am sure that no one's happiness is increased by keeping me here. I was not in any way connected with the army, neither had I any arms about me; was robbed of all my money when taken. I beg to be released. I beg to have a hearing. Don't, for humanity's sake, continue my suffering longer while it is in your power to relieve me. I am not in office of any kind; am a practicing physician and have a home, and oh! could I go and enjoy it once more. Can I? It is in your power to say. General Beauregard was made acquainted with my circumstances at Manassas and sent for me; as I was taken in the night, I was lying on the ground asleep and the officer said he could not find me. What will you do with my entreaties for mercy?

Yours, &c.,

S. HAGADORN, M. D.

RICHMOND, *July 30, 1861.*

HON. SECRETARY OF WAR, C. S. A., *Richmond.*

MY DEAR SIR: My condition is the most unhappy of all men. I am imprisoned here for what I am not guilty of doing, any public or private wrong. Have not directly or indirectly been engaged in the present disturbances existing in our country. Left my business, which is the practice of medicine, on the evening of the 17th instant, intending to return last week. I am a resident of Bath, Steuben County, N. Y. Came for the express purpose of seeing my son who had come in the Second Wisconsin Regiment. Having learned when I got to Washington on Friday that a battle had been fought at Bull Run came over only to see whether he was dead or alive, and my anxiety led me to venture too far, and consequently am here. Will you as an act of humanity and kindness have the goodness to liberate me from this very revolting condition in which I am placed? I came entirely unarmed except with money to defray expenses, which was taken from me when I was taken. It is now in your power to relieve suffering humanity. Will you do it? Do, I pray you, but submit I must to whatever you are pleased to direct.

Yours, in faith and submission,

S. HAGADORN, M. D.

To the WAR DEPARTMENT, *Confederate States of America:*

I had no time when my name was registered to give a statement of my case, which I will briefly do at this time. I left my home and business on the 17th of July to return as soon as the 27th. Did not come as an invader, having no weapons of any kind. I am in the fiftieth year of my age; am a physician, Stephen Hagadorn by name, and live at

Bath, Steuben County, N. Y. I came only to see a son who had enlisted in Wisconsin. Found on Sunday that a battle was being fought. Anxious as a father could be to know whether my son was alive, was too venturesome, consequently am a prisoner. My son is a prisoner here and must of course be held as such until disposed of. I ask mercy at your hands, and a release that I may go to my distressed family. When taken I was robbed of over $100 in money and papers that were valuable to me, and am as unpleasantly situated as mortal man can be on account of being detained from my family, who of course must be much distressed on account of my absence. Will you, my dear fellow-beings, let me go I pray you? I have done nothing to offend you therefore I pray you let me go.

S. HAGADORN.

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BATH, STEUBEN COUNTY, N. Y., *October 14, 1861.*

Hon. JEFF. DAVIS, *Richmond, Va.*

DEAR SIR: Among the prisoners taken at the battle of Bull Run was a Dr. S. Hagadorn, a quiet and peaceable citizen of this village. Owing to some family difficulty his son, S. H. Hagadorn, had some months previous left home. As the doctor was about leaving for New York to purchase medicines, &c., he learned that his son had joined some one of the regiments that had gone to Washington. With a father's anxiety he concluded to visit Washington immediately, saying he "might never see his son again should he go into battle." On his reaching Centreville he learned that the command had moved forward. He did not see any fighting the day of the battle but went toward evening about two miles (he should judge) beyond Centreville in hopes of seeing his son if returning; if wounded to dress his wounds and to do all that affection could dictate, but your cavalry came up and he was taken prisoner.

This is the simple and truthful statement of the case given to me by his almost distracted wife, and I have written to you hoping that when you are assured he was a non-combatant, a quiet, peaceable citizen, you will release him. Dr. S. Hagadorn is a man about fifty I should think, a gentleman and a Christian, and will respect his parole.

Perhaps you have forgotten me, but I remember General Jeff. Davis, who was wounded in Mexico, and whom I had the pleasure of entertaining at the mouth of the Rio Grande when he and his suite were en route for New Orleans. Mr. Davis, a compliance with my request will be an act of humanity and great kindness, and I will esteem it a personal favor.

I am, very respectfully, &c.,

ELIZA E. OGDEN,
Widow of the late Maj. E. A. Ogden, U. S. Army.

[First indorsement.]

SECRETARY OF WAR:

If on inquiry this case seems to be well stated let the prisoner be released on parole.

J. D[AVIS.]

[Second indorsement.]

General Winder for report, in accordance with the President's indorsement.

[J. P. BENJAMIN.]

RICHMOND, *November 7, 1861.*

General S. COOPER, *Adjutant-General.*

SIR: Dr. Stephen Hagadorn was sent to Richmond as prisoner of war with a number of others. There were no papers to show that he differed from the rest. The inclosed papers contain all the information there is about him. Doctor Hagadorn has always adhered to the same statement.

Respectfully, your obedient servant,

JNO. H. WINDER,
Brigadier-General.

[Indorsement.]

Let the prisoner be released on parole and allowed to go to the United States.

J. P. B.

[Inclosure No. 1.]

OFFICE OF THE MAYOR OF THE CITY OF NASHVILLE,
October 8, 1861.

General JOHN H. WINDER.

DEAR SIR: Accompanying this note you will find certain papers handed me by Hon. John C. Breckinridge, who left this place on yesterday for Kentucky.

Respectfully,

R. B. CHEATHAM,
Mayor.

[Sub-inclosure No. 1.]

BATH, STEUBEN COUNTY, N. Y., *September 11, 1861.*

Hon. J. C. BRECKINRIDGE.

MY DEAR SIR: Although an entire stranger to you I have taken the liberty to inclose to your address a letter to General Winder, of the C. S. Army, asking for the release of a prisoner he now holds and which I beg of you as an act of humanity and a favor to me to forward to Richmond, if in your power. I ask the favor as a political friend and a national Democrat, relying upon your generosity and kindness of heart. A perusal of the inclosure will explain its object. To satisfy you of my identity I also inclose a note received from F. H. Hatch,* the collector at New Orleans, with whom I am connected by marriage and was in correspondence until the present difficulties and through [whom] I would make this application if I knew how to reach him. You are probably acquainted with him. If you are satisfied of my sincerity and honor may I ask you to add your indorsement of the request I make of the general? You will never have occasion to regret it. I may be able in some way to oblige you.

Yours, truly,

A. J. McCALL.

[Sub-inclosure No. 2.]

BATH, STEUBEN COUNTY, N. Y., *September 10, 1861.*

General JOHN H. WINDER, C. S. Army.

MY DEAR SIR: Among the prisoners taken at Bull Run and now detained at Richmond is Dr. Stephen Hagadorn of this place. In July

* Omitted.

last having learned that his son, a resident of Wisconsin, had enlisted and was then in Washington with a father's anxiety he resolved to take in that city on his way to New York to purchase a stock of medicines, in hopes of seeing that son. He reached Washington on Friday before the engagement and learned that his son's regiment was at or near Centreville but was unable to procure a pass until Sunday. He reached the hospital on the battle-field just before the rout commenced and administered to the wounded, but being in feeble health was unable to escape in the flying host and consequently was captured. The doctor was in no way connected with the army. He holds no political office. He is a man of no pretension or extended influence. He is simply a country physician of small practice, depending upon it for the support of his family. I have no personal connection with or interest in the doctor or his family other than a neighbor. In going to and from my office I pass his house. The distress of sorrowing wife and children touched my heart. I found that a set of miserable comforters had imposed upon them and their fears by reporting bloody and cruel outrages perpetrated by the Confederates upon the Federal prisoners and bade them entertain no hope of his being restored to them. I indignantly denounced them as libels upon humanity and base fabrications unworthy to be repeated by Christian lips. I had of course to suffer from the imputation of sympathy with rebels, but happily all that I had said of Southern humanity and generosity proved true. The family soon received letters assuring them of his safety and comfort as far as his feeble health would permit. My further advice and assistance not being asked I did not obtrude it. I watched closely the conduct of the Black Republicans and was shocked at their manifest heartlessness and indifference. In fact they seemed disappointed that the poor man had not been hung and quartered. I ventured to inquire of a friend of the family what had been done for his comfort or toward procuring his release and was told nothing whatever; that the same miserable comforters had advised the wife that nothing could be done for her husband, that it was useless to make the effort.

Without being even asked or having consulted any one but my wife I resolved to lay the case before you and make an appeal to your magnanimity. His detention can be of no practical importance or benefit to the C. S. Army. On the other hand his release would operate to dissipate the bitter prejudice that interested persons have sought to raise against the Confederates in this vicinity. If you will examine the doctor you will find that all that is stated is substantially true and become satisfied that his discharge would subserve the public interest. It may seem presumptuous in one so humble to make such a request, but I know brave men are ever generous and confiding, always ready to lend a listening ear to the petitions of the simple and true-hearted.

I remain, your obedient servant,

A. J. McCALL.

[Inclosure No. 2.]

BATH, STEUBEN COUNTY, N. Y., *October 18, 1861.*

Rev. J. LANSING BURROWS, D. D.

MY DEAR BROTHER: Some time since I wrote you in behalf of Dr. Stephen Hagadorn, of this place, a prisoner confined in your city. By letters just received from him I learn that that communication reached you and that you kindly visited him. I am therefore emboldened by your past kindness to trouble you again. Accompanying this

is a communication addressed to Hon. J. Davis, stating facts in relation to the doctor and signed by some of the gentlemen of this town. We trust it may be the means of procuring his discharge. Will you, my brother, see that it is put into the hands of Mr. Davis at the earliest possible moment? By so doing you will have the consciousness that you have done what you could to release a worthy brother in Christ from a painful and unnecessary confinement and bring happiness to a distressed and highly worthy family. Will you also use your personal influence to bring about so worthy an object?

Yours, affectionately, in the truth,

E. J. SCOTT,
Pastor of Bath Church.

[Sub-inclosure.]

BATH, STEUBEN COUNTY, N. Y., *October 16, 1861.*

Hon. JEFFERSON DAVIS:

This is to certify that we, the undersigned, residents of the village of Bath aforesaid, are familiarly acquainted with Dr. Stephen Hagadorn, of this village, now a prisoner at Richmond, in the State of Virginia. That said Hagadorn is highly esteemed as a citizen, a physician and a Christian, being a member of the Baptist Church in this village. Unassuming in his intercourse but always up to his pretensions, his word always reliable; is strictly a civilian, never seeking military or political honors not so much as holding a town office. The doctor has a son by the name of S. H. Hagadorn, who left this village about the 6th of January last, went to Milwaukee, in the State of Wisconsin, and there without his father's knowledge enlisted, which facts came to his father's knowledge, and on the 17th of July last prompted by parental affection to look after his son the doctor left his home for the city of Washington without the least hostile intentions and expecting to return home in a very few days, and that by the way of the city of New York for the purpose of replenishing his stock of medicines as required in his practice as a physician.

All of which is respectfully submitted.

R. Campbell, Lieutenant-Governor of New York; D. Rumsey, jr., ex-Member of Congress; W. Barnes, judge of Steuben County, N. Y.; Orson Mosher, clerk of Steuben County, N. Y.; Reuben Robie, ex-Member of Congress; Wm. Y. Hubbell, ex-Member Twenty-eighth Congress; O. Seymour, sheriff Steuben County, N. Y.; James Lindsay, justice of the peace in and for Steuben County; O. R. Howard, rector Saint Thomas' Church (P. E.); E. R. Kasson, under-sheriff Steuben County, N. Y.; E. J. Scott, pastor of Bath Church; D. M. Van Camp, insurance agent.

[Indorsement.]

STATE OF NEW YORK,
Steuben County, Clerk's Office, ss:

I, Oscar J. Averell, deputy clerk of the county of Steuben, do hereby certify that I am well acquainted with each and every one of the persons whose names are subscribed to the foregoing petition and statement and that I believe the signatures thereto are the genuine signatures of the individuals whom they purport to be; and further

that I am well acquainted with the said Doctor Hagadorn and hereby freely indorse the statement and certificate foregoing and know it to be true and correct.

In witness whereof I have hereunto subscribed my name and affixed my official seal at Bath, this 18th day of October, 1861.

O. J. AVERELL,
Deputy Clerk.

[Inclosure No. 3.]

RICHMOND, *November 7, 1861.*

General WINDER.

DEAR SIR: You wish to know what General Beauregard promised me. I did not see the general. The officer of the guard told me in the morning that he sent for me in the night but that he could not find me. He was so busy during the day that I could not get an opportunity to see him. I never was in Virginia until the 21st of July, about noon, and then in search of my son, to learn whether he was dead or alive. I stated the circumstances to the officers, who told me they had no doubt but that the general would let me go if he knew the circumstances. I was not in arms; left my home and business only for a week to learn the fate of this son who had enlisted from the State of Wisconsin, having left his home and gone West some months previous.

Yours, with much respect,

S. HAGADORN,
Bath, Steuben County, N. Y.

P. S.—The officers at Manassas said they had no doubt I would be released as soon as my case was known at Richmond. My case is one that needs as much sympathy as any one's. I learn my family are in great distress.

Yours, S. H.

WAR DEPARTMENT, *Richmond, November 11, 1861.*

Brig. Gen. J. H. WINDER, *Richmond, Va.*

SIR: The Secretary of War directs that Dr. Stephen Hagadorn be released on parole and allowed to go to the United States.

Respectfully,

A. T. BLEDSOE,
Chief of Bureau of War.

Case of Doctor Hilleary.

STAUNTON, *August 7, 1861.*

[JOHN BRANNON, Esq.]

MY DEAR FRIEND: I have been arrested and brought here by the order of Colonel Jackson or Governor Jackson, charged with having conducted the Federal troops to the top of Rich Mountain, which charge is false and I can prove it false by the whole army then stationed at Camp Garnett or Rich Mountain. I can prove also that I was with the army off and on all the time it was there, working for the army day and night. My family and I never left the army until the word retreat was given and then came down to Baker's and there got Baker's carriage, hitched my horse to it and brought Capt. William Ervin off. He had three of his ribs broken from a fall he received in camp and was brought

out to Baker's on Monday before the battle. I carried him home within a few miles of the Warm Springs. I then went on to the Springs to see my daughter and children, at which place I was arrested on Friday following and brought to this place and turned loose on parole. I do not know the meaning of it, but [am] still under arrest.

I have written to Colonel Jackson about it and asked of him to give me a hearing or a trial and I would prove to him and the whole world that I was innocent, and that when I did that I wanted to be honorably acquitted and also full satisfaction of those who perpetrated such unfounded falsehood; that I should not be satisfied until that was done. They know well that I was a witness to a great deal of their mismanagement and bad conduct as it respects that battle, and afterward the miserable retreat of Scott's riflemen and the situation it placed Garnett's army in, and think by playing this trick on me they will get clear of it. Let me get this arrest settled up and I'll let them know that I will let the world hear of it.

My loss is great by the Federal troops and more than I shall ever recover, but that I care nothing about so we can gain our independence. They can have all, so that I can say I am once more a free man. Please attend to this. I have written to Governor Letcher and you will see him in person if you please. Mr. Morrall will say a few words in this case.

I remain, yours, with the greatest regard and respect,

DR. WASHINGTON HILLEARY.

[First indorsement.]

JOHN BRANNON, Esq.

DEAR SIR: I am entirely satisfied that Doctor Hilleary should be released. I know that he retreated with the army. I saw him at Huttonsville with a sick gentleman in his carriage, and also at Greenbrier River. I consider it an outrage upon him to have him detained here. I have nothing to write about our army, having heard nothing definite. I shall not leave until to-morrow. Have him released if possible.

Yours, &c.,

L. D. MORRALL.

[Second indorsement.]

I have known Doctor Hilleary for several years. He has always been a true Southern man, and I am greatly surprised that any suspicion of unsoundness should have attached to him. Of course I know nothing of the charges against him, but cannot from my knowledge of him suppose for a moment that he has been guilty of any act inconsistent with his known devotion to the Southern cause or in the least affecting his integrity as a man.

JOHN BRANNON.

[Third indorsement.]

AUGUST 14, 1861.

His Excellency the PRESIDENT:

I am satisfied from my knowledge of Mr. Brannon, State senator from the district in which Doctor Hilleary resides, and of Mr. Morrall, a resident also of the district, that neither of them would ask for the release of an unfaithful or disloyal man. Both of these gentlemen have been driven from their homes in consequence of their loyalty and devotion to the cause of the South. Their statements satisfy me that Doctor Hilleary has been improperly arrested and ought to be discharged. He is confined at Staunton, Va.

JOHN LETCHER.

RICHMOND, VA., *August 14, 1861.*

His Excellency JOHN LETCHER, *Governor of Virginia:*

I have learned with regret that some person has had Dr. Washington Hilleary, a former resident of Randolph County, Va., arrested on suspicion of having piloted the Federal army around our camp at Rich Mountain. Knowing that these suspicions are entirely unfounded I feel that great injustice is being done to one of our friends. I therefore make the following statement of facts, hoping that they will be sufficient to procure his immediate release:

Doctor Hilleary resides about two miles west of Camp Garnett (Rich Mountain), at Roaring Run, and he and his family did all in their power to befriend and relieve our little army while it was at Camp Garnett, and when he heard that the Federal army was approaching he asked us to send our teams down to his house to bring to our camp all his grain, saying that he did not want it to fall into the hands of the Yankees, and he for safety fled to Beverly in the rear of our camp, and left there in company with other refugees and came on to the Valley of Virginia, where he was arrested and taken to Staunton. A young man by the name of Hart (as I learned while a prisoner) acted as pilot to the Federal army in their march through Rich Mountain.

Yours, respectfully,

J. M. HECK.

[First indorsement.]

AUGUST 14, 1861.

This paper has been handed me since I sent the papers in the case of Doctor Hilleary to you an hour since. Be kind enough to file it with the other papers.

JOHN LETCHER.

[Second indorsement.]

I have made inquiry and find no record of any such person as Dr. Washington Hilleary as prisoner. There has been no such a prisoner since I have been in charge. I understand that there are two prisoners in the penitentiary who do not properly belong there. It may be possible that one of them be Doctor Hilleary.

Respectfully,

JNO. H. WINDER,
Brigadier-General.

Inquiry has been made at the penitentiary and no such person is there.

J. H. W.

Case of Chaplain John F. Mines.

WAR DEPARTMENT, C. S. A., *Richmond, August 8, 1861.*

General WINDER.

SIR: Mr. Mines, who represents himself as an Episcopal clergyman, is a prisoner on parole, and is staying with the Rev. Mr. Peterkin, the pastor of Saint James Church, Richmond. This Department has good reasons to believe that he does not deserve to be put on parole. You will therefore have him arrested at once and confined in prison.

By order of the Secretary of War:

A. T. BLEDSOE,
Chief of Bureau of War.

RICHMOND, VA., *August 8, 1861.*

Hon. L. P. WALKER,
Secretary of War of the Confederate States of America:

The undersigned has been rearrested without knowledge of any fault on his part, and would therefore make a brief plea to the Department. I am an Episcopal clergyman in good standing and chaplain of the Second Maine Regiment. Always a Democrat and friendly to the interests of the Southern States. The cry that the Union was in danger, and that there was a Union party calling on us for help here, led me to accompany the regiment in a spiritual capacity as chaplain of the Second Regiment from Maine. I was deceived; I bitterly repent it, and accordingly over my own hand I have acknowledged (as far as in me lay) the independence of the Southern Confederacy. They (the States of the Confederacy) ought to be free, and I should be glad to be allowed to raise my voice for peace. These are my sentiments, freely expressed to Doctor Peterkin, Dr. Quintard and all friends here founded on what I have learned since a prisoner. I refer with all respect to what I have written in times of peace, and especially to a printed sermon preached January 4, 1861, for the testimony to my opinions in times past. The Right Reverend Bishop Atkinson, of North Carolina, remembers the sermon, as it was noticed in the Church Intelligencer; and also Doctor Quintard, of Nashville, Tenn., a chaplain in the Confederate army. With all respect therefore I beg to refer to these gentlemen, with Doctor Peterkin, of this city, as references for my character and as hostages for my good conduct. Our church has had nothing to do with these troubles, and her clergy where they have accompanied the troops of the North have ministered only to their spiritual necessities. Doctor Quintard has known me personally in times past, and to him I make my chiefest reference, begging to be allowed as a chaplain to find a quiet home in the house of Doctor Peterkin, and the privileges of attending the services of God's house. My wife and little ones, and my sister, dying of consumption, would make the same plea for my youth; fatherless and motherless themselves they lean on my frail arm for support.

I am, most respectfully,

JOHN F. MINES.

RICHMOND, VA., *August 10, 1861.*

Hon. L. P. WALKER,
Secretary of War of the Confederate States of America:

The undersigned having partially ascertained the cause of his detention in prison would respectfully and as briefly as possible present his plea as follows: I understood at Manassas that I was charged with using severe language in conversation. I thereupon wrote to General Beauregard stating that I had never intentionally violated even the spirit of my parole; that I had been attacked violently several times by strangers and officers, and may have answered them severely in the presence of wounded men and others, but that I had never sought any controversy and had never spoken unless addressed. Twice I was compelled to remind gentlemen that I was a prisoner of war and therefore entitled to be let alone. I am no military man and am very young; and older men than myself better acquainted with military matters ought not to have led me into trouble by questioning, and yet I ought to have remembered that exultation is unavoidable in the hour of great victory, and so if I have erred I humbly beg pardon both of God and of man. As a minister I have repented bitterly the forgetting that a quiet answer turns away wrath, while as a man I have felt that the

worm might be pardoned if he turned again. When I was leaving Manassas Colonel Hatch told me that it (my coming to Richmond) would make no difference as to my parole; that those who were sent home would go via Fort Monroe, so I supposed the matter was settled as far as I was concerned, but if not let me make to yourself the same plea as to him and referring to honored clergy of my order as to my character let me beg the restoration of my parole. God is my witness (and let my past character testify to the solemnity of the oath) that never by thought, word or deed have I intentionally violated the solemn parole that I hold still binding upon me.

Since I have been here I have met the Reverend Doctor Quintard, a personal friend and now chaplain of a Tennessee regiment; and Bishop Atkinson is here, who knows me by reputation. They know that I belong to a church that was always peaceful; that my own sermons strove for peace to the last; that my word and character are unimpeachable, and that I have assured them of a total change in my impressions and opinions since my stay here and my consequent desire to go back with words of peace. I have by my parole freely and fully acknowledged the independence of the Confederate States of America. I did it freely and without conditions of exchange annexed. I am glad to say that every day strengthens my conviction as to my duty to have done so and to labor for peace; and I appeal to you, sir, whether one who for humanity's sake remained behind the disgraceful flight of the 21st would ever intentionally utter unprovoked or dishonorable words? Let them who know me and my unspotted character as a presbyter of the church plead against such an accusation. At Manassas I sought to comfort the wounded and dying. I soothed the last hours of Major Ballou; spent a night with Lieutenant Adrian, of the Louisiana Special Battalion, treated with kindness never to be forgotten; and Mr. Sprague, one of the six rescuers of Colonel Gardner, will tell you that he dates the dawn of a new life from a Sunday spent with me in the barn at Manassas. Here I do all in my power, ready and glad to work. Young and with a young family, a non-combatant and not strong physically, I make this plea, that as for humanity and religion's sake I remained behind the rout so for humanity's sake I may be placed on my parole and released.

With great respect, I have the honor to be, your humble and obedient servant,

JOHN F. MINES,
Chaplain Second Regiment Maine Volunteers.

P. S.—I beg leave to refer to the Reverend Doctor Quintard, of Memphis, Tenn.; to Bishop Atkinson, of North Carolina, and the Rev. F. Fitzgerald, late editor of the Church Intelligencer at Raleigh, and now chaplain; to Reverend Doctor Peterkin, and to Lieutenant Adrian, of the Louisiana Special Battalion, &c.

NOTE.—Wednesday night, July 22, I spent with Lieutenant Adrian, of the Louisiana Special Battalion, having long conversations with him. He will gladly testify, I doubt not, to the moderation of my sentiments and words. Other officers could do the same if I could recall their names.

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LABURNUM, *November 16, 1861.*

Hon. JEFFERSON DAVIS, *President, &c.*

MY DEAR SIR: There is a Yankee chaplain named Mines now in confinement in Richmond as a prisoner of war who is most importunate to be released. Having been arrested at my suggestion his appeals

have been addressed to me and by me have been laid before the War Department. Mr. Walker and Mr. Benjamin have declined to discharge him, and in consequence of a recent letter from him I obtained the permission of Mr. Benjamin to lay the case before you, so that it may be finally decided and his imprisonment or his importunities put an end to. To his first letter I wrote a reply which was sent to him by the War Department and I have now the honor to place before you a copy of that letter and reply, with his last letter to me, as containing a full statement of the case on both sides. Bishop Atkinson took much interest in his case when he was here and urges his discharge, and has written a letter about it to Bishop Burgess in the event of the prisoner's discharge. While I defer sincerely to the decisions of the honorable Secretaries I yet confess that it seems to me that it would do more good than harm to discharge the chaplain and publish his letter.

With the highest respect, I am, most truly, yours,

JAMES LYONS.

[Inclosure No. 1.]

RICHMOND, VA., *August 16, 1861.*

JAMES LYONS, Esq.

MY DEAR SIR: Understanding from the Secretary of War that my conversation with yourself at Manassas is the cause of the present detention here I hasten to send you a line of explanation and apology. If in anything that I said I gave cause for offense to you I apologize for it now as a Christian minister and a Christian man. I had no intention of giving offense to yourself or to the Government, merely to reply frankly to the questions asked me as to why no troops came across the Potomac, &c.

Personally I never had and have not now any animosity to the South. I have always been a pro-slavery man and a Democrat of the Southern school, as a sermon preached January 4 of this year and subsequently published by request will testify. The clergy whom I have met here (Bishop Atkinson, Doctor Quintard, of Tennessee, and others) will testify how I labored and prayed for peace to the last; and at the last a place as chaplain was offered me and I only accepted on the written advice of my bishop. His advice I have followed in always making the minister superior to the officer as is shown by the fact that I brought my surplice with me in my trunk and used it. Trying still to do my duty I remained behind our routed troops to minister to the wounded and dying, trying to save some souls among them. For this act of humanity and religion I was paroled at Manassas and came down here by order of General Beauregard (Colonel Hatch telling me that it would make no difference as to my parole), expecting to be sent home via Fortress Monroe. Here I was paroled and again arrested and upon your kindness I throw myself, asking a release for humanity and religion's sake.

Since I have been here my views of the state of the conflict have changed. Finding how grossly we were deceived in being led to think that there was a Union party here who asked our protection; finding a united South and a people thoroughly in earnest, I desire to have nothing more to do with it but to labor and to pray for peace and peaceful separation, and I write this with my own hand and over my own signature, to stand as a witness for me. I am, sir, a non-combatant and a clergyman of the Episcopal Church; of unblemished character, as clergymen of the South who know me will testify. I am out of health; a severe cold has settled on my lungs and my imprisonment will only result in death by the disease that carried away my father, mother and

sister, and has seized upon my younger and only sister and I fear on myself. My wife is also fatherless and motherless and with her two babes is waiting anxiously for me. They lean upon my youth, and I had promised when my three months were up to return to them, for I was sick of camp and of war. Let me add too that my wife fears she will be confined again this winter, and will you not then intercede with the Secretary of War (for in your hands it lies) that we may not sicken and die away from each other. A release, though it were even to go home and die among my friends would gladden them beyond measure and the Father of the fatherless would reward the kindness. I am very young and may have been imprudent.

In case of my release Bishop Atkinson proposes to write to Bishop Burgess, of Maine, with whom he is acquainted, informing him of the circumstance of my release and of what will be expected of me. The bishop then can keep his eye upon me and put his ecclesiastical commands on me. As you are doubtless aware the discipline of our church gives the bishop power among his presbyters, and the infringement of parole or the conditions of release would subject me to censure and disgrace. With this arrangement and with my explanation and apology, I hope, my dear sir, that you can ask of the Secretary of War that I may be returned to my home, to my wife and little ones and my dying sister.

I am, sir, very respectfully, yours,

JOHN F. MINES,
Chaplain Second Maine Regiment and late Rector Grace Church, Baltimore, Md.

[Inclosure No. 2.]

LABURNUM, NEAR RICHMOND, *August 18, 1861.*

Rev. JOHN F. MINES.

SIR: I have just received your letter of the 16th instant. It is exceedingly touching and even if I disbelieved its profession of penitence I would say if I had the power: "Spare him and let him return to his wife and little children and let his joy and their joy at his deliverance and reunion with them purify his heart and teach him to repent of the great crime he has committed in invading our peaceful land with an army of plunderers for the purpose of making our wives widows, our children fatherless, and our parents childless, although none of them had ever wronged or sought to injure him or his or those in whose bloody service he came."

But I hope and believe that you are not seeking to escape from the consequences of one crime by committing another and are sincerely penitent and therefore I sincerely forgive you; for if a penitent may be forgiven for sinning against his God he may be forgiven for any other sin though it be as great as yours. You are not, however, in my power but in that of the honorable Secretary of War and the magnanimous and gallant gentleman who as President of our new Confederacy so nobly leads us in the way to victory and liberty. You were arrested upon my testimony but not as your apology would seem to indicate for any offense to me, but because upon that testimony you were in the opinion of the honorable Secretary (who if he errs at all in respect to prisoners errs on the side of mercy) the active enemy of his country found on the battle-field and still impenitent and vindictive. In order to do justice to that opinion allow me in no unkind spirit and with no view to wound you (I assure you) recall to your memory the circumstances under which we met and some at least of the occurrences at

that time. We met in the hospital not far from the field on which Sherman's (Ricketts') battery was captured, which was filled with your wounded countrymen who had been abandoned as hundreds of others of them were by their army, their surgeons and their chaplains, in misery to die upon the field if not rescued by the brave and kind-hearted men whom they had sought for destruction. I found you apparently well, in the garb of an officer, in the midst of the wounded and dying and in sight of the battle-field which though filled with graves was still covered with your slain. You seemed to be intelligent and I asked permission of you to propound one or two questions to you. You gave it and I said, "Will you have the kindness to tell me what view of the subject induced you to invade our country and take part in a war which has brought upon your own people (pointing to the wounded) so much suffering and was intended to inflict greater ills upon us?" You replied: "I am a chaplain, an Episcopal clergymen. I had escaped beyond the reach of harm, but my conscience made me come back to look after the wounded." I then expressed my surprise that you should be here, as at the North the only religious denominations which had made any show of resisting the war and defending the rights of the South were the Episcopalians and Catholics; to which you rejoined that "more than half the chaplains in the army were Episcopalians and Democrats who had been changed in a night from opponents to advocates of the war by the firing on Fort Sumter," and you proceeded to justify the war not only on that ground but upon the ground that the North could never acknowledge the right of secession, but must treat secession as rebellion and put it down, and upbraided us for our inconsistency in denying to the revolting portion of Northwestern Virginia, whose conduct you justified, the right of secession which the South claimed; and when I pointed out the difference in the cases, showing first that the northwest did not propose to secede, and secondly was acting in plain violation of the statute of Virginia which denounces as treason any attempt to set up another government in Virginia in opposition to the existing government and in violation of the Constitution of the (late) United States which forbids the division of any State without the assent both of Congress and the State legislature, you still defended the Peirpoint government, saying that you were familiar with the Constitution, though you afterward confessed that you had not read it since you left school. You expressed these sentiments in an excited and as it seemed to me in a most vindictive manner.

The result of the whole interview was to impress me, as it did our excellent surgeon, Doctor Smith, of the Seventh Louisiana Regiment, who was attending your wounded, and my brother-in-law, Major Penn, of the same regiment, who were auditors and spectators of the scene, with the conviction that you were a most improper person to be at large and especially among the prisoners. In addition to this Doctor Smith afterward told me that you intermeddled with his treatment of the wounded prisoners and endeavored to dissatisfy them with it, and he believed that you also repressed in them any tendency to penitence and stimulated them to the maintenance of your own views. Of the correctness of these opinions, certainly of the first, I had the evidence of my own senses before I left the hospital. In addition to these things I heard you spoken of at a subsequent time in terms of condemnation by others, who expressed the opinion that you ought not to be at large.

When therefore I heard that you were in Richmond I felt it my duty to communicate all that I knew about you to the honorable Secretary of War and to express the opinion that you ought to be arrested,

although you had found shelter in the house of my friend than whom a more loyal and upright man does not live, and in my opinion you were properly arrested. But you confess your error and profess repentance, and as I have said I freely forgive you, although you have justified and taken part in this war against us, which I must be allowed to say is the most unholy which ever was waged and has been conducted in a manner the most infamous and most barbarous which ever has been practiced by a nation professing Christianity. It could not well be otherwise however when the man who coldly planned the war in October last—and now marshals the hosts against us which must desecrate and efface the graves of his own children and those of his wife's father and mother before his vengeance and vanity can be gratified by our subjugation—is a renegade and parricide.

I will promptly communicate your letter to the honorable Secretary and he will do I have no doubt all that honor and humanity require. Sure I am that he will not imitate the example of your Government in the case of Mr. Faulkner who—returning to its jurisdiction from foreign service for it in order to perform his last act of duty to it—without offense of any kind because of his nationality alone has been committed to a loathsome prison, although his wife and children anxiously await him in Virginia, as yours do in Maine. While to you, however, I would willingly extend the mercy which you seek because of your vocation, your sickness and penitence, allow me to say that your case if you are discharged on parole should be regarded as the exception which proves the rule and not the rule. Your prisoners should be guarded carefully, and for each one of ours who may be sacrificed by your Government twenty of yours should meet a similar fate. You will I hope not be one of that number, but will return in safety to your home to embrace your wife and children and teach your people to repent of the crime they have committed in slaughtering their own people as well as ours without cause, and also to disabuse them of the error under which they labor when they suppose that the South can be subjugated. Tell them that when there is not a man left to confront the foe, nor women to nurse and cheer the wounded; when the sun shall cease to warm the South, and the notes of our mocking bird shall be hushed in despair, then and not till then will they conquer the South.

Respectfully, your obedient servant,

JAMES LYONS.

[Inclosure No. 3.]

RICHMOND FACTORY PRISON, *October 24, 1861.*

Hon. JAMES LYONS, *Commissioner C. S. Army.*

SIR: I fear that you have forgotten in the pressure of other business that a chaplain—a non-combatant—has been kept for three months in the common prison, doubly punished by being deprived of all that which is necessary to the spiritual well-being of a clergyman. Let me again call your attention to the fact that on your testimony alone I was deprived of my parole, and I suppose that the same person that bound me can unloose. And also let me beg you to remember the agony of the family from whom I am parted, a family who never expected that a non-combatant could be kept as a prisoner. To God and your sense of what is right and humane I commit myself. Voluntarily when I had time and means to escape I intrusted myself, a non-combatant, into the hands of the Southern Confederacy. Before God, my Judge and Savior, my hands are clean from aught save having espoused the cause of the North and having expressed my then views very warmly to your honor in a private conversation that was not sought

by me. Will you who hear the cause of others listen to this of mine and for the sake of humanity, for my family's sake, report me to the Secretary for a release? The sorrows of the last three months will atone for a multitude of sins.

I am, very respectfully.

JOHN F. MINES,
Presbyter and Prisoner.

Hon. J. P. BENJAMIN, *Acting Secretary of War:*

I beg leave to call the attention of the honorable Secretary to the case of Chaplain J. F. Mines, which he will find fully explained in the copies of a letter from him to me and my reply to it, and respectfully ask that the case may be decided, as he continues to importune me by letters to which I do not feel at liberty to reply without the authority of the War Department. The original of my reply to him was sent to the late honorable Secretary of War and never acted on finally by him. It has never yet been sent to the prisoner.

Respectfully,

JAMES LYONS.

Case of Arnold Harris.

RICHMOND, *August 5, 1861.*

MR. PRESIDENT:

I most respectfully ask that you will hear from me a statement in behalf of Mr. Arnold Harris,* now confined in this city by military authority. This statement I consider no less due to yourself than to him, because I know that it is your desire in all cases, as it is your prerogative in this, to be just. I know, Mr. President, that you are occupied almost without intermission by grave duties, but I hope you will turn aside a moment to consider this.

I remained in Washington City for some time after the formation of the Confederate Government and visited that place again in March on business of that Government. I then frequently met Mr. Harris, and had repeated conversations with him upon the political condition of the country, alone and in presence of others. He expressed himself earnestly and consistently publicly and privately in favor of the South, and no one was regarded by our friends as more warmly with us in feeling and opinion than he. He was trusted as far as any one, and I have yet to learn that he abused our confidence. He left Washington City in April for Kentucky (where his family now is), and I am assured by gentlemen of that State that he there openly maintained our cause and vindicated our conduct.

He returned to Washington only in July and upon business, purely private, connected with the estate of the late Senator Douglas of which he is a creditor. He assures me that he is in no wise connected with the Government of the United States nor any of its operations; that he has not now and never has had since the secession of the first State any connection with it in the way of contracts or otherwise.

The principle of international law that all the citizens of an enemy's country are enemies has neither been adopted by us in fact nor theory, for citizens of Kentucky, Maryland and Missouri are permitted to go and come as freely as those of any of the Confederate States. The dif-

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*See p. 995, Vol. II, First Series, for arrest of Harris.

ferent circumstances under which Mr. Harris came are not believed to constitute his case an exception. He came with another person (having the same object) to our lines in open day, along the common highway and without arms. He presented a letter for the commanding officer disclosing the object for which he came, one of kindness and humanity, rendered to the tears and supplications of a grief-stricken woman to find the body of her husband. Their coming was not at the instance of the Government or any of its officers. It was their individual act, presuming for safety and indulgence on the nature of their mission and the well understood proclivities of one of them to shield them from suspicion.

Mr. Magraw frankly avows that he with others has a transportation contract with the Government of the United States, entered into in 1859 and which was extended and modified the past spring by the then Quartermaster-General, Joseph E. Johnston. For the execution of this contract his bond is outstanding and he has no power to release himself from its performance. Beyond this he has no other connection with this Government and has sought none from the present administration.

Mr. Harris through me has requested the honorable Secretary of War to call for a report from Colonel Stuart, who was in command at Fairfax, of the manner in which he approached our lines and all the circumstances attending his arrest. Upon this he feels that he may safely rely to prove what has been herein stated concerning it. It is the desire of many friends of Mr. Harris, they too true Southern men, that you would exercise your merciful and just prerogative both in his behalf and in that of Mr. Magraw. They are willing to waive all forms and place their case before any tribunal, civil or military, to which you may think it proper to remit them so that they may be able to relieve themselves from these painful personal discomforts and from what is far more bitter, the reproach of having come as spies.

Most respectfully, your obedient servant,

H. P. BREWSTER.

P. S.—I hope to have the honor of having your conclusion communicated to me in such way as you may think proper.

[H. P. B.]

RICHMOND, VA., *August 29, 1861.*

His Excellency JEFFERSON DAVIS,
President of the Confederate States.

SIR: Your generous treatment of Nelson,* of Tennessee, which has and will make for you and the Confederate States many friends, induces me to hope that in the same noble spirit you will release Arnold Harris from prison and permit him to return with me to his wife and friends in Kentucky. From a full examination of his case and from my own knowledge of Mr. Harris, in Kentucky, I am perfectly satisfied that he ought to be released. If a spy he ought to be tried. Every circumstance, however, shows that he did not come in that capacity, and the time when he left Washington taken in connection with the time of Cameron's flag of truce demonstrates that he (Harris) had no connection with the insulting communication of Lincoln's official.

Very respectfully and truly, your obedient servant,

GEORGE W. JOHNSON.

P. S.—I leave to-morrow morning for Louisville.

G. W. J.

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*See Vol. I, this series, p. 824, for arrest of T. A. R. Nelson.

WAR DEPARTMENT, *Richmond, August 31, 1861.*

His Excellency JEFFERSON DAVIS,
President of the Confederate States.

SIR: I have the honor to submit the following papers in the case of Arnold Harris:

First. Copy of the letter to this Department from Hons. R. W. Johnson, W. W. Boyce, L. M. Keitt, Thomas S. Bocock and Roger A. Pryor, of date July 25, 1861.

Second. Copy of the letter of this Department in answer to the above, of date July 26, 1861.

Third. Copy of the letter of Arnold Harris to the same gentlemen, in relation to the above correspondence, of date August 18, 1861.

Fourth. Copy of the letter of Arnold Harris to his former partner, Mr. Abrams, of New Orleans, referred to in the above letter.

Fifth. Copy of the letter of A. Buford, of Kentucky, to Arnold Harris, of date Versailles, Ky., August 18, 1861.

Sixth. The letter of the Hon. John C. Breckinridge, of Kentucky, to Your Excellency, of date Lexington, Ky., August 18, 1861, in relation to Arnold Harris (a copy of which is also retained on file in this Department).

The above papers are all the records on the files of this Department in relation to Arnold Harris, and are submitted to you at his request.

Very respectfully,

L. P. WALKER,
Secretary of War.

[Inclosure No. 1.]

RICHMOND, *July 25* [*1861.*]

Hon. L. P. WALKER, *Secretary of War:*

The undersigned respectfully represent that Arnold Harris is a captive, confined in this city among the prisoners taken at and after the battle of Manassas. We also state on information that Mr. Harris is quite sick. We give the assurance to you that we have long known him to be in all respects devoted to and residing in the South; that he is no enemy to this Government we feel assured, and therefore that his continued confinement is to be deplored. We ask his immediate examination, and propose to make personally our individual statements in his behalf if necessary.

We ask his release, and are, very respectfully, yours, &c.

R. W. JOHNSON.
W. W. BOYCE.
L. M. KEITT.
TH. S. BOCOCK.
ROGER A. PRYOR.

P. S.—On second thought we have concluded to entreat of you the immediate release of Mr. Harris on condition that we take him into custody and personally pledge ourselves for his appearance before you whenever required.

Very respectfully,

ROGER A. PRYOR.
L. M. KEITT.
W. W. BOYCE.
TH. S. BOCOCK.
R. W. JOHNSON.

[Inclosure No. 2.]

WAR DEPARTMENT, C. S. A., *Richmond, July 26, 1861.*

Hons. R. W. JOHNSON, W. W. BOYCE, L. M. KEITT, TH. S. BOCOCK, ROGER A. PRYOR.

GENTLEMEN: This Department has received your communication of the 25th instant in which you ask the release of Arnold Harris, now a prisoner in confinement in this city, and offer to take the said Harris under your personal custody, assuring the Department that in your opinion "he is no enemy to this Government, and therefore that his continued confinement is to be deplored."

The Secretary of War would be personally disposed to grant any request sanctioned by names so distinguished for patriotism and for eminent public services as are yours, and he has therefore given to your petition the most careful and at the same time the most favorable consideration, but he regrets to say that he cannot come to the conclusion that it would be consistent with the public interest or with his own official duty to grant the request which you prefer. Arnold Harris was taken prisoner in our camp at the close of battle, which it was hoped by our foes would be fatal to our cause. He was found with the enemy, in company with those who sought our destruction; in search moreover of the dead body of the brother* of the very man who had presided officially over all the operations of war which had been employed against us. If it be pleaded that he was there at the sacred behest of private friendship, and if (difficult though it be to reconcile such conduct with the sentiment of patriotism toward our Government) that plea must be admitted, it is at least strange that knowing as he did so well from previous experience in the U. S. service the usages of civilized warfare he did not avail himself of a flag of truce which would have secured him safety and respect, but came a voluntary trespasser upon a field where all are enemies who are not friends. And if in this renouncement of a flag of truce there was meant to be expressed no sympathy with those who claim to deny us as rebels the rights and courtesies of civilized warfare, it was at least a proceeding which this Department cannot recognize as entitled to immunity, when such recognition would set a precedent which might be claimed in future by every spy found within our camps.

These considerations alone would be quite sufficient to make the Secretary of War doubt the propriety of granting your request however favorably in this case he might be disposed to regard your intercession. But there are other considerations which are decisive. Information is in the possession of this Department that this Arnold Harris has been and is a contractor with the United States Government, and as such has had large contracts with the War Department of that Government for the supply it may be of those very means of war which have been so lavishly employed against us, and it is known that since the commencement of hostilities between the two Governments he has resided by choice in Washington in intimate association with the Secretary of War himself and with that brother who is said to have fallen while fighting against us. If these things be true, as they are believed to be true by this Department, he can certainly be nothing less than an enemy. If he should still claim allegiance to this Government he would be indeed a traitor.

The Secretary of War therefore deeply regrets that he cannot grant your magnanimous request, which he regards as only another instance

* Col. James Cameron, killed at Bull Run.

of that generous confidence and sympathy which the people of the South have only too often displayed.

I have the honor to be, gentlemen, very respectfully,

L. P. WALKER,
Secretary of War.

[Inclosure No. 3.]

RICHMOND, *August 18, 1861.*

Hons. R. W. JOHNSON, W. W. BOYCE, L. M. KEITT, THOMAS S. BOCOCK, ROGER A. PRYOR.

GENTLEMEN: I have just been furnished a copy of the reply of the honorable Secretary of War to a communication you were so kind as to voluntarily make asking for my release and to take me into your personal custody. The reply is based upon an entire misunderstanding of the facts of the case, and I deem it due to you who so generously made the offer of your personal honor to vouch for me to make a brief statement for your satisfaction, and with a hope that the honorable Secretary may after an examination and further reflection reverse his decision.

The honorable Secretary says:

> Arnold Harris was taken prisoner in our camp at the close of a battle. He was found with the enemy, in company with those who sought our destruction, in search of the dead body, &c., knowing as he did so well from previous experience in the U. S. service the usages of civilized warfare. He did not avail himself of a flag of truce, which would have secured him safety and respect, but came a voluntary trespasser upon a field where all who are not friends are enemies.

I can show that I was not taken on a battle-field with enemies at the close of a battle, &c., nor was I a voluntary trespasser inside of the Confederate lines. I did not leave Washington until Monday after the battle at 5 p. m., when more than half the defeated army had reached the city. We lodged at Taylor's, ten miles from Washington, and arrived at Fairfax Court-House early in forenoon of Tuesday. We met no pickets, passed no sentinels, and on our arrival there I do not think there was a Confederate officer or soldier there. In a short time a Captain Jones, whom I knew, came up and informed me that Colonel Stuart, commanding the advance column, would soon arrive. When he did arrive about half an hour from that time I introduced myself to him and presented the letter addressed to General Beauregard or the Commanding General of the Confederate Army, requesting permission to cross the lines, which would explain the object of my being there. Colonel Stuart replied after reading the letter that he would forward it to headquarters at Manassas, and meanwhile he would detain us in his camp, which he was going to establish a short distance from town toward Washington. We returned with him and remained several hours, when Colonel Stuart informed us he was directed to send us forward to Manassas.

I did not see General Beauregard's reply to my application until it was published in the papers of this city. We supposed our request had been granted; that if it had been refused we would have been ordered to return. We had not come within the lines, were not voluntary trespassers in the Confederate camp, nor were we with enemies of the Confederacy. We came to the line and asked respectfully to cross. No thought of attempting to evade any of the usages of civilized warfare by getting across improperly or doing any act in opposition to the orders or policy of the Confederate Government ever entered our heads. Our mission was entirely of a personal character, and as such expected

that it would be so regarded and that we would not be held responsible for the acts of the Government at Washington in regard to flags of truce.

As to the charge that I have had "large contracts with the United States Government and am on terms of intimate association with the Secretary of War and that brother, &c.," I deny it entirely. I have not one cent's interest in any contract with that Government. I have never received one cent from it in any shape, nor do I ever expect to. My associations with the Secretary of War are not intimate. I think I have not seen him more than twice since he has been Secretary, and then only accidentally and but for a moment. His brother I knew but very slightly, never having seen him but twice.

As to my residing in Washington "by choice" since the commencement of hostilities the reverse is true. I left that city in April because my friends did not think it safe for me to remain there. I had been engaged since the close of the last year in publishing the newspaper called the States, at a large expense to myself (assisted by several gentlemen, two of whom, Messrs. Robert Ould and D. Ratcliffe, are now I believe in this city), a paper which I will venture to assert was not surpassed in the vigor of its attacks on the usurpations of Lincoln by any in the Confederate States, and which was only discontinued on account of the threats of Lane's Kansas company that the office should be mobbed, the press and types thrown in the canal, and the editors and supporters hung at the lamp-posts. The gentlemen connected with me in it all agreed it was unsafe to continue. I had also refused to take the oath of allegiance, and was informed that unless I did take the oath my person would not be safe.

I left Washington on the 28th of April and took my family to Kentucky, where I remained with a brother-in-law and sister who reside there until the last of June, and where my family are at this time. While in Kentucky the election for members of the U. S. Congress was going on, and I beg to refer you to the Hon. J. C. Breckinridge, Governor Magoffin, Lieutenant-Governor Porter, Hon. J. B. Clay, and many others as to my status there, whether it was that of an enemy to the South.

The day before leaving Washington I wrote to my former partner, Mr. Abrams, of New Orleans, the accompanying letter, a copy of which he sent to his present partner, Mr. J. T. Doswell, who has appended his certificate as to its genuineness. This letter is partly on private matters. The first part relates to public affairs; but the entire letter is submitted, and I beg to explain that portion which says that my future would depend on the letters I received from Montgomery. When Col. J. T. Pickett left Alexandria I requested him to see President Davis and offer him my services in any position he deemed me capable of filling; that my health was not good, but that in some of the departments of the Army I might render some service and that I was anxious to do so. Colonel Pickett made a memorandum of it. I waited at Versailles some three weeks before I heard from Colonel Pickett. I have not his letter with me, but the substance of it was that he had no opportunity to mention the subject to the President and had concluded that it was not worth while to do so because a great many officers of the U. S. Army, lately resigned, were there, and it was deemed no more than just that they should first be provided for. This view of the case in my opinion being so proper I did not go to Montgomery to ask for any position, but concluded to remain in Kentucky, recruit my health, and meantime do whatever good for the cause I was capable of. Whether I did or not I leave for others to say.

I returned to Washington about the 1st of July on urgent private business in no way connected with the Government. I did not go until I had taken the precaution to know whether I would be safe from arrest. A friend who is now in this city wrote that I would be in danger if I expressed my sentiments. My business was so important that I took the risk, and having concluded all I had to do—which by-the-by amounted to nothing—I was prepared to leave for Kentucky next morning (Tuesday, 23d of July), and would probably have been here via Tennessee soon after if I had not met Mr. Magraw on Monday evening, who stated that he had been requested by the friends and family of Colonel Cameron to make an effort to obtain his body and that he had promised to do so provided either Mr. Jonah D. Hoover or myself would accompany him. I had known Mr. Magraw long and well as a sound friend of the South, and believing that it was simply an act of humanity, and with no intention to violate any of the usages of civilized warfare or any desire or design to aid the Government of the United States to do so I consented to accompany him. I was not acting for the Government or in connection with it. With that concern or its members I have had no interest or sympathy, and I think the honorable Secretary judges me very harshly when he classes me as an enemy and that he is also unjust to me in prejudging my case upon *ex parte* testimony (from whom I know not) as to my status in Washington.

I write this particularly for you gentlemen who so promptly offered to vouch for me, to satisfy you that you were not mistaken in me; and promising you that you shall never have cause to regret your confidence I am, very respectfully, your obedient servant,

ARNOLD HARRIS.

[Sub-inclosure.]

WASHINGTON, *April 27, 1861.*

DEAR ABRAMS: Your welcome letter of the 19th was received this morning just in time for me, as I am off to-morrow and it might have chased me for some time without catching me. I go to Philadelphia for Mrs. Harris and Ella and take them to Kentucky, where they will stay some time—perhaps all summer. I will remain with them a few days and then be ready for anything. Must take a part in the great drama going on—make myself useful in some way, though I am not fit for very hard service. I shall get letters from Montgomery on my arrival in Kentucky which will decide my course. Most likely I will return to Richmond.

We have a terrible conflict before us. You cannot imagine the state of things at the North. The hordes are out to a man and those we relied on to check the aggressive spirit of the abolitionists have all caved in and are most violent in their hostility to the South, or as they say in sustaining the Government; all fighting under the cry that the Stars and Stripes must be sustained—an attractive but false issue. They come from hill and vale and I verily believe can raise a million of men and all the money they want. The New York banks have offered the Government all their specie, $47,000,000. This place is under a despotism. All who are not loyal to Lincoln must leave. I have been warned by a friend to start or I would be sent out. Seventeen thousand troops here now and 20,000 more in a week. Maryland will have to succumb and they may even attempt to subjugate Virginia. Many openly avow that to be the object. The South must strain every nerve or there is great danger that the Northern rascals will win their game.

I inclose you acceptance for $1,200, which I could have sent but hoped to hand it in person. I am a thousand times obliged to you for your ready response to my letter. In these hard times it is very welcome; I shall have money soon, and am in hopes to realize a good sum from some of my labors here during the winter, but I can't get it just now. I am glad to hear what you say about Tehuantepec—that awful leech on all of us. Woodward has my bonds and stock. I will direct him to send them to you, to be used as you think best. It is a perfect godsend to get anything from that quarter.

I am happy to say that the warm weather is taking the stiffness out of my fingers and that I can handle my pen with more ease. My right hand is pretty good; the left is still ailing. I cannot find words to express my feelings to you and your most estimable wife for the loss of that sweet child, Sallie. I can appreciate your feelings, for you know we have lost five. Each one seemed to break a heartstring. Afflictions crowded on us, but still we managed to hold up and look upon them as dispensations of God, and we must not murmur at His decrees. Present my most affectionate regards to Mrs. Abrams and talk to her in this way, as I have a hundred times to Mrs. Harris under similar circumstances.

I shall be at Versailles, Woodford County, Ky., in about ten days. Please write me there, and whatever you have to send me let it be on New York. Remember me to all old friends.

Yours, truly,

A. HARRIS.

[Inclosure No. 4.]

VERSAILLES, KY., *August 18, 1861.*

DEAR ARNOLD: Your letter of the 9th instant was received on yesterday, the only one we have had from you since your arrest. It afforded great relief to us all, as we had not heard a word from you direct since I left you in Washington. At no time, however, have we ever thought that you were in any personal danger, or that you were not well cared for by the many friends you would doubtless meet in Richmond. I have written you several letters since I parted with you in Washington (by mail), none of which I suppose you have received.

The moment it was known in Washington that you had gone for Colonel Cameron's body all the Republicans of the city pitched into the Secretary of War hot and heavy for sending a rebel within the lines of the enemy from Washington City at so critical a time. You were denounced in unmeasured terms by them. Had the Confederates made an assault upon Alexandria, Arlington or Washington within a day or two after you left it would have been evidence sufficient in the minds of all Republicans to establish the fact that you were a rebel spy, and had reported their demoralized condition.

After the battle of Manassas many of your friends who desired you to go on the errand you did regretted it much, after they saw the course events were taking after you left the city. When I reached Kentucky I saw the governor immediately. He wrote to Jeff. Davis—I fear with but little effect, as he knew but little about your case. I will see J. C. Breckinridge to-day in company with Tom Hawkins, and if we can effect anything I will get him to write to President Davis. Rest at ease in your mind concerning the welfare of your family. I will keep them in my care, and attend to all their wants until you are released, and as soon as I find they are not safe at my home in Kentucky I will take them with my own "little flock" to some safe harbor

farther south. I hope, however, that you will be at liberty in a few days, and be with us in Kentucky before this salt-water general, Nelson, forces us to take a hand in this fratricidal war.

We are expecting trouble daily in Kentucky, the immediate cause being the violation of our neutrality by the Northern Government. Nelson, whom you know to be as d——d a Black Republican as is to be found anywhere in the country, is now under the authority of Lincoln organizing three regiments within the borders of the State. This is a clear violation of our neutrality, and it will be resisted by a majority of the Union men in this (the Ashland) district. Nelson's encampment is about fifty miles from Lexington on the road to the Cumberland Gap. He has now about 2,000 men mustered into the service of the United States; a battery of field artillery, six pieces (rifled). I saw the order before I left Washington authorizing Nelson to organize these troops. Secretary Cameron asked me to take command of one of these regiments under Nelson, with the promise of promotion to the position of brigadier-general so soon as a brigade was organized; all of which I positively declined, advising at the same time against the violation of Kentucky neutrality by the organization of troops under this salt-water general, Nelson, upon the soil of the State.

A majority of the Union men in Kentucky are bitterly opposed to this Nelson movement, and are now doing all in their power to remove him and his troops from the State. If we succeed all will be well with Kentucky; if not our neutrality is gone and my sword shall be drawn in the defense of the South. My ambition would be gratified if I could just command a brigade and drive Nelson across the Ohio River. It would not take much of a force to start him in the direction of Cincinnati, and if he was once started every Union man save a few like old Coombs and Judge Robinson would give him a kick to move him along. There can be no doubt as to where Kentucky will go when she is driven from her position of neutrality. I am satisfied from what I learned in Washington City that it is the fixed purpose of Lincoln to organize troops within the State of Kentucky, and that all efforts to get Nelson and his party to leave the State peaceably will prove fruitless. Therefore I am forced to the conclusion that our neutrality is gone and that we must have war with all its horrors in our midst very soon. I am glad that you denied unequivocally that I had accepted a commission of brigadier-general from Lincoln. The report is false, and without the slightest foundation. I have battled long and ardently as well as honestly for the Union. I have been prompted alone by a love of country. I thought I was fighting shoulder to shoulder with at least a few honest patriots and statesmen, but in this I am sadly deceived. The Black Republicans are fighting alone for the abolition of slavery and power. They are without wisdom and honesty; they are a corrupt set of thieves. We no longer have a Union to fight for, and I am now henceforth and forever for the South—no little cotton confederacy, but every foot of slave soil. Washington City must belong to the South. I have compromised myself so far on the side of the Union that it will take me some time to get all right. I will write to you again by the first person I hear of going to Richmond.

You must give my love to Magraw. I know confinement must go hard with a fat man in warm weather. You must try and get out of trouble before our fall races in Kentucky, and come by and spend a week with me recruiting. I have plenty of good old whisky and bacon.

My race horses are doing well, and if Nelson don't interrupt our sport this fall by running himself in the direction of the Ohio River

time during the race week at Lexington and

rite us as often as you can, and we will do the same.
ove to yourself and Magraw. You are too wise men to be
zed.

Yours,

A. BUFORD.

If my services are acceptable to Jeff. Davis, and he is willing to trust a man who has fought as long and honestly as I have for the neutrality of his native State, he can command them.

A. BUFORD.

[Inclosure No. 5.]

LEXINGTON, KY., *August 18, 1861.*

Hon. JEFFERSON DAVIS,
President Confederate States, Richmond, Va.

DEAR SIR: At the suggestion of Col. T. T. Hawkins and other gentlemen I now give you the substance of a conversation between Mr. Arnold Harris and myself the morning after the battle of Manassas:

He came to my rooms that morning; spoke of the great excitement in Washington; alluded to the fact that at the outbreak of hostilities he had been urged to take command of a regiment, which he refused to do; informed me that late the night before he had been urged to take a command, and threatened in case of refusal; said that his reply was that he would not enter the U. S. service; stated that he considered himself in danger and desired to leave, and earnestly advised me to leave the city on account of threats against my person which had come to his ears. I think Mr. Harris was regarded in Washington as decidedly Southern in his views and sympathies.

I had no knowledge of the enterprise for the recovery of Colonel Cameron's body.

Very respectfully, your obedient servant,

JOHN C. BRECKINRIDGE.

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NASHVILLE, *October 29, 1861.*

Hon. PHILIP DANDRIDGE.

MY DEAR SIR: * * * Mr. Arnold Harris, whose hand is crippled, is present and requests me to add that Zollicoffer ought to be instantly re-enforced to enable him to penetrate to Lexington; otherwise he will be driven back, and the Federals will take possession of the railroad north of Knoxville, thus cutting off all communication between Virginia and the Southwest. Not less than 5,000 men should be sent to him at once. A strong force should also be sent to Prestonville to move forward simultaneously with Zollicoffer. The arrival of these two converging corps would swell the Confederate army by 20,000 good men. Send all the Tennessee troops that can be spared from Virginia for this service.

The Northwest is pouring its hordes into Kentucky. No less than 12,000 entered the State last week at Cincinnati and Louisville. They volunteer under the belief that the Kentuckians are in the fight and that they are marching to the rescue against fire-eating invasion. If Johnston does not advance and dispel this delusion they will have 200,000 men disputing with him their passage into Tennessee before the middle of December.

I shall write to Beverly on gun and financial matters to-day.

Your friend,

GEO. N. SANDERS.

Case of Robert Wood.

Robert Wood, native of Elizabeth City County, Va.; thirty years of age; married man, with children; no specific charge against him; no proof; professes entire loyalty. Says that he was arrested by the enemy; carried to Old Point; refused to take their oath of allegiance and was discharged on parole.—*Report of S. S. Baxter, Commissioner.*

STATE OF VIRGINIA, *York County:*

This day Ann Maria Hopkins, of said county, but late of Elizabeth City County, Va., personally appeared before me, B. F. Smith, a justice of the peace in and for said county, and made oath that in the latter part of May, 1861, and after the said county of Elizabeth City had been invaded by the Federal troops, she was on Fox Hill, in said county of Elizabeth City, at the house of one William P. Phillips; that one Robert Wood, of said county, who married the daughter of said William P. Phillips, came to the said house from the residence of one John P. Topping on Fox Hill and stated that he had seen about 100 Yankees at said Topping's; that he heard they were there and that he had gone on that day to see what they had to say; that he exhibited a pass which he said an officer of the Federal troops had given him to go where he pleased; that he had on that day promised to prepare for them (the Federal troops) a map or chart of the country in that neighborhood, and that on the same day he did prepare a map or chart of Fox Hill with all the roads and houses of prominent citizens marked on it; that he folded it up and put it in his pocket and said he intended to give it to the Federal troops.

ANN M. HOPKINS.

Given under my hand this 2d September, 1861.

B. F. SMITH,
Justice of the Peace.

RICHMOND, *October 8, 1861.*

While on a visit to my county some time in June I was told by Mr. Frank Guy that Mr. Robert Wood had furnished a map of the county to the enemy and was a bearer of information to the enemy by writing to Mr. J. F. Moor, of Elizabeth City County. He can furnish you with the names of the witnesses. The people of the county are much incensed against him. Mr. Guy also told me some female had seen the map and would appear against him.

R. M. BOOKER,
Lieutenant, C. S. Army.

Report of Commissioner Baxter.

RICHMOND, VA., *April 26, 1862.*

Prisoner was born and raised in Hampton. In his examination he admits he was appointed by Lincoln surveyor of the port of Hampton. Says he did not solicit the appointment but it was procured for him by Joseph Segar. When he was informed that Mr. Segar would procure the office for him the State of Virginia had not seceded and it was believed by many it would not secede. He consulted his friends and

they thought there was no impropriety in his accepting. When the commission came the times had changed. He never gave bond or qualified under it. Says when the enemy came to Hampton he took his wife and children and went to his father-in-law's. This was late in May. On the 13th or 14th of June, he says, [he met] three or four men who said they were deserters and wanted to go to the Southern army. Some days after that he was walking around his father-in-law's plantation. Some of the Federal soldiers took him prisoner and carried him to Fortress Monroe and he was released on parole. A few nights afterward a party came to the house of his father-in-law, took all the men there except himself; took them to the fort and made them take the oath. He thinks they knew he had been at the fort and therefore they did not take him. He solemnly declares this was all the communication he had with the enemy. When Miss Hopkins' affidavit was shown him he admitted he had been to Topping's after a negro belonging to his father-in-law. He first admitted he saw the Northern troops, but afterward said they were leaving when he got there and he saw them at a distance and did not converse with them. He got the negro and denies the truth of all the other statements made by Miss Hopkins. I return Miss Hopkins' deposition. Denies he had any pass except permission to pass the pickets when he was discharged from imprisonment at Fortress Monroe. Denies he had ever promised to make a map and denies he ever did make a map. I think this man's manner under examination was very bad. He was confused and obviously attempting to suppress the truth. He is one of the party who broke jail, and in relation to that matter he prevaricated very much. If evidence can be procured he ought to be brought to trial as a spy.

S. S. BAXTER.

Case of A. F. Wulff.

FORT DAVIS, TEX., *October* [*21*], *1861.*

Col. H. E. MCCULLOCH, *Commanding Department of Texas.*

SIR: I have the honor to report to you the result of an order received from Lieut. Col. John R. Baylor, commanding Second Texas Mounted Rifles, on the 11th instant. The purport of said order was to arrest as a spy a man by the name of A. F. Wulff, living in Presidio del Norte, Mexico, and send said Wulff to the regimental headquarters in irons, but not to cross the Rio Grande to make the arrest, but if possible entice him (Wulff) to this side to accomplish the purpose. During my temporary absence to Fort Lancaster for the purpose of fetching up some recruits who had reported there for my company the order fell into the hands of Second Lieut. E. Gibbons, then in command of this post, and when the lieutenant received the letter from the post-office he (Lieutenant Gibbons) handed it before opening or reading it himself to R. C. Daly, clerk in Mr. Murphy's store at this post, with a request for him (Daly) to read the order, which he did publicly and so as to be heard by all present, which as a matter of course entirely ruined the success of the undertaking, Wulff undoubtedly being apprised of the matter before the lieutenant acted in the case.

Lieutenant Gibbons left this post for Presidio with a detachment of nine men on the 12th instant, and on the night of the 15th instant five of his party crossed the Rio Grande into Mexico, and about 3 o'clock in the morning attempted to arrest said Wulff, when an alarm was raised and a fight ensued between the Mexicans and the five men of

Lieutenant Gibbons' detachment, in which two of the latter were killed. Lieutenant Gibbons states that his party crossed the Rio Grande without his knowledge or consent.

On the 14th instant I returned to this post and sent First Sergt. T. L. Wilson with five men to recall Lieutenant Gibbons and party to this post, but too late to remedy the evil the lieutenant has caused, as the two men were killed on the night the latter detachment left this place. The two parties returned to this post on the evening of the 18th instant, when I placed Lieutenant Gibbons under arrest until such time as I receive instructions from you how I shall proceed in his (Second Lieutenant Gibbons') case.

I also inclose a copy of a letter from the commandant of Presidio which will more fully explain the transaction at that place. I have likewise reported the affair to the regimental headquarters and inclose a copy of Colonel Baylor's order. I also inclose official documents from the Mexican authorities, which I send in the original as I have no person to translate them correctly. When you have them translated please return the original for future reference.

I am, sir, very respectfully, your obedient servant,

W. C. ADAMS,
Captain, Second Regiment Texas Mounted Rifles, Comdg. Post.

[Inclosure No. 1.]

HEADQUARTERS, *Donna Ana, October 3, 1861.*

Capt. W. C. ADAMS, *Commanding Company.*

SIR: I am informed that there is a man at Presidio del Norte by the name of Wulff who is a spy. I want him enticed over on this side of the river and taken prisoner and sent to these headquarters in irons.

Respectfully,

JOHN R. BAYLOR,
Lieut. Col., Comdg. 2d Regt. Texas Mounted Rifles, C. S. Army.

[Inclosure No. 2.]

OCTOBER 16, 1861.

PRESIDENT OF PRESIDIO DEL NORTE.

DEAR SIR: I gave my men permission to come on your side of the river to see the place, and one of your citizens invited them to come and pass the night, and as they were treated so well in the forepart of the day I gave them permission to come and spend the night and there are two of my men missing. You will please let me know what became of them. You will also please let me know all about the difficulty.

As commander of the party I will have to give account of these men that are missing; therefore you will please let me know all about it, and by so doing you will oblige, yours, truly,

GIBBONS,
Lieutenant.

[Inclosure No. 3.]

PRESIDIO DEL NORTE, *October 16, 1861.*

Lieut. EMORY GIBBONS.

DEAR SIR: Your favor was received and am sorry to state that your two men are now killed and buried on this side of the river. There were five of your men in company with Mr. Joseph Leaton at a dance, and at 3 o'clock this morning they disappeared from the dance. Four of them knocked at the door of Mr. A. F. Wulff, and as he asked what

they wanted they answered him in a friendly way and asked him for hospitality until morning, and told him that it was cold. As Mr. Wulff opened the door two of them walked in and caught said Mr. Wulff by the hair and forced him out of the door. While so doing he let out a cry for help, when they presented two pistols and told him to stop that or they would kill him. They then took him along, and as his wife let out loud cries and woke up the neighbors and asked for help I felt it my duty to order the citizens to go after Mr. Wulff; not with the intention to fight or kill anybody, but as the men caught up with them they asked for Mr. Wulff, and the first thing they did was to get out their pistols. They shot one of my citizens and came very near killing him. Two of your men kept up a regular fire, and the other two that came behind them killed one of my men. These four were the only ones that showed fight. The other one ran through the bushes with J. Leaton and escaped; also the two that came behind escaped. If they had given up the man and had not shot first nothing would have happened. The balance of the particulars you will find out from the commanding officer at Fort Davis.

I remain, yours, respectfully,

BENIGNO CONTRERAS.

[Inclosure No. 4.]

PRESIDIO DEL NORTE, *October 16, 1861.*

Captain ADAMS, *Commanding Officer, C. S. Army, Fort Davis.*

DEAR SIR: Although I have not the honor to be acquainted with you personally you will excuse my addressing you in stating what has been committed here by persons styling themselves C. S. troops belonging to your post and your company.

Yesterday morning some four Americans came over here to town and after awhile to my store, Mr. Joe Biehl along with them, introducing one of these men as Tom Krain or Wrain. (This one used to keep in the years 1854 and 1855 a bar-room between the old bridge and the blacksmith shop on the main street in San Antonio.) After I offered them a drink, which only one of them accepted, they inquired for Lieutenant White and Mr. Murphy, whom they expected to find still here. Tom, as I will call him, inquired if I had any corn of the quartermaster. I replied that I had not, on the ground that my contract was indirectly with Mr. Murphy, and my not knowing the men.

They left, and returning in the afternoon commenced conversation. I learned from them that they had been out on a scout for thirty days and that part of their animals were broken down; that they wanted to exchange some American horses for Spanish ones. Tom inquired what a man could do for making a living in this country, stating that San Antonio was no place at all for the present. From all this I suspected them to be deserters from one of your posts. At 3 o'clock this morning I was awakened by repeated knocks at my door and I recognized by the voice said Tom, who requested me to let him have a place to lay down as he was in the street and did not know where to go. I hesitated awhile in answering to his request, but they renewing their knocks at the different doors of my house and my wife having lighted a candle, by which means they could see where I and my family were sleeping, I thought it better to open for fear they might commit some wrong. I went to open to them myself, but as soon as I got in their sight two, Tom and another one, got hold of me and told me that I was their prisoner. I hallooed for help, but in the same instant they drew

their pistols, putting them to my breast and threatened to shoot me at once if I would make any noise and not go with them. I begged them to have mercy on my wife, whom I heard crying, but they pulled me off. One man was left to guard the door so that nobody could get out. My wife trying to get out was repulsed. One man was following me from a distance.

I wanted to know the reason for this treacherous and barbarous act, but all I could learn was that I had to follow them on the other side for the purpose of signing a document for lands belonging to Mr. E. Hall, Joe Leaton and orphan children, as they said, and which the Mexicans from this side intended to take away from them and that I was the leader of the Mexicans. They mentioned also your name—that they were waiting for you. Captain White will be able to give you more information about these lands than I can, as I always keep out of business concerning Mr. Hall and Joe Leaton.

While I was led away one of my wife's brothers succeeded in jumping over the wall of my corral. Meanwhile the one that guarded the door had left and joined those that were leading me. My wife, who as I heard say got nearly crazy, was running barefooted in the street and crying for help. My brother-in-law went to the president of the place and by his exertion and my wife's clamors a party of men was soon afoot. They reached us and passed those that were going behind, although they were threatened to be shot. We were about 500 yards, I suppose more than that, being a good ways off below the hill. The good people of this place got in about fifteen yards from me and called my name. Tom's help let me go at once and faced the Mexicans, pistol in hand, which they had both all the way as well as those behind me. I tried for a moment to hold Tom's arm, so as to prevent him from shooting me or any of the Mexicans. He had threatened me before that if any help should come he would shoot me first. Being considerably frightened and excited I let him go and escaped behind him while he was facing the Mexicans. As soon as I got free Tom's help fired, and from that moment there was a continual firing; there must have been exchanged at least fifty shots.

One of the Mexicans was killed, as also Tom and my other leader. Two of them escaped—there were six in all over that night counting Joe Leaton. Joe and some one else were seen passing the river as soon as the affair was over. I am confident that Joe Leaton, whose character is sufficiently known without my saying anything about it, was the leader of the outrage committed on my person and homestead by trespassing into Mexico.

These, dear sir, are the facts I have to state, leaving it entirely to your judgment and justice how to act. I have to say in the meantime that on the Texas side there is no proper authority. I inclose you also a communication from the president of this place. The authorities of this place have always manifested the most friendly feeling to our Government of which they have at different times given example, and on the recent visit of Lieutenant White they expressed the same disposition as ever.

I suppose you are aware that Mr. P. Murphy and myself are furnishing your post with hay; and furthermore that I agreed to furnish your post for the present with 1,000 bushels of corn and also some small quantity of wood. But considering that my life in my own house is exposed as it has been—as I really had not the least hope of ever returning—I do not wish to expose my property on a road which no doubt cannot be considered safe. Besides I know I will not be able to

find any Mexicans to work for me on the other side of the river and consequently I will be unable to fill any contract for your post, if you cannot give me sufficient protection. I do not know whom to blame besides Joe for this act of barbarism. This morning I learned that a party of twenty-seven men was at Fort Leaton; they certainly must have some commanding officer if they are, as I am now convinced, regular troops of the Southern Confederacy and belonging to Fort Davis. This morning when the affair took place they were encamped on the bank of the river and while the shooting was going on they saddled and left for Fort Leaton.

On the Americans that got killed and [who] have been buried since, two due bills were found, due to John B. Bowles for C. S. services, one for $100 and the other for $10, the first signed by H. P. Courtney and the second by John McNamee, witnessed by Thomas Wilson, proving the men to belong to your company—Captain Adams, Company C, Second Regiment. The original notes I hold for your disposition. Mr. E. St. Marc, from San Antonio, arrived from Chihuahua the night before and intended to leave for your place; but is now so much afraid that he does not want to risk his person and money until I hear from you. At about 12 o'clock to-day eight men of the party have been seen on this side of the river, and the main party is still at Fort Leaton. Tom was a thick underset man with red whiskers.

Hoping, dear sir, you will excuse my long and somewhat tedious communication and requesting your answer to this by the bearer, I remain, dear sir, your obedient servant,

A. F. WULFF.

PRESIDIO DEL NORTE, *November 16, 1861.*

DEAR FRIEND MURPHY: I escaped once more. Providence seems to protect me—this time I did not expect to see my family again. I am too excited yet to give you the details. Captain Adams, to whom I am sending an express, will no doubt communicate to you the contents of my letter, besides the bearer will be able to tell you all about it. My poor wife was as much and perhaps more frightened than I, although as I say I did not expect to return. Joe Leaton was the one that laid the plot no doubt, and it will I hope be proved by Captain Adams' men. Two of his men got killed and one Mexican. Dear Pat, do what you can to have Joe apprehended. If my men need some provisions to go home let them have it and say how much. I am revising the contract business also; please inform yourself regarding it.

Yours, in haste,

A. F. WULFF.

P. S.—Write me also by bearer and state me your opinions and views about matters. I believe we might just as well give up furnishing Fort Davis. I don't know who I will get to work for us on the other side of the river under these circumstances. I suspend everything until I hear from Captain Adams. I hope the hay cutters will not be disturbed; they intended calling them back but nobody wants to go.

Case of S. A. Pancoast.

S. A. Pancoast is a native of New Jersey and a Quaker. For his history and character see the affidavit of Robert B. Sherrard (marked Inclosure No. 14). Mr. Sherrard is a gentleman of known standing and character. Pancoast so excited the suspicions of his neighbors

that he was arrested as early as August 31, 1861. (See parole marked Inclosure No. 4.) He announced that his sympathies were with the North and that he was willing to aid Union men in going North. (See affidavits marked Inclosure No. 2.) He has a son in the Northern army. (See letter marked Inclosure No. 11.) He obtained permission from authorities on both sides of the Potomac to trade in salt. General McClellan's permit limits the sale to Union men. The first permit was given September 25, but he has never yet delivered a pound of salt on this side of the river. An agreement with two other parties to do so is marked. For his last arrest see 6 and 7.* His memorandum book* shows that he has lately traveled in the North. A singular sentence in his memorandum book is indicated (by me) thus (B). It appears that he has no difficulty in crossing the Potomac. He did not vote for members of the convention nor on the question of secession. In view of all these circumstances the major-general commanding the Valley District regards Pancoast as a man whose place of nativity, his abolitionist proclivities, the character he bears in his neighborhood and his antecedents generally, his suspicious movements, his connection through his son with the Northern army and the easy access he evidently has to the functionaries of our enemy, point him out as a man whom it would be highly dangerous to allow to live in a border region where he could easily communicate to the enemy information which it might be of the utmost importance to withhold.—*Report of S. S. Baxter, commissioner.*

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HOME, *January 5, 1862.*

MY DEAR HUSBAND: We were gladdened last evening by the receipt of thy dear letter of the 27th of December. Though sad we hailed it as a welcome treasure, because it conveyed tidings of the dear absent one, the first we have received since thee was taken to Richmond, though day by day we have looked and hoped and waited in vain till the heart grew sick. We have mourned thy fate without being able to alleviate it. I am surprised and disappointed thee has had no redress long ago. Why is justice delayed and credence given to base suspicions that had their origin in private enmity and malice of years gone by, nursed up to be poured forth in these awful times against the forbearance thee has shown the author? It is very hard to be treated as thee has been and all so undeservedly. Surely they should judge and discriminate between the innocent unjustly and slanderously accused, with a heart of high, honorable feelings, and those meriting the opprobrium heaped on thee. I feel it is too much to bear in this day and country; and even letters detained so that we can know nothing of the existence even of each other. Thee was aiding the country when arrested, and without knowing for why. Now we hear the crime is that thee could have influence enough to get the privilege of bringing things here for the benefit of the suffering. Strange, is it not? We were not able to get any salt till week before last, when doctor let us have some. Vanasdale has not been here and we could not go there, but we have not suffered for anything. Holt and Powell have given us their corn. They have not threshed but seem to wish to act fairly. Doctor offered and gave, I expect through our E[mily], an order on R. D. P. for flour, saying they owed him. No one seems to wish to withhold from us but Vanhorn and J. Saint Sayres (unless it should be Smith); the latter has gone to camp to fill someone's place for a short time, much to our relief, and the former is working in Lynch's shop

* Not found.

agreeably to the little king's desire or order. I have been worried about thy clothes, thinking they must have given out and no money to replace them, little thinking even they were kept from thee. How uncomfortable on that score! I don't see how thee has done. Surely a blessing cannot attend such things. I do hope the lawyer will see and attend soon to thy case. Doctor Tapt's wife has a brother who is a lawyer, the name Haxall. Doctor says he wrote to Martin Maddox, proprietor of a hotel in Richmond, to supply thee with money and anything thee needed to make thee comfortable. Has thee heard from him? Emily inclosed a $5 note in her letter sent with mine and under the same cover about two weeks ago which doctor said must be directed in care of the provost-marshal. She thought it might aid thee in reaching home or at least procure some comfort in thy prison; heart-rending to think of it. If every one around them was as true and honorable in feeling as thee they would have little to fear. It seems there is a man in Romney who was formerly conductor on the railroad while thee was doing business and had the agency that said he knew thee, which is even made a handle of. Oh! what a world we live in and in what sad times! I always heard the South were a generous, hospitable, whole-souled people, and with such we thought we should like to live, and left our own comfortable home and friends to come here, for what? to be suspected, abused and trampled on. I have said to myself they are civilized and gentlemen, surely redress will speedily be given; but day has succeeded day till two months have passed by without it. We feel as if we could set out and walk to Richmond to see the President if it would avail anything. Oh! if he only knew thy integrity of character not the shadow of a blot would remain in his mind. I wish he would see thee himself. I fancy thee sick and sad, crushed down with no one to care, and pray these days may speedily be ended and we suffered to pass our few remaining ones in quiet peace in this our home of adoption. It makes the heart ache to know all thee has been subjected to. I went up to Emily's for the first time since thee left us, or was taken from us, on Monday to assist her in sausage making, &c. We did not get through till late on Tuesday night, and next day she had such a violent attack of sick headache I could not leave. Mollie and Mamie staid with their aunties till Wednesday evening; they had had colds but are now I believe all pretty well. I don't know whether doctor has returned to camp but expect so. He promised E. to bring S. Reed up soon to stay with him. Thee did not tell us how thee blistered thy hand, or how thy time is passed; whether thee can have books or is made in any way or degree comfortable, but has many a weary hour I know. Doctor still holds the same position of assistant surgeon. He calls here occasionally, and is as kind I believe as his nature and disposition will admit of. He says the poor little pigeons are in Winchester and cared for. I hope they are. We have written to George and directed to his uncle some weeks since but have heard nothing. Shall also write to President Davis, to go on in company with this, begging his attention to thee and the facts of the case from thyself. May a merciful Father uphold thee and direct him, that thee may soon return to home and us. Philip is kind and interested for us and thee. I don't know how we should have got along without him. We have kept pretty well in health of late, but I should think if this war goes on many a one will lose their reason. Would we could have peace again. We are having very cold weather these few days past and is now hailing; snow on the ground but not very thick; the first we have had. All December was beautiful weather. If thee only was here we could endure cold and privations. Do write soon and say

what is the prospect, unless thee is acquitted so soon as to render that needless. Surely they do not wish to oppress and tyrannize, and as they hope for justice will be willing to award it. Flo and Lilly talk of writing; the one has a headache and the other face ache this evening, so as not to feel well enough; hope to be well to-morrow. Neither thee nor us passed a pleasant Christmas or New Year. May the days grow brighter. The girls send a heart full of love to thee, in which joins sadly thy fondly affectionate wife,

R. M. P[ANCOAST].

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WAR DEPARTMENT, *Richmond, January 14, 1862.*

S. S. BAXTER, Esq., *Commissioner, Richmond, Va.*

SIR: The Secretary of War directs me to refer the inclosed letter to you and to request that you will give it early attention.

Respectfully,

A. T. BLEDSOE,
Chief Bureau of War.

[Inclosure.]

BLOOMERY, *January 6, 1862.*

President DAVIS:

My object in addressing you is to ask for your interference in a matter where a most grievous wrong has been done and a most unjust act perpetrated. My husband has been arrested and taken to Richmond where he is now kept a prisoner. The order for his arrest came I believe from General Jackson, whose mind I am assured has been poisoned by an enemy of my husband and through whose influence Mr. Pancoast was removed to Richmond prison. I received a letter from him a day or two since, the first I have gotten since his removal to the latter place. He informed us that he had had no hearing and is kept in jail without any of the comforts to which he is accustomed. He is entirely innocent of the charges laid to him and is in every respect a true and loyal citizen. He told me in the letter above named that he had written to you but believed the letter had never been sent. Also mentioned having written to myself several times which letters I have never received. I suppose they would have arrived safely if permitted to leave Richmond. We have written to him but he has never seen a line from us. His arrest occurred on the 11th of November, and since that time he has been kept from us, who are needing him at home, under utterly false charges and disgraceful suspicions without being allowed even a trial. President Davis, I entreat you to give your attention to this matter. I and my two daughters are left entirely unprotected. Mr. Pancoast's health is giving way and what he is enduring is sufficient to make his reason also. He is all the world to us. Be just to him; give him a hearing; there can be nothing proven against him for he has done nothing, and in justice and mercy allow him to return to his home. In doing this you will receive our ever grateful remembrances and respect.

RACHEL M. PANCOAST.

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RICHMOND, *January 16, 1861.*

SIDNEY S. BAXTER, Esq.

SIR: I herewith send you this letter relating to Mr. Pancoast's case, and as I presume you have every inclination, will give him the benefit of an early hearing.

CHAS. J. FAULKNER.

[Inclosure.]

FREDERICK CITY, MD., *December 19, 1861.*

Hon. CHARLES J. FAULKNER.

DEAR SIR: I have just received the painful intelligence that my father, Samuel A. Pancoast, of Hampshire County, Va., has been taken prisoner and carried to Richmond. I was not aware of it in time to see you upon your journey south or I should have done so. His arrest was caused by Sherrard from personal enmity alone. Father had been to Baltimore and Washington to endeavor to get salt over the river to the suffering families of Hampshire and Morgan Counties, in Virginia, and also to some other counties if he could get permission. General Carson gave him full permission to try and a safe-conduct. Upon his return, however, General Jackson was in command, and Sherrard charged my father with bringing with him carrier pigeons. He did have with him some pigeons, it is true, but they were tumblers and ruffle necks to mate some he had at home. I was with him when they were bought, and know all the circumstances of the case.

Father has been very careful to do nothing at all to conflict with the laws where he was residing, and was extremely careful when in Washington to say or do nothing that might by any possibility be a disadvantage to him at home. His case was not examined into at Winchester when he was first arrested, nor has it been since he has been a prisoner at Richmond. My mother and sisters are in Hampshire County alone, unprotected and unprovided for, and it is now impossible for me to reach them in any way. If you will be kind enough to see that my father's case is brought up I shall be under lasting obligations.

If you can spare time to call upon him or aid him in any way, so that he may return to his suffering family, you will greatly oblige your obedient servant,

GEO. L. PANCOAST.

You must remember the high regard my father felt for yourself in Virginia and his regret at your leaving.

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Special report in the case of Samuel A. Pancoast.

RICHMOND, *January 21, 1862.*

I submit the following papers* with this report:

Examination of S. Pancoast: Had his statement No. 1 shown to him. He read it deliberately and affirmed it was true. As to his position in this war he says he disapproves of the course of the South in seceding and disapproves the course of the North in attempting to coerce the South; says he was so much opposed to the course of the North that his brother-in-law, Thomas Ridgeway, forebade him to come to his house and told him he ought not to come North; says he is a Quaker opposed to war, but is willing to take the oath of allegiance to Virginia and the Confederate States. When asked what time he first embarked in the salt speculation says he first thought of it when under arrest. The date of his first parole, 31st August, he refers to as being the time (see Inclosure No. 5); says he then designed only to get a few sacks, perhaps a wagon-load for himself and his neighbors, but after he got General Scott's permission determined to make a large speculation when he was first paroled. He says he stated to General Carson

*List omitted; see inclosures following this report.

he designed only to bring in a few sacks. Two or three weeks after this communication with Carson he started on this salt business; he went to Paw Paw depot and crossed the river there at a private crossing place distant twelve miles from his residence; after crossing the river he went to Hancock; he stated he wanted to see General Cooper and was permitted to pass the enemy's troops without molestation; he went to Williamsport where Colonel Kenly was in command; says he had not seen Cooper and stated to Colonel Kenly he wanted to get salt; Kenly repulsed him roughly; he then asked if he could go to see Lincoln; Kenly replied if he got permission to transport salt it should not pass, but he would not be molested in going to see Lincoln; says he went from Williamsport to Hagerstown, from Hagerstown to Frederick, from Frederick he went to Washington; at Washington he says he put up at the National Hotel; he did not know a soul; did not make the acquaintance of any one; told his business to no one; employed no agents and interested no one in his business; says on the two days succeeding his arrival he went to the President's house, waited in the anteroom and had no opportunity to get admission; he says on the third day early in the morning he breakfasted and went to the President's before the President's breakfast, and sent in his card; he was called in the room where Mr. Lincoln was in the hands of a barber, who was shaving him; he stated he was from Hampshire and asked him if by his (Lincoln's) last proclamation he intended to strike Hampshire out of Western Virginia? He explains this question thus: Mr. Lincoln had issued two proclamations arranging military districts. In the western the people passed to other States without molestation, in the eastern they could not. He thinks Mr. Lincoln did not answer the question but said he sympathized with them; says the conversation did not last five minutes. Mr. Lincoln called for his writing desk and wrote a note to General Scott to permit him to transport salt; he took the note to Scott; Scott sent him to Cameron who said it was Scott's business, and on his return Scott gave him the letter (Inclosure No. 6); says he never mentioned the business to anyone. Immediately, in less than half an hour, left Washington and took the cars to Philadelphia; arrived there that night and there for the first time learned his son was in the Northern army. Left early the next morning; went to Frederick, saw General Cooper, there got a permit from him to pass salt. This permit was taken from him by Kenly who refused to pass salt unless he would limit the quantity; he says he then came home, went to Colonels Monroe, McDonald and General Carson and got their permission to import salt; afterward he returned to Washington. General Scott was displaced and he, Pancoast, got Camp to aid him and Camp procured the renewal of the order from General McClellan. When asked who Camp was he said he was one of the proprietors and editors of the New York Tribune; when pressed as to commencement of negotiation between Camp and himself, he said after he got General Scott's order and was in the cars going to Philadelphia Camp came to him in the cars and asked to see Scott's permit; when he saw it Camp said it was worth $50,000 and pressed to be let into the speculation. Pancoast agreed to meet him the next day in Philadelphia; Pancoast says he left Philadelphia in the next morning's train to avoid Camp, but says when he had gone to Williamsport and found Kenly would not let the salt pass and after he got the permits from Monroe, McDonald and Carson he returned to Washington. Scott was then displaced and he could not get access to McClellan. He met with Camp, who renewed the conversation. He agreed to let Camp have one-third of the profits to be made from the speculation. Camp

designated Green as a proper man to unite with them and take the other third; he, Pancoast, did not know Green but on Camp's recommendation agreed to take him in. They telegraphed for Green. After some days' delay Green came on. He says the delay arose from Camp taking the papers to New York where he remained four days. Finally Camp and Green got McClellan's indorsement; the three went to Baltimore. The article (Inclosure No. 13) was drawn and executed and the entire responsibility assumed by Camp and Green. He says Green is a Pennsylvanian who married a niece of Simon Cameron and removed to Baltimore, where he was doing business as a grain merchant. When asked what he told Colonels Monroe, McDonald and [General] Carson when the permits (Inclosures 7, 8, 9) were given he said he told them all. When asked if he told them Camp was a partner he answered he was not then a partner. His attention was drawn to the fact that Green alone was named as a partner in the permits, when according to his statement, he first united with Camp and afterward Green was received at Camp's solicitation; he began then to modify his statement. He said that after getting General Scott's letter he went on to Frederick where he saw General Cooper. Cooper gave him a permit to take salt; Kenly took this permit from him. He returned to Frederick in search of Cooper. Cooper had gone to Baltimore; Pancoast found him at the Eutaw House. He says the letter of General Cooper to General Scott (Inclosure No. 10) was written at the Eutaw House; he says this letter was handed to him by General Cooper to hand to General Scott but he did not deliver it because General Scott was then displaced; says after this letter was written he had a conversation with General Cooper of which he made a memorandum (Inclosure No. 11); was uncertain whether he went home from Baltimore and obtained the permits then or whether he first went to Washington and obtained McClellan's indorsement of the contract. I gave him time to reflect and he wrote me the letter returned (Inclosure No. 2) dated January 14.

On this case I submit:

1. General Carson's statement.*

2. As the result of my examination I submit—

First. Soon after Pancoast was discharged from his first arrest he entered into communications with the enemy. These communications were not authorized by our officers and were never disclosed candidly to them. They were a breach of his parole.

Second. Pancoast did enter into unauthorized communications with Mr. Lincoln, General Scott and General Cooper to obtain a license from which he expected to make much money. To aid him in these negotiations he associated himself with Camp, one of the proprietors and editors of the New York Tribune, and with John A. Green, a nephew of S. Cameron, Secretary of War.

Third. I am satisfied he never did disclose to Colonels Monroe and McDonald and General Carson John A. Green's relations with Secretary Cameron, and I am also satisfied he studiously concealed from those officers Camp's connection with him and the extent and character of his speculations.

3. I am satisfied in his examination he did not design to tell me the truth in relation to his transaction with Messrs. Lincoln, Cameron, Scott, Cooper and McClellan, officers of the Government of the United States, but that he studiously concealed from me the means by which he procured the license to bring salt into Virginia.

* Not found.

4. From Pancoast's examination I am satisfied the license procured would have been of great value if the speculation had been carried out. From General Cooper's letter I am satisfied this license was supposed by the officers of the United States Government to be of great value, and I infer it was inconsistent with licenses granted to other persons for pay. What consideration was promised the Government of the United States for this license does not appear. The necessary inference is that it was injurious to our Government.

I cannot avoid the belief that Mr. Pancoast in violation of his parole was engaged in secret communications with the enemy, which until explained places him in the condition of spy who for private interest was ready to betray his country. I recommend for the present he be held as a prisoner who has violated his parole and engaged in improper and secret communications with the enemy.

S. S. BAXTER,
Commissioner.

[Inclosure No. 1.]

I was born and raised in New Jersey and came from there into my present residence in Hampshire County, Va., nearly fifteen years ago and engaged in the manufacture of iron, which I carried on until a few years since, when in the fall of the price of iron I broke up, not paying my debts, and by so doing made some bitter enemies who are relentlessly pursuing me at this time. I was brought up an orthodox Quaker and took not much part in politics; hardly ever in my life voted a solid party ticket and in the late elections for convention and secession I did not vote at all either for or against, and being poor and nothing to do at home and my neighborhood suffering much for salt, clothing, &c.; and having been arrested and brought before General Carson on the broad charge of disloyalty, who kept me five days a prisoner; and no charges or witnesses being brought before him after signing the oath of allegiance to Virginia was discharged, and before leaving his office asked him, General Carson, if I would be doing wrong to go into Maryland to get salt, groceries, &c., for our neighborhood. He replied, "We must wink at such things," which I accepted as assent, and went on a few days after to Maryland and found at Hagerstown, where I expected to purchase, that General Cooper's command which were then stationed at Williamsport had stopped and unloaded some salt a few days before and refused to let any go west under any circumstances. I then started to Washington, entirely unknown and unnoticed without any introduction or letter of any kind, to see Lincoln. I waited in Washington two days; the third morning I went before breakfast, wrote on a small card "S. A. Pancoast, of Virginia, wants five minutes' conversation with the President." He sent for me to come up at once. I did so and asked him if he intended in his last proclamation to strike out of Western Virginia our counties; that we were suffering for salt, groceries, &c., and many families looking altogether to the Baltimore and Ohio Railroad had no way of going elsewhere to get them. He said he sympathized with us, but you will feed the rebel families. I replied "yes;" did he want to make war on old men, women and children? I had divided all I had with them as long as I had. He said, "no," that was right, and would write to General Scott to do something for me. I went to Scott; he asked me questions but said Cameron ought to do that, and sent an aide with me to Cameron. I heard no part of the conversation, only, "tell General Scott he is the one," which the aide did, and at once General Scott,

without a single question, told the secretary to write me an order for Hampshire County. The secretary asked under what restrictions. He said, "None, sir, only under the direction of General Cooper." I then asked him to have Governor Thomas' name included as I had formerly been acquainted with him. General Cooper at once gave me an order to Colonel Kenly to pass into Virginia with salt, groceries, &c., which was directed to Kenly. I then saw Thomas, who wanted me to give him information and assistance in having some men arrested on our side of the river, which I so bitterly opposed that he would not only render me no assistance but went ahead of me to Kenly and got him to take and keep my permission of Cooper's, but to send me back to Washington again, saying I was a secessionist and would feed the whole rebel army. Instead of going immediately back I thought it best to come home after taking in a partner (John A. Green, who is strong Southern in his feelings) and get authority from the head of the army here. I did go to General Carson, Colonels McDonald and Monroe, all of whom gave me such articles of consent-right that I thought I had full authority and was doing a good act for my country South. I then with these papers went on again, after waiting several days to see McClellan, and finding it impossible almost for me to do it alone I agreed to give Mr. Camp, from New York, one-third of the profits if he would get him to renew it. After several days' detention he brought it to me signed. I objected as it named Union men, but the lawyer said who drew the contract that the language used by McClellan renewed the first in all its purity and so I thought it was, and after making arrangements with Mr. Green to purchase salt, &c., and started as soon as practicable. I came on to go to Richmond to see President Davis, get his approval to it and to ask him and the governor to grant permission for those small farmers who have no market along the harbor to trade their grain, hay, hoop poles, &c., for salt and groceries to make them comfortable and save them meat. My wife some eighteen months ago was presented by her brother in New Jersey with a half dozen little tumbler pigeons, which being of so slow a flight have been all but one caught by the hawks, and passing through the market in Baltimore, and seeing some, I gave 62½ cents a pair for two pair, and a pair of ruffle necks, which I brought home with me and for which the house was searched and the pigeons taken and kept up to this time, I hear, for carrier pigeons. My enemies hunting that hard to injure me, having nothing else, try to make something out of that, but I here positively assert that from the time of my signing the oath up to the time of my arrest that I have not broken that oath either in thought, word or deed. I was arrested by my house being open the night of my return and taken to Capon Bridge, the same day to Winchester, where General Jackson ordered me to be imprisoned, but Colonel Byrd, who was acquainted with me, thought I was too old a man to be put in the guard house for what I had done; put me on my parole. I remained a week, when Byrd told me he had resigned and placed me in charge of Batts, who at once put me in the guard house filled with body lice, and where for ten days I have suffered awfully for one who thinks he has done no wrong.

S. A. PANCOAST.

I omitted to state that owing to Governor Thomas' objections to my carrying salt, groceries, &c., into Virginia on account of feeding the army here that I came to Generals Carson, McDonald and Monroe to get a statement that they would not have the salt impressed. After

that I went back to fulfill the arrangements, and which papers, with the agreement with Green and Camp, are in the hands of General Jackson, and at the time that this was going forward they were the only officers in command in this part of the country. General Jackson was not here and having done nothing only by consent of the authorities in command I think it hard that I should suffer.

[S. A. P.]

[Inclosure No. 2.]

[RICHMOND], *January 14, 1862.*

Judge BAXTER.

RESPECTED SIR: I find that I made a mistake in my statement. It had entirely slipped my memory that after I saw General Cooper at the Eutaw House where he gave me that letter to General Scott that I went back to Washington from there and it was then and there I again saw Camp and Green, Green for the first time, who was sent for by Camp and who returned with me to Baltimore to see Cooper. Not finding him at the Eutaw we went on to Frederick, where we found him and where I took that memorandum thee showed me yesterday. From there I hired the horse and buggy for Romney and Winchester. Thee is mistaken where Camp Carroll is. I am told here that it is within a mile and three-fourths of the Eutaw House and that General Cooper made Eutaw House his headquarters. So much for his heading his letter Camp Carroll. The other doubt in thy mind against me as regards influence with the President I cannot as yet satisfy thy mind, but will if life lasts. I also send a letter from wife* to me; not so much to parade her feelings as to show thee that she did send me a former letter in which my married daughter put $5, which was directed to the provost-marshal, Richmond, and to ask thee if thee pleases to inform me how I will find it as it has not been heard of by me. For the return of my letter with such information I will be much obliged. Excuse this freedom for I have none else to ask.

Respectfully, &c.,

S. A. PANCOAST.

[Inclosure No. 3.]

VIRGINIA, *County of Frederick, to wit:*

Private John Allery this day made oath before me, a justice of the peace in and for said county, that a few days ago in conversation with him Samuel A. Pancoast, who resides at or near Bloomery, in Hampshire County, Va., inquired of him "If thee had a near relative who was a Union man and he inquired of thee the way to a particular place what would thee do—would thee tell him or not?" To which affiant replied, "Considering the state of things now I should certainly as a true Virginian arrest him." He then asked affiant if he thought that would be treason. I replied, "I do not know." He then said, "If thee call that treason, then I am guilty," as he had told two men the way to a particular place; that those two men came to his house and inquired the way to a particular place and he told them the way. This statement was accompanied by such questions on the part of Samuel Pancoast as induced the affiant to believe that the two men referred to were passing from the South to the North.

Given under my hand this 31st day of August, 1861.

GEO. W. WARD,
Justice of the Peace.

* Omitted here; see p. 1531.

County of Frederick, to wit:

B. J. Engle this day made oath before me, a justice of the said county, that before the adoption of the ordinance of [illegible]y the popular vote of Virginia, but after its passage by the [illegible], the above-named Samuel A. Pancoast remarked to affiant that he (Engle) was born in Virginia and when therein he supposed he would go with the South, but that he (Pancoast) was born and raised in the North; as was natural his sympathies were with the North.

Given under my hand this 31st day of August, 1861.

GEO. W. WARD,
Justice of the Peace.

[Inclosure No. 4.]

CAPON BRIDGE, *November 11, 1861.*

Colonel MCDONALD:

I have taken the responsibility of having Samuel A. Pancoast arrested. His own admissions satisfy me that something is wrong. The evidence will be furnished as soon as possible.

A. HARPER,
Commanding at Capon Bridge.

N. B.—Nothing has occurred since my last that I know of worthy of note.

A. H.

[Inclosure No. 5.]

HDQRS. SIXTEENTH BRIGADE OF VIRGINIA MILITIA,
Winchester, Saturday, August 31, 1861.

We, the undersigned, having been discharged from custody on our parole of honor, doth each for himself promise and declare that he will be a true, faithful and loyal citizen to the State of Virginia, in war as well as in peace, and full and perfect obedience render to her laws and authority and to those of the Government of the Confederate States of America, of which said State is a member, so long as he shall reside therein; and that he will in no wise nor to any extent give aid or comfort to her enemies, or to those of said Confederate States, especially to the United States, who are now waging war against her and them, by furnishing information or otherwise.

S. A. PANCOAST.
GEORGE KEITER.

Test:

GEO. W. WARD.

[Inclosure No. 6.]

HEADQUARTERS OF THE ARMY,
Washington, September 25, 1861.

Mr. Samuel A. Pancoast will be permitted, with the approbation of the Hon. Frank Thomas or General James Cooper, of Maryland, to take salt into Hampshire County, Va., for the use of families residing there, under such regulations as the gentlemen last named or either of them may deem proper to establish.

WINFIELD SCOTT.

[Indorsement.]

HEADQUARTERS OF THE ARMY,
Washington, D. C., November 2, 1861.

The within permission to furnish salt to Union men in Virginia is extended until further orders.

By order of Major-General McClellan:

R. B. MARCY, *Chief of Staff.*

[Inclosure No. 7.]

ROMNEY, VA., *October 15, 1861.*

Samuel A. Pancoast, of this (Hampshire) county, having as I am informed made an arrangement with John A. Green for supplying the citizens of Hampshire and Morgan Counties with salt, coffee, &c., being fully satisfied that such arrangement would be of incalculable advantage to hundreds of families I give it my most cordial approval and sincerely hope that for the sake of effecting the charitable design for which it is intended that no obstacle will be raised to hinder or oppose it, assuring Mr. Pancoast that my command shall in no wise interfere to prejudice his purpose.

A. MONROE,
Colonel 114th Regiment Virginia Militia.

[Inclosure No. 8.]

ROMNEY, *October 15, 1861.*

Being informed that S. A. Pancoast and John A. Green have made arrangements for supplying the citizens of Hampshire and Morgan Counties with salt, &c., I hereby assure them that the supplies furnished the families will not be taken by any of my command.

ANGUS W. McDONALD,
Colonel, Commanding, &c.

[Inclosure No. 9.]

SPECIAL ORDER.] DIVISION HEADQUARTERS,
Winchester, Va., October 16, 1861.

The property of Samuel A. Pancoast and John A. Green shall be exempt from impressment.

JAMES H. CARSON,
Brigadier-General, Commanding.

[Inclosure No. 10.]

CAMP CARROLL, *October 23, 1861.*

Lieut. Gen. WINFIELD SCOTT,
Commander-in-Chief, Army of United States.

DEAR SIR: After having given Mr. Pancoast permission to transmit small quantities of salt from Hagerstown via Hancock and the great tunnel into Virginia, I felt constrained from the abuse to which I saw the permission would be liable to countermand it. If large quantities of salt should be either stored on the line of Virginia or carried into that State it would soon undoubtedly find its way to the rebel camp. Instead of administering comfort to a suffering population it would be employed to strengthen the hands of the rebels, raised for the purpose of pulling down the Government. If the license to supply the population of the counties bordering on the Potomac be accorded to a single individual, however worthy he may be, it will be a subject of complaint to every dealer on both sides of the river. Every one will claim a similar privilege. A license to furnish salt to the suffering inhabitants would be worth tens of thousands of dollars annually to the licensee. But the objectionable feature most apparent is that the party holding such a license would be an object of jealousy to every trader on the river, all of whom have to pay a license for liberty to sell their wares and merchandise, and who would be justly annoyed at a permission

accorded to another to exercise without paying for it a privilege which is denied to them although they have paid for exercising it. The difficulty of establishing rules for transmitting, storing and selling salt will become manifest the moment you begin to reflect how it is to be carried into practice. Still I would gladly see some regulation by which the suffering families on the Virginia side of the river might be supplied with this most indispensable article. Perhaps if Governor Thomas were consulted he might be able to furnish the names of such loyal traders on the Maryland side of the river as might be permitted to receive small quantities, say twenty-five bushels each, and sell it out at retail, not more than a peck at a time, unless a certificate from some loyal person was furnished to show that a larger quantity was needed for some special purpose, as that of salting the winter pork or beef for a family. This is a mere suggestion which I have no doubt might be improved, and which might be so guarded probably as would leave little to be apprehended from the salt falling into the hands of the enemy.

With the highest regard and respect,

JAMES COOPER,
[*Brigadier-General.*]

[Inclosure No. 11.—Memorandum.]

General Cooper says ask permission of Secretary Cameron to carry salt, &c., for the use of the suffering families in Hampshire and Morgan Counties, storing it in Maryland at or near the canal tunnel and taking it across the river at our option.

[Indorsement.]

Pancoast says this permission was after date of letter of Cooper to Scott. This memorandum is in Pancoast's handwriting. Says this was the same day after his letter.

S. S. BAXTER.

[Inclosure No. 12.]

HDQRS. THIRD REGT., MEADE'S [SECOND] BRIG.,
MCCALL'S DIV., PENNSYLVANIA RESERVE VOL. CORPS,
Camp Peirpoint, October 23, 1861.

MY DEAR FATHER: Thy most welcome letter came this evening and I was just thinking how I should manage to get over early in the morning to see thee when orders came to be ready to march at an early hour to-morrow morning with two days' provisions. Two days' rations are all the men can well carry with them and more may be sent on so that we may not return for a week though we have now no orders to that effect. I hope very much I can get to see thee before thee leaves Washington. I am anxious to hear how thy arrangements are progressing, what thee can do, &c., and how successful thee has been thus far. Also what they are doing at home, &c., and how they received the news of my being in the army. I received a notice from that army board the day after thee left to report on the next day for examination but I was so situated that I could not. I wrote a note to them stating the case and went in on Saturday. They agreed after hearing me to examine me at once, which they did, giving me a pretty thorough examination. When they were through they promised to let me know by mail on Monday the result but did not. I therefore sent a note to them requesting an answer. They said they reported favorably upon my case, which is all I have heard and I have not been able to get

in since. I suppose I shall not hear until I am wanted, when I will be ordered to duty at once. If I cannot get to see thee please write me a long letter and tell me all and everything thee can imagine that I wish to know. I am glad I passed that examination creditably even if I should not get the appointment which I hope for. Mr. Newton received me kindly when I was in and told me what thee had done so far as he knew, but nothing was fixed when thee last saw him. If thee sees Uncle Joseph give my love to him. I wrote him a few days since and also to mother and sisters. Kiss them all and give them a great deal of love from me if I do not see thee, but I shall try hard to do so, and thee come over if thee can.

With much love, affectionately, your son,

GEO. L. PANCOAST.

[Inclosure No. 13.]

These articles of agreement witness: Whereas Samuel A. Pancoast, by the assistance of the two hereinafter other named parties to these articles, has obtained from General Scott permission to transport salt into Virginia according to the terms of an order dated on the 25th September, 1861, and indorsed by authority of General McClellan on the 2d November, 1861: Now, therefore, these articles witness that, in the first place, for and in consideration of the sum of $1, the receipt whereof is hereby acknowledged, the said Pancoast hereby assigns to B. F. Camp and John A. Green, respectively, each a third interest in the said order received as aforesaid. And in the second place these articles witness that the said B. F. Camp, John A. Green and Samuel A. Pancoast, in consideration of good and valuable considerations reciprocally moving, hereby agree to and do enter into a copartnership for the transportation of salt according to the provisions of said order and subject to the conditions hereinafter mentioned. True and just accounts are to be kept of all merchandise bought and sold, moneys received and paid, and of all transactions of the firm. Every thirty days a settlement shall be had, or at such times as the parties hereto may otherwise agree, and after paying whatever expenses may be incurred the profits of the business are to be divided equally and proportionably, share and share alike. It is further agreed that during the continuance of these articles in force neither of the parties hereto shall on his personal account or in any other way engage in the said business. Such agents as may be necessary may be selected, placed at such points as may be desirable, and subject at all times to the control of the parties hereto. And further it is agreed that any matter of difference which may arise in the prosecution of this business may be determined by the judgment of two of the three parties hereto. The style of this association shall be Camp, Green & Pancoast, but the only one authorized to use the name of the firm shall be B. F. Camp, who is to be controlled, however, in such use by and abide the direction of a majority of the parties hereto. In witness whereof the said parties have hereunto interchangeably set their hands and seals this 6th day of November, 1861.

B. F. CAMP. [SEAL.]
S. A. PANCOAST. [SEAL.]
JNO. A. GREEN. [SEAL.]

Test:

W. CAMERON GREEN.
ALBERT RITCHIE.

[Inclosure No. 14.]

WINCHESTER, VA., *November 11, 1861.*

The undersigned having been arrested upon charges involving his fidelity to the Commonwealth of Virginia hereby promises and declares that so long as he may continue a citizen or resident thereof he will be true and faithful to and support the constitution of said Commonwealth, and that he will not directly or indirectly give or afford aid or comfort to her enemies or to those of the Confederate States of America, of which she is one, and that he will not depart from the town of Winchester without the permission of the military commander thereat.

Given under my hand this 11th day of November, 1861.

S. A. PANCOAST.

Test:

THOS. K. CARTWELL.

[Inclosure No. 15.]

WINCHESTER, VA., *November 13, 1861.*

Samuel A. Pancoast moved from New Jersey to Bloomery, Hampshire County, Va., some twelve or fifteen years ago, and has during that time resided within two miles of my place of residence and within thirteen miles of the Potomac River. I know him well and he is known to most of the residents of Hampshire and the adjoining counties, either personally or by reputation. When he came to Virginia to engage in the iron business he had a family of a wife, three daughters and one son. His wife and two of his daughters are still at Bloomery. His other daughter is married and lives a few miles from her father's home. His son left Virginia several years ago to study medicine with his uncle, Dr. Joseph Pancoast, of Philadelphia, and has not permanently resided here since, but has visited his parents once or twice a year. He came to Virginia about the commencement of the war and after spending some weeks here he returned to the North, and entered the Northern army as a surgeon. When Samuel A. Pancoast first came to Virginia he made a very favorable impression upon most of our citizens. He was taken for an intelligent, active and energetic business man, but a few years' residence here disclosed his real character, and some few years ago he failed in business, our citizens sustaining heavy losses by him, and all the real estate he ever had passed into the hands of his brother, Dr. Joseph Pancoast, of Philadelphia, and a Mr. James Magee, of the same place. Those who know Samuel A. Pancoast best are satisfied that his word cannot be depended upon; that he is far from being an honest man; that he is treacherous and disposed to be mischievous. That he has always been an abolitionist is well known, and none of his neighbors ever had any doubt as to the side with which he sympathizes in this war. He is a man of the worst sort of character, and is by our best men regarded as an exceedingly dangerous one to be allowed to go at large in times like the present. He has within the last two or three months visited Cumberland, Md., Washington City, Baltimore, Philadelphia, and perhaps other places north of the Potomac, twice. The first time he went North he stated before going that his purpose was to visit Lincoln, to get from him permission to carry salt and groceries into Virginia. He was absent some two or three weeks, when he returned and stated that he had been to Washington, had seen his son, who is in the Northern army; had had an interview with Lincoln and General Scott, and that they had given him written permission to

bring salt and groceries over the river. He returned to his home and after visiting Romney and Winchester again started back to the North and has been absent ever since, until last Sabbath night when he came home. He brought with him from the other side of the river four or five pigeons that I had reason to believe were carriers. I heard of his arrival and determined to have him arrested. It is somewhat remarkable that one of the visits of the Yankee forces to Romney was made a few days after Pancoast went over the river the first time, and that the last attack upon Romney, which resulted so disastrously to Colonel McDonald's command, was only a few days after Pancoast left Virginia on his second visit to the North. Another thing our citizens wonder at is that Pancoast can cross the river when and where he pleases, a thing that no one else can do. I have the best reason for believing that Southern men living in Maryland are amazed that the authorities here do not put a stop to his crossing into their State, and that his true character is much better understood there than here. He has no ties binding him to the South except that one of his daughters is married to a Southern man. With that exception all his own and his family connections are residents of the North. He has always had a most contemptible opinion of the Southern people and of everything Southern, but has been as cautious as a man of his character can be about showing it. He has denounced the present war as an infernal one, for which South Carolina is most to blame. He is a New Jersey Quaker, and with every feeling of his heart in favor of the North he is unprincipled enough to do anything to injure the South that may come in his way. The more investigation that is given to his case the worse it will appear. His son-in-law is a true and loyal citizen of Virginia, and no one in Pancoast's neighborhood has a worse opinion of him than that son-in-law has. The facts I have stated and more that I could state did time allow can be substantiated, I believe, by the testimony of witnesses. I have no personal dislike to gratify, and if I know my own heart am not disposed needlessly to harm him or any other being. He has been my neighbor, and I have sustained losses by him, and for these reasons I have refrained from taking an active part against him as long as it was possible for me to do so. I do it now at no little risk to myself, my family and property.

ROBERT B. SHERRARD.

FREDERICK COUNTY, *to wit:*

This day Robert B. Sherrard appeared before me and made oath that partly from his own knowledge and from the best information that he has been able to get the statements made in the paper hereto annexed are substantially true.

Given under my hand this 13th November, 1861.

J. S. DAVIS,
Justice of the Peace.

Case of John Minor Botts.

HENRICO, *March 22, 1862.*

President DAVIS:

I appeal to your kindness to get you to answer me a few questions. First, what was Mr. Botts taken from his family for and cast into jail?* Second, why is he kept there now three weeks without allowing him a

*The date of Botts' arrest is unknown; the order of arrest and proceedings in his case cannot be found.

trial? Mr. Davis, what has he done to cause his confinement? Could you but know the anguish of his distressed family you would not keep them tortured as they are. A family of girls without a mother, and their idolized father torn from them at such a time of danger as this! Have you children? How would you feel about them? Are you a member of the Church of Christ? Remember the Savior's holy words, "Blessed are the peacemakers." Answer this speedily if you please, and direct it to

MISS M. M. BLAIR,
(Care of Crosby Anderson, Richmond, Va.)

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WAR DEPARTMENT, *Richmond, April 11, 1862.*

Hon. J. B. BALDWIN, *House of Representatives.*

SIR: In reply to your letter of the 7th instant inclosing a note from Miss Botts addressed to yourself* I have the honor to inform you that General Winder has received instructions to permit interviews between Mr. Botts and his daughters in the presence of an officer, and that a court of inquiry has been ordered on his case.

Very respectfully, your obedient servant,

GEO. W. RANDOLPH,
Secretary of War.

—

RICHMOND, *April 18, 1862.*

General GEORGE W. RANDOLPH, *Secretary of War.*

SIR: The undersigned having acted as counsel for Mr. John Minor Botts in the late investigation before a court of inquiry beg in his behalf to express the hope that in case the general finding of the court shall be approved it will be your pleasure to allow Mr. Botts to remain at his own home, under such restrictions as may seem necessary, instead of removing him to a different locality as suggested by the court as an alternative. It seems to us that all the purposes contemplated might be fully secured by confining Mr. Botts to his own premises, by forbidding all intercourse by correspondence or otherwise except by permission of the authorities with any persons except the members of his own family, and by requiring his parole and if necessary bond and security to insure his compliance with these conditions. This you will observe is the first alternative proposed by the court, except that the court seem not to have contemplated the parole or the bond. We suggest it now in consequence of a conversation had with you this morning by one of us, Mr. Joynes.

We have the honor to be, your humble, obedient servants,

WM. JOYNES.
A. T. DANIEL.
A. JUDSON CRANE.

[Indorsement.]

Think that for the present Mr. Botts should not be in the neighborhood of Richmond, and have therefore ordered his discharge on parole if he will retire to the interior and pledge himself to do or say nothing prejudicial to the Confederacy or its Government.

G. W. RANDOLPH.

* Not found.

WAR DEPARTMENT, *Richmond, April 22, 1862.*

Messrs. W. T. JOYNES and Others, *Richmond, Va.*

GENTLEMEN: Your letter of the 18th instant has been received. I think that for the present Mr. Botts should not be permitted to remain in the vicinity of Richmond, and have therefore ordered his discharge on parole if he will retire to the interior and pledge himself to do or say nothing prejudicial to the Confederacy or its Government.

Your obedient servant,

GEO. W. RANDOLPH,
Secretary of War.

GENERAL ORDERS, No. 28.

WAR DEPARTMENT,
ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, April 25, 1862.

A court of inquiry having assembled at Richmond, pursuant to Special Orders, No. 81, April 9, 1862, from the Adjutant and Inspector General's Office, to examine "into the causes of the arrest of John Minor Botts and to report the facts in reference thereto, and whether in the opinion of the court it is compatible with the public safety to discharge" the said John Minor Botts; and the court having made such examination and reported the result with the evidence taken in the case to the Secretary of War, the following are his decision and orders thereupon:

The Secretary of War having considered the record of the examination in the case of John Minor Botts, and the report of Brig. Gen. J. H. Winder as to the practicability of confining him to his house and premises in the manner recommended by the court of inquiry, directs that he be discharged from confinement on his delivering to General Winder a written parole of honor to the following effect:

That until otherwise permitted by the Department he will sojourn in Lynchburg, Danville, or Raleigh, or in such other place in the interior as may be selected by himself with the consent of the Department; that he will proceed without unnecessary delay to the place of his sojourn; that he will not depart therefrom or go more than five miles from his residence; and that while on parole he will do nothing to the injury of the Confederate Government, nor express any opinion tending to impair the confidence of the people in the capacity of the Confederate States to achieve their independence.

Mr. Botts' family will receive passports to join him if desired.

By command of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

Case of Isaiah Respass, Mayor of Washington, N. C.

HEADQUARTERS DEPARTMENT OF HENRICO,
Richmond, May 5, 1862.

Hon. G. W. RANDOLPH, *Secretary of War.*

SIR: I have the honor to report that Isaiah Respass was sent to Richmond as prisoner by General Holmes. The inclosed letter from Capt. W. S. G. Andrews explains the cause of his arrest. I inclose also a copy of the charges upon which he was tried before a court-martial. The court acquitted him of all the charges and specifications, though the first specification to first charge and specification to seventh charge were clearly proven.

In the order publishing the proceedings of the court-martial Mr. Respass will be required not to go east of the railroad leading from

Richmond to Wilmington, N. C., as the commanding general in North Carolina does not wish him to go back to the neighborhood of the enemy.

Respectfully, your obedient servant,

JNO. H. WINDER,
Brigadier-General.

[Inclosure No. 1.]

GREENVILLE, N. C., *April 3, 1862.*

Maj. Gen. T. H. HOLMES,
Commanding Department of North Carolina.

SIR: I send you with this dispatch Isaiah Respass, mayor of Washington, who has been arrested by a detachment of Major Walker's cavalry under orders from Brigadier-General Ransom to arrest him and under your own order to arrest all suspicious persons. I have heretofore written you a full account of his trip to New Berne and have received only this additional: Col. S. T. Carrow, of the militia, Joseph Potts, I. Respass, B. F. Havers and James R. Grist went on board a Yankee ship at Washington and drank with the officers. Captain Murray, commanding the ship, gave this toast: "Here is to the reconstruction of the Federal Union, a plantation in Georgia and 100 negroes, with a summer residence in North Carolina," which they all drank. Colonel Carrow, commanding the militia, dined with them. This I have from an eye-witness and is true. I deem it best to forward Respass directly across to you, rather than by the railroad via Tarborough and Rocky Mount.

Very respectfully, yours, as ever,

W. S. G. ANDREWS,
Captain, Tenth North Carolina Artillery, Commanding.

[Inclosure No. 2.]

Charges and specifications against Isaiah Respass, of North Carolina.

CHARGE 1.—Holding correspondence with the enemy.

Specification 1.—In this, that the said Isaiah Respass on or about the 28th of March, 1862, at New Berne, N. C., did hold unlawful correspondence with the enemy.

Specification 2.—In this, that the said Isaiah Respass on or about the 28th of March, 1862, at Washington, N. C., did hold correspondence with the enemy with the intent to give them aid and comfort.

CHARGE 2.—Giving intelligence to the enemy.

Specification 1.—In this, that the said Isaiah Respass on or about the 28th of March, 1862, at New Berne, N. C., did unlawfully give intelligence to the enemy.

Specification 2.—In this, that the said Isaiah Respass on or about the 28th of March, 1862, at Washington, N. C., did give intelligence to the enemy with the intent to give them aid and comfort.

Specification 3.—In this, that the said Isaiah Respass on or about the 28th of March, 1862, at divers other places in North Carolina did unlawfully give intelligence to the public enemy.

CHARGE 3.—Harboring the enemy.

Specification.—In this, that the said Isaiah Respass on or about the 28th of March, 1862, at Washington, N. C., did knowingly and unlawfully harbor the public enemy.

CHARGE 4.—Protecting the enemy.

Specification.—In this, that the said Isaiah Respass on or about the 28th of March, 1862, at Washington, N. C., knowingly and unlawfully did protect the public enemy.

CHARGE 5.—Giving aid and comfort to the enemy.

Specification 1.—In this, that the said Isaiah Respass on or about the 28th of March, 1862, at Washington and divers other places in North Carolina did unlawfully circulate the proclamation of the commander of the forces of the enemy with the intent to give aid and comfort to the said enemy.

Specification 2.—In this, that the said Isaiah Respass on or about the 28th of March, 1862, at Washington, N. C., did unlawfully endeavor to persuade the citizens of said North Carolina to submit to, acquiesce in and sustain the rule and authority of the enemy.

CHARGE 6.—Uttering treasonable language.

Specification.—In this, that the said Isaiah Respass on or about the 28th of March, 1862, at Washington, N. C., did declare and say that the people of North Carolina ought to seek the protection of the enemy and that said enemy should be received as friends, or words to that effect.

CHARGE 7.—Piloting the enemy.

Specification.—In this, that the said Isaiah Respass on or about the 18th of March, 1862, did unlawfully conduct and accompany the commander of the forces of the enemy from New Berne, N. C., to or near to Beaufort, N. C.

L. R. PAGE,
Captain and Assistant Adjutant-General.

CONVENTION, *Raleigh, April 30, 1862.*

Hon. W. J. ASHE.

MY DEAR SIR: Judge Badger this day introduced a series of resolutions asserting great abstract political propositions in regard to civil liberty, &c., and wound up with a certain resolution asserting that a certain man by the name of Isaiah Respass (I think the mayor probably of Washington, some little town in the east) had been unlawfully seized by the military authorities and hurried off to Richmond where he is now incarcerated (to be tried, as he says in his speech, by a drumhead court-martial), and his resolution asks the convention to demand of those having him in possession to restore said Respass to the State so that he may be tried by the civil authorities of the State. I suppose he means of course by the Confederate courts of the district in which the offense was committed. Your advertisement for arms and particularly for impressing them came in for its share of comments. The question sprung suddenly upon the house, and we ask time for some reflection and deliberation in order to be in possession of the facts of the case, particularly as to the man Respass. Please inform me at your earliest convenience all you know of the facts causing the arrest of Respass; what he had done and for what and by whom he was arrested, and how it is proposed to try him. I am sorry to perceive a disposition in certain quarters to lose no opportunity to assail either the administration or any of the military for any and for every act that by the most forced construction can be made to appear wrong. For one I stand ready always to construct favorably the conduct of those who are now carrying on this war in whose successful termination is involved everything dear to a Southern man, and I give it as my deliberate and solemn con-

viction that it would be far better for every man, woman and child that treads Southern soil to go under the sod sooner than to submit to Yankee domination. No, never! I am for fighting on and fighting ever, and hold that our subjugation is an impossibility if every man was animated with the same spirit that you and I possess. I write in the greatest haste, without reviewing my letter, in order to get it off before the mail closes.

Truly, yours,

WM. F. LEAK.

An early response is asked as they are pressing the subject for a vote.

Case of Asa Hodges.

Asa Hodges, a private citizen of the Confederate States of America, was arrested by the orders of Brigadier-General Adams and is now confined as a felon in the dungeon of the common jail in the county of Lowndes and State of Mississippi. The prisoner is not a soldier, nor did the case arise in the land or naval forces or in the militia when in actual service in time of war or public danger. He was at the time of his arrest and imprisonment engaged in the pursuit of his lawful business and has been deprived of his liberty for an indefinite length of time at the pleasure of the commanding general without due process of law and upon the order of a military officer. It is contended and submitted:

First. That no offense known to the Constitution and laws has been charged against the accused, but that he is imprisoned upon a general suspicion of disloyalty and upon some vague, intangible and indefinite accusation.

Second. That said officer has no power or authority to try such a charge or to prefer such an accusation or to make such an arrest or to make such an order.

Third. That the officer or court has no jurisdiction in the premises and that the proceedings are without lawful authority.

Fourth. That the proceedings are wholly irregular and void.

Fifth. That the evidence was wholly insufficient to support the finding and judgment of the court and was inadmissible to support such an accusation.

According to the Constitution:

> Treason against the Confederate States shall consist only in levying war against them or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of two witnesses to the same overt act or on confession in open court. (Const., art. 3, sec. 3.)

By the ancient common law it was left very much to discretion to determine what acts were and were not treason.*

The evidence of the witness, Mr. Humphreys, upon whose single testimony the accused has been condemned, is in an eminent degree liable to these very objections. He was engaged in lengthy argument and controversy of several hours with the accused; he was a very sanguine and hopeful man, and a very warm politician, so much so that upon a mere introduction to a stranger he carried on a discussion for hours upon the different topics mentioned in his deposition; he not only does not give the various arguments employed in throwing light upon the subjects, but does not give the language or words used in any instance.

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* Here follows a long constitutional, legal argument which is omitted.

He retails but a very small portion of the entire conversation or confessions and does not give the conversation and argument in the order in which the several matters were discussed, and states that he only gives the substance of such parts of the conversation and argument as he considers material, or to use his own language "the substance of the material points;" that is to say the witness is the judge of the materiality of the points, gives only the points made and not the arguments; gives only what he considers in his own judgment to be the substance of such points and clothes even these in his own language.

Such evidence is surely of the very weakest kind, and in this translation of the language of the accused we have to rely solely upon the judgment, discretion, impartiality, intelligence and skill of the witness. In a word it is his opinion as to the general and aggregate conclusion to be drawn from a long and animated discussion. Upon every principle of reason, justice and law a citizen of standing and repute is not to forfeit his character and his liberty upon such flimsy proof. But giving the fullest scope and the most uncharitable construction to the testimony of the witness it does not convict the accused of any crime, or of any offense punishable by the penal laws of the land.

Under the present administration of the United States Government a great many suspected persons have been seized and thrown into prison under the general appellation of "political prisoners." In that country freedom of speech and of the press are no longer tolerated. We have seceded from that Government and denounce such acts as unconstitutional and tyrannical, as military despotism. Let us not fall into the same fatal error and destroy the liberties of the people whilst we are fighting to secure them. * * * By what lawful authority then, we ask, has this peaceable citizen been deprived of liberty and stigmatized as infamous? And is he to be branded as a traitor and have his good name destroyed by this novel and summary proceeding? And who is the accused? It is true he was a stranger in Columbus, Miss., but even there upon the sudden emergency he found persons who had known him well and who could prove and who did testify that he was a good and true man, a loyal citizen and an ardent and devoted friend of Southern independence. See deposition on file* and marked testimony on behalf of the defendant.

John E. Logwood says that he only knew Mr. Hodges by reputation but had frequently heard him spoken of as one of the best secessionists in Memphis, a man at all times ready to help in the promotion of the Southern interest; and the witness was very much surprised when he heard of his arrest, as the witness learned that he left Memphis to escape arrest by the Federals.

General James A. Carnes states that he has known Mr. Asa Hodges for the last four or five years and has regarded him as a good citizen and a reliable and trustworthy business man; that he never heard his loyalty questioned, and regarded him as entirely loyal to the South; that the witness was a member of the committee of safety of the city of Memphis from its first organization and that his opportunities for getting the names of suspected persons was very good, and the witness is of the opinion that had Mr. Hodges been suspected he would have heard of it; that gentlemen in whom he had implicit confidence informed him that he talked and evinced the right spirit in the Southern cause.

H. W. Reed testifies that he has known Mr. Hodges twenty or twenty-five years, and that he has been a consistent and upright man, and that since the war his politics have been in favor of the South; that he has

* Not found.

frequently heard of his contributing largely and freely in organizing companies and for other purposes for the Confederacy; he knows that he had an interest in a ferry-boat (Mark R. Cheek); and recollects to have seen it in the Memphis papers as an advertisement that the proceeds of the boat after paying expenses would be appropriated to the Southern Confederacy; and that he is the last man that he would suspect of disloyalty to the South.

H. T. Calloway and William T. Dowdy depose and say that they are late of Crittenden County, Ark., and that they have known said Asa Hodges for the last two years, and know him to be a good and true Southern-rights man—as true to the South as any one of their acquaintances—and that he had been the most liberal contributor to the Southern cause and volunteers in his county; that he was interested in a ferry-boat across the Mississippi River, and that he and his partner gave all the net proceeds of the ferry-boat to the Southern Confederacy; that he has been a great sufferer in the destruction of a large quantity of cotton, &c.; that no one who knows him ever questioned his loyalty to the South; that the boat was captured by the Federals and his partner arrested and put on his trial by the enemy; that he attended the trial at Memphis from day to day and staid until it was over, when he left immediately as soon as he could get off, took his family and came with them to Okolona, in this State.

J. M. Patrick testifies that he is a citizen of Memphis, Tenn., and is acquainted with said Asa Hodges; that he has been a familiar acquaintance for the last two years, his office being in the same building with that of Messrs. Pickett, Hodges & Ward, factors and commission merchants, of which firm said Hodges was a partner; that he has had frequent conversations with Mr. Hodges since the commencement of the war in which he always expressed himself warmly in favor of the Southern cause; that the witness knows that he was actively engaged with his brother in the purchase of army supplies for the Confederate army at Saint Louis and Louisville just before the prohibition of the exportation of merchandise from those cities by the Federal authorities, and has never heard his integrity or his motives questioned until his arrival here (at Columbus), having ever since his acquaintance with him entertained a high regard for him as a gentleman identified with us in feeling and interest, &c.

Thomas H. Cheek states that he has known Col. Asa Hodges for two years and a half intimately and well and knows of his own personal knowledge of his being fully identified with the South in feeling and in interest; that he has given freely and largely to the army of the South; that every company raised in his section of the county has been liberally aided by him in contributions of money, provisions, clothes and horses, and that he has given two negroes to aid and assist the soldiers leaving his neighborhood; that he knows of his giving upon any and all occasions when called upon; that immediately upon his arrival Colonel Hodges called upon witness at the Government machine-shop in company with Mr. John M. Seely and told witness of the arrest of his father in Memphis by the Federals, and stated that he (Colonel Hodges) had been summoned from his plantation to Memphis to give evidence in his, the witness', father's case, and got a permit to do so, and that he went down to Memphis for that purpose, and that as soon as he found the father of the witness safe he left in his carriage with his family for his brother's in Mississippi, and further said that it was impossible for any of us to live among the Yankees. The witness further states that said Hodges was and is now a part owner in the steam ferry-

boat M. R. Cheek, which runs from Memphis to Mound City, and that all the profits of said ferry after paying expenses since it began were given to the Southern Confederacy; that all Confederate soldiers were only charged half-price, and frequently when Colonel Hodges was present and a company of soldiers were crossing he would charge their ferriage to himself; that the witness was captain of said boat and knew said facts of his own personal knowledge. In addition to the foregoing said Thomas H. Cheek testifies that the above case against his father, and on which said Hodges was summoned and went to Memphis as a witness, was an arrest of the father of the witness by the Federals after they had captured Memphis, on a charge of having been concerned with a mob about twelve months before in hanging a man named Beaman as an abolitionist; that his father made a speech at the time in opposition to the hanging of Beaman, but advised that as he was in the wrong place he ought to be required to leave the country. The witness further says that Hodges in the conversation testified about above stated as an additional reason for his leaving Memphis and coming to his brother's in Mississippi, that the Federals might attempt to make him take the oath of allegiance to the United States, which he said he was determined never to take. And further the witness says that as to the business of Hodges he knows that he had an account against the Government of about $500 in favor of Streeter & Co., of Memphis, and that he called on the superintendent at the Government shop to get his approval or certificate of the correctness of the account before Colonel Hunt would pay the same; that the superintendent approved the account, and Colonel Hunt being absent Mr. Hodges left the account with the witness to be presented to Colonel Hunt when he returned. The account was for machinery furnished the Government at Memphis.

John M. Seely says that he has known said Hodges over twelve months in the county of Crittenden and State of Arkansas, some ten miles from Memphis, Tenn., and knew him to be a gentleman of high standing, truth and veracity, truly and warmly advocating the common cause of the South, and knows that he contributed largely to our volunteers and to our army from his own individual means; that the witness met Colonel Hodges here in Columbus last Thursday morning a week ago, and soon after his arrival here; that he inquired of witness if he could tell him where he could find Thomas Cheek, son of Captain Cheek, of Mound City, who had been under a late arrest at Memphis by the Federals, and said he wished to see Thomas to tell him of the fate of his father; that witness replied to him that Thomas was at the Government machine-shop and that witness would accompany him there, which he did as he was a watchman of said shop. The witness says that Colonel Hodges told him of the arrest of Captain Cheek and that he was summoned to come from his plantation where he resides to Memphis to give evidence in Captain Cheek's case; that he got a permit so to do, that his and Cheek's ferry-boat was seized; that he said as soon as he got Captain Cheek safe he took his carriage and family and left for his brother's at Okolona, Miss.; and that he further said by way of caution to witness that no man of any Southern feelings could ever live among the Yankees; that of this he was fully satisfied, and that the first chance he got he left.

John R. Mason states that Col. Asa Hodges called at the office of Cozart & Mason, of which firm the witness was a partner, and settled an account for James Streeter and received a balance from witness due Streeter of some $700 by order from Streeter.

William I. Sykes, acting provost-marshal at Columbus, testifies that said Asa Hodges being about to leave Columbus, Miss., did voluntarily take the oath of allegiance to the Confederate States in due form, there being a general order in such cases requiring said oath; and that said Hodges did then and there receive a pass in due form from the provost-marshal. This was on the 19th of June, 1862.

This testimony fully explains who Asa Hodges is gives his antecedents as a true, liberal and loyal citizen, and as a warm and devoted friend of Southern independence. Actions speak louder than words, and if more of our ardent, talking, ultra Southern States' rights men had acted half as nobly and given as freely to the cause as Asa Hodges we would before this have achieved our independence. It is clear that the accused came here on business as he lawfully might do; that he visited one of the Government works in company with a watchman for a kind and generous purpose; that he attended to his business complied with the requisitions of the military authority in taking the oath of allegiance, received his passport and left for his brother's where his family was.

But then that argument and discussion with Mr. A. S. Humphreys! We will not stop to analyze it. It amounts to nothing. But we will call attention to the letter of Mr. Humphreys on file. He is satisfied of the innocence of the accused. See also the statement of Col. Thomas C. Billeps and Isaac Williams as to their understanding of what Colonel Hodges said in that portion of the argument with Mr. Humphreys that they heard, and in which they participated. They heard nothing to cause them to suspect the loyalty of the party—they, good and true men, and more cool and dispassionate than the excitable and excited Mr. Humphreys. No one who knows Mr. Hodges—no citizen of Memphis or Crittenden County, Ark.—none of the neighbors, ever suspected his loyalty. It is an entire stranger, who in a casual conversation on the streets argued with him certain "points," that made the discovery of his disloyalty.

That the accused is now a refugee with his family from home and has had to abandon his business and leave his property at the mercy of the Federals cannot be reasonably questioned. The idea taken up by the witness, Mr. Humphreys, that Colonel Hodges might be "an enemy sent here by the Lincoln authorities to ascertain our works and strength, &c., to be reported to them," was, with all due respect to that gentleman, a very absurd suspicion. When and how did he become the enemy of the South and engage in the employment, and obtain the confidence and get into the secrets of the Lincoln authorities? And where is the proof of it? And did a spy ever act in such a way? Would a spy or an enemy have engaged in such discussions and proclaimed such sentiments on the public streets with open and avowed Southern men? The supposition is simply ridiculous. And how confiding Mr. Humphreys, the bank director, was to give him all the desired information about the specie on hand, the amount sent away, where to, &c.! And out of the number of Government works here the accused actually visited one of them on business, as is proved, and with one of the officers, and to see an employé of our Government, a good and true man! A curious way, certainly, of ascertaining our strength, the character of our works, &c.

But Mr. Humphreys says the accused was "gloomy and despondent about our army at Tupelo." Perhaps that was wrong in a man who had just had 600 bales of cotton burnt, had to abandon to the Federals his crops of wheat, &c., his plantations, his business and his home, and had to remove with his family into another State for safety and protection.

What right had he to be "gloomy or despondent," and what right had he to think for himself, or feel his losses? And what right had a citizen whose life, liberty and fortune were all staked upon the struggle to give his opinion as to the conduct and management of our public affairs to a sound Southern man, and argue the matter with him in extenso?

Upon the whole Mr. Hodges may not have acted very wisely. And who does who enters into these useless and idle discussions with street politicians, cocked and primed and ready for "high debate?" That Mr. Humphreys achieved a victory is clear, for he landed his opponent in jail. But what benefit the cause of Southern independence is to receive from incarcerating citizens who have done so much good as the accused, and whose faith has been evidenced by such active and by such continued works, is for "the powers that be" to determine. In our humble opinion this is no time to indulge in ungenerous suspicions of and harsh treatment toward those who have heretofore been openly, actively and zealously our friends.

JAMES T. HARRISON,
C. R. CRUSOE,
ISHAM HARRISON, JR.,
Of Counsel for Defendant.

Abstract of facts in the case of Asa Hodges charged with being disloyal to the Confederate Government. Opinion of Brigadier-General Adams founded on testimony of A. S. Humphreys.

A. S. Humphreys.—Substance of his testimony as follows: That in an argument of some two hours' length he regarded him as unfriendly to the Confederate Government and especially its management.

Billeps and Williams.—Heard same argument but did not regard him as unfriendly to Government, but desponding, having had 600 bales of cotton burnt by order of Government and being once in favor of the policy of burning cotton but having changed his opinion on witnessing the effects of this policy within the lines of the enemy, seeing that the wives and children of the soldiers could not use Confederate money under the order of the Federals and only having cotton with which they could purchase the necessaries of life. Billeps and Williams agree in their testimony that they did not think him from the arguments employed in the conversation with Humphreys unfriendly to the Southern Confederacy, but regarded him a good Southern man afflicted at the time with great despondency and complaining more of the management than of the Government.

NOTE.—Billeps and Williams are represented as being men of first respectability in point of wealth, intelligence and patriotism to the South in the State of Mississippi. It further appears in testimony versus defendant that A. S. Humphreys was publicly known as an avowed secessionist and a Southern extremist at the time of the conversation with Hodges.

Abstract of testimony for defense.

No. 1.—Letter from A. S. Humphreys changing opinions as to defendant's disloyalty and giving him all due credit for an earnest desire for success.

No. 2.—Voluntary oath before provost-marshal of Columbus, Miss., to the Confederate Government renouncing all allegiance to the United States Government.

No. 3.—John E. Logwood testifies that his character in Memphis was that of a good Southern man contributing liberally to the cause.

No. 4.—John R. Mason states that defendant's business to Columbus was of a private and pecuniary character; that he settled and received money on the same from Cozart & Mason.

No. 5.—H. W. Reed, an acquaintance of twenty-five years' standing, states that Hodges made large contributions to the Confederacy and gave particular instances; states fully his fidelity, and says that he is the last man that he would suspect of disloyalty to the South.

No. 6.—Calloway and Dowdy testify to his ample contributions to the Southern cause and to his undoubted fidelity to the South and high standing as a man and give special instances.

No. 7.—T. H. Cheek testifies that Hodges was a partner of witness' father in ferry-boats across the Mississippi River at Memphis; that the net proceeds of said ferries were given to the Confederacy; that often Hodges had the soldiers' ferriage charged to himself; that his going to Memphis and remaining with the Federals was upon the occasion of his partner's being on trial before the Federals and he being subpœnaed at his home and taken there as a witness. Witness also testifies fully to the loyalty and liberal contributions of defendant to the South; that he refused to remain at Memphis and save his boats but left with his family for Chickasaw, Miss., on the fear that if he remained the Federals would try to compel him to take the oath to the United States Government.

No. 8.—J. M. Patrick testifies unconditionally to defendant's loyalty—an old Memphis acquaintance.

No. 9.—J. M. Seely testifies unconditionally to defendant's loyalty, his liberal contributions and a part of the motive of his visiting Columbus. Special attention is called to this witness' testimony.

No. 10.—J. A. Carnes, being a member of the vigilance committee at Memphis, never found cause to suspect the defendant, but supposed him to be sound, but was so informed by a gentleman in whom he had implicit confidence; had he been otherwise thinks he would have heard it.

NOTE.—The foregoing is a fair abstract of the substance of the testimony in the case of Asa Hodges.

F. H. JORDAN,
Assistant Adjutant-General.

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COLUMBUS, MISS., *July 1, 1862.*

Brig. Gen. THOMAS JORDAN,
Chief of Staff, Department No. 2, Tupelo, Miss.

SIR: I have the honor to report that on or about the 23d ultimo I was informed by a citizen of high respectability in this community (Mr. A. S. Humphreys) that Mr. Asa Hodges, who resided above and near Memphis, Tenn., and had property interests in Memphis, had recently arrived here on a pretended visit and had given utterance to language of a very suspicious and disloyal character. The language having been repeated to me by Mr. Humphreys and regarding it as indicating the presence of a dangerous domestic enemy and perhaps a spy I ordered Mr. Hodges' immediate arrest. He was taken at Okolona and brought here, and I had him at once confined in jail. On the 26th ultimo I examined Mr. Humphreys and other witnesses, Messrs. Williams and Billeps, under oath and had their testimony taken in writing, and also received testimony in his behalf of affidavits which I herewith inclose.*

* Not found.

Being impressed with the belief from the evidence that the charge of disloyalty was sustained I ordered Mr. Hodges back to jail to be kept in close confinement, and now respectfully forward the papers with brief from his counsel for the consideration of the commanding general and await his orders as to the disposition I shall make of the prisoner.

Very respectfully,

DAN'L W. ADAMS,
Brigadier-General, Commanding Post.

[Indorsement.]

HEADQUARTERS DEPARTMENT NO. 2, *July 2, 1862.*

Mr. Hodges may be released. He should be admonished, however, that it is an unbecoming, discreditable weakness in any one to give way to despondency at this time because the enemy have possession of a portion of our soil and have had successes against us in this quarter. It is a culpable weakness further when resulting in such conversation as he had unquestionably with Mr. Humphreys. Such language may do as much hurt with the ignorant, weak and hesitating as downright disloyalty. In times like these Mr. Hodges does not play the part of a good citizen but actually of an incendiary when he sets to work to discredit the capacity, conduct and policy of the public authorities, the military especially, and it will not be permitted.

Respectfully,

[B. BRAGG.]

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